

**ACKNOWLEDGEMENT OF RECEIPT OF NOTICE OF MEETING  
OF THE MAYOR AND CITY COUNCIL OF  
THE CITY OF DAVID CITY, NEBRASKA**

The undersigned members of the governing body of the City of David City, Nebraska, hereby acknowledge receipt of advance notice of a regular meeting of said body and the agenda for such meeting to be held at 7:00 o'clock p.m. on the **Saturday, January 10, 2026**, in the **meeting room of the City Office, 490 E Street, David City, Nebraska**.

This agenda is available on our Web site for public inspection and may be modified up to twenty-four hours prior to the opening of the meeting.

Dated this .

**AGENDA AS FOLLOWS:**

1. Notify the public of the "Open Meetings Act" posted on the west wall of the meeting room;
2. Roll Call;
3. Acceptance of the minutes of the September 13, 2025 meeting;
4. Public hearing to consider amending the Zoning Ordinance No. 1060 by amending Section 2.03 Definitions by adding and updating definitions for Agriculture, Agricultural Operations, Agricultural Processing and Manufacturing, Agricultural Sales and Service, Animal Byproducts, Animal Unit, Farm, Farming, Feed Mill, Feedlot (Commercial), Livestock Feeding Operation (LFO), Poultry – Commercial Feeding Operation, Poultry Hatchery, and Rendering Plant, as well as amending Section 5.06 Land Use Categories/Matrix by adding Poultry Hatchery, Agricultural Processing of Food Products, Rendering Plant as permitted or conditional use permitted in Land Use Districts, and amending Section 5.08 TA-1 Transitional Agricultural District by removing commercial, industrial in Supplemental Setbacks

\_\_\_\_\_  
Mayor Jessica Miller

\_\_\_\_\_  
Council President Bruce Meysenburg

\_\_\_\_\_  
Council member Thomas J. Kobus

\_\_\_\_\_  
Council member James Angell

\_\_\_\_\_  
Council member Patrick J. Meysenburg

\_\_\_\_\_  
Council member Kevin Woita

\_\_\_\_\_  
Council member Keith Marvin

\_\_\_\_\_  
City Clerk Tami L. Comte

5. Consider amending the Zoning Ordinance No. 1060 by amending Section 2.03 Definitions by adding and updating definitions for Agriculture, Agricultural Operations, Agricultural Processing and Manufacturing, Agricultural Sales and Service, Animal Byproducts, Animal Unit, Farm, Farming, Feed Mill, Feedlot (Commercial), Livestock Feeding Operation (LFO), Poultry – Commercial Feeding Operation, Poultry Hatchery, and Rendering Plant, as well as amending Section 5.06 Land Use Categories/Matrix by adding Poultry Hatchery, Agricultural Processing of Food Products, Rendering Plant as permitted or conditional use permitted in Land Use Districts, and amending Section 5.08 TA-1 Transitional Agricultural District by removing commercial, industrial in Supplemental Setbacks; \*
6. Public hearing to consider the request of Charlie Emswiler of E & H Tallow Properties for a conditional use permit to convert the property at 18 15 3 David City Lot 1 Tallow Acres Subdivision to the City of David City, Butler County, Nebraska into a rendering plant for tallow;
7. Consider the request of Charlie Emswiler of E & H Tallow Properties for a conditional use permit to convert the property at 18 15 3 David City Lot 1 Tallow Acres Subdivision to the City of David City, Butler County, Nebraska into a rendering plant for tallow;
8. Consider scheduling meeting dates for 2026;
9. Election of Officers;  
Chairman, Vice Chairman, Secretary
10. Adjourn

PLANNING COMMISSION  
September 13, 2025  
8:00 AM

Chairman Jim Masek opened the meeting at 8:00 AM in the meeting room of the City Office Building, 490 E Street, David City, Nebraska, and notified the public of the "Open Meetings Act" posted on the west wall of the meeting room. He also notified the public that if they wish to speak to the Commission, please state their name and address.

Present: Planning Commission members Pam Kabourek, Greg Aschoff, Robert Hilger, Jim Masek, and Deputy Clerk Lori Matchett. Planning Commission member Jim Vandenberg, Building Inspector Gary Meister, City Administrator Alan Zavodny, City Administrator Intern Raiko Martinez, and City Clerk Tami Comte were absent.

Also present: Council member Bruce Meysenburg and Bryan Hein.

Planning Commission member Pam Kabourek made a motion to approve the minutes of the August 9, 2025, meeting as presented. Robert Hilger seconded the motion. The motion carried. Greg Aschoff: Abstain (without conflict); Robert Hilger: Yea, Pam Kabourek: Yea; Jim Masek: Yea, Jim Vandenberg: Absent. Yea: 3, Nay: 0, Absent: 1, Abstain (without conflict): 1.

Planning Commission member Robert Hilger made a motion to grant the wellhead permit application submitted by Bryan C. Hein for an irrigation well at Section 7, Township 15 North, Range 3 NW ¼ 101.18 AC (Parcel # 120034749), subject to NRD test wells, and allowing the NRD to make the final decision on the irrigation well. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Absent. Yea: 4, Nay: 0, Absent: 1.

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CITY OF DAVID CITY, NEBRASKA



PAID

AUG 27 2025

CITY OF DAVID CITY  
DAVID CITY UTILITIES

**WELLHEAD STRUCTURE OR ACTIVITY  
PERMIT APPLICATION**

**IMPORTANT NOTICE:** Applicants and property owners are solely responsible for the information submitted on the application. Information which is incorrect or inaccurate may be cause for rejection of the application. Officials of the City of David City are not authorized to practice engineering, surveying or architecture. Review of applications by the City of David City is not to be construed as a substitute for architectural, engineering, surveying or contractors services. Applicants are encouraged to consult with a professional architect, engineer, surveyor or contractor when in doubt. Applicants are solely responsible for all applicable state building, electrical and plumbing codes. Applicants are solely responsible to comply with all zoning codes of the General Plan and all ordinances of the City of David City and are cautioned to consult with an attorney when in doubt. No construction shall be started without an approved Wellhead Permit. Applicants are encouraged to obtain certification from a Nebraska licensed surveyor to document compliance with zoning regulations. The City of David City may seek recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply or ground water.

The City of David City shall not be liable for any and all liability that may arise as a result of the proposed construction.

Date of Application 8-27-25 Zone \_\_\_\_\_

Type of Construction or Activity  
(describe the activity or operation, etc.): Irrigation well

Estimated Cost 125 K Intended Use Irrigation

Property Owner:

Name Bryan C. Hein

Address 1476 37 RD  
David City, NE 68632

Phone 402-270-0275

Location of Work:

Owner Bryan C. Hein

Address Parcel #1 = 120035322

Zone Parcel #2 = 120035294

Parcel #3 = 120034749

Legal Description of Work Site: \_\_\_\_\_

Description of Work- Describe the project or activity and why approval would not adversely impact municipal water supply and groundwater (use a separate sheet if necessary):

Irrigate My Crops as a Farmer we want to Save water  
Not waste it. Only Used when Needed.

Only 1 well @ a time Not 3 Trying to get Approval For  
NRD TO Be Able to Approve My Farmland Eligible for Irrigation  
Lifetime Resident of David city try to do things the right way  
to Improve My Farming practices

General Contractor:

Name Sargent well Drilling  
Address Genera Phone: 402-759-3902

Electrician:

Name Woolsey Electric  
Address David City Phone: 402-430-9286

Plumber:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone: \_\_\_\_\_

=====  
**This section to be completed by the city**

Permit Fee \$25.00 Date Paid 9/27/25 Rec'd by Rund  
Date Plans Submitted \_\_\_\_\_ Date Survey Submitted \_\_\_\_\_

**ACTION:**

- SUBMITTED TO PLANNING COMMISSION Date Sept. 2, 2025 - meeting  
Sept. 13, 2025
- DENIED Reason \_\_\_\_\_ Date \_\_\_\_\_
- APPROVED Date \_\_\_\_\_

PLANNING COMMISSION FINDINGS Planning Commission member Robert Hilger made a motion to grant the well head permit application submitted by Brian C. Hein for an irrigation well at Section 7, Township 15 North, Range 3 NW 1/4 101.18 Ac (Parcel #120034149), subject to NRD test wells, and allowing NRD to make the final decision on the irrigation well. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenburg: Absent. Yea: 4, Nay: 0, Absent: 1

PERMIT ISSUED Date \_\_\_\_\_ Number \_\_\_\_\_



NHEA

## VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

|  |   |
|--|---|
| <b>NRD USE ONLY</b>  |   |
| Date Received <u>9/9/2024</u>  | Paid: Cash or Check <u>ck # 1501775</u> |
| Initial Review by NRD Representative <u>[Signature]</u>                        |   |
| Certified Acres _____  | by NRD Representative _____             |
| Date of Water Committee Recommendation to the NRD Board _____                  |   |
| Date NRD Board issues Conditional Approval or Denial of Variance Request _____ |   |
| Date of Approved Variance _____ by NRD Representative _____                    |   |

ALL APPLICANTS SEEKING A WATER WELL VARIANCE MUST COMPLETE PAGES 1 AND 2, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 1-4 VARIANCE)  
 VARIANCE REQUESTS FOR IRRIGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR MUST COMPLETE PAGES 1, 2, AND 3, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 3 VARIANCE)  
 VARIANCE REQUESTS FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATION ACRES, MUST COMPLETE PAGES 1, 2, AND 4, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 4 VARIANCE)

**1. NAME AND ADDRESS OF APPLICANT:**

Bryan C Hein  
1476 37 Rd  
David City, NE 68632

Home Phone: ( ) - -  
 Cell Phone: (402) - 270 - 0215  
 Landowner Name: \_\_\_\_\_  
 (if other than applicant)

**2. PURPOSE OF NEW WATER WELL (indicate one or more):**

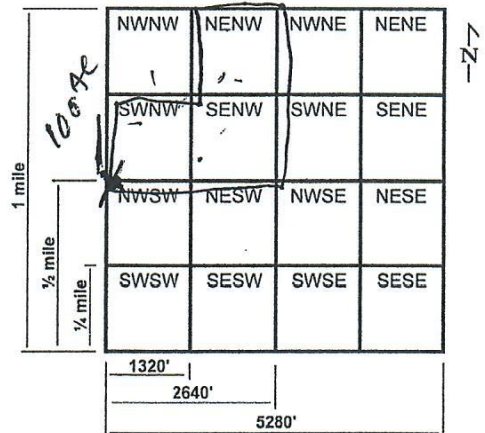
- |   |  |
|---|--|
| <input checked="" type="checkbox"/> Irrigation (Complete section A)   | <input type="checkbox"/> Dewatering (Over 30 days, Complete section B)             |
| <input type="checkbox"/> Livestock (Complete section C)               | <input type="checkbox"/> Domestic (Irr. on one acre or larger, Complete section D) |
| <input type="checkbox"/> Industrial (Complete section E)              | <input type="checkbox"/> Public Water Supply (Complete section F)                  |
| <input type="checkbox"/> Recovery or Remediation (Complete section G) |  |
| <input type="checkbox"/> Other (specify) _____                        | (Complete section H)   |

**3. LOCATION OF PROPOSED NEW WATER WELL:**

A. Butler County, 1/4 of the 1/4 of Section 7, Township 15 North, Range 3 East 1/4 (circle one)

B. The box at the right represents one square mile, (section). Indicate with an "X", the proposed location of the well. Outline the proposed water use area. If the water is to be used outside the above written legal description, give legal description of water use area, 1/4 of the 1/4 of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West.

C. The well will be located 2640 feet from the North/South section line, and will be 570 feet from the East/West section line. Or enter Lat. / Long.  
 Latitude Degree \_\_\_\_\_ Minute \_\_\_\_\_ Second \_\_\_\_\_  
 Longitude Degree \_\_\_\_\_ Minute \_\_\_\_\_ Second \_\_\_\_\_



**4. GROUND WATER SOURCE:**

- A. Expected total well depth: 400 feet.  
B. Estimated pumping capacity: 700-1000 GPM.  
C. Expected total annual water use in Acre Inches / Year 411 or Total Gallons / Year \_\_\_\_\_  
D. Will the well be used in a system with other wells?  Yes,  No. If Yes, How many \_\_\_\_\_  
Attach list of well registration number and legal description for each well.

**5. REUSE WATER (If any reuse water will be used, fill out this section):**

- A. Legal Description of water source: \_\_\_\_\_ County, \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West. (circle one)  
B. Landowner and Address of person(s) providing reuse water \_\_\_\_\_  
C. Original water source of this reuse water:  Ground Water,  Surface Water, mark all that apply  
D. Total annual amount of consumptive water use to be delivered to proposed location in Acre Inches / Year \_\_\_\_\_ or Total Gallons / Year \_\_\_\_\_  
• Attach information from the operation you will be using as a source of reuse water. List amount of intake water used by this operation, description of water use within the operation, and the amount discharged.  
• Irrigation water by itself can not be credited as reuse water for another user.

**6. OFFSET WATER USE:**

- A. Will proposed new water well be offset by retiring water use in this same aquifer system?  Yes,  No  
B. If Yes, give legal description of that offsetting water use: \_\_\_\_\_ County, \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West. (circle one)  
C. Landowner and Address of person(s) providing offset \_\_\_\_\_  
D. If using offset from irrigation, list number of acres at this 'offset' location \_\_\_\_\_  
E. Original water source of this offset water:  Ground Water,  Surface Water,  Reuse Water, mark all that apply.  
F. Total annual amount of consumptive water use to be retired at this 'offset' location in Acre Inches / Year \_\_\_\_\_ or Total Gallons / Year \_\_\_\_\_  
• Please provide flow records for the last five years from this 'offset' location.

**7. Addition information and requirements for Lower Platte North NRD review.**

- Attach current tax assessor records including map, parcel number, and current land use such as irrigated acres.
- Attach aerial photo showing location of water source(s) and area water or reuse water is to be used.
- All new and replacement water wells must install a District approved flow meter and report water pumped annually to the LPNNRD by January 31<sup>st</sup> of the following year. See approved list in this packet.
- Additional variance conditions maybe required for approval by the Lower Platte North NRD.
- Variances will be reviewed annually.

**8. I certify that I am familiar with the information contained in this application, and it's restrictions, rules and regulations and that to the best of my knowledge and belief such information is true, complete and accurate.**

Date 9-4-24 Signature of Applicant [Signature]  
Signature of Well System Operator, if different than Applicant \_\_\_\_\_  
NRD Certification Number of Landowner or Operator 5956 (Required for irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells.)

**9.**

If needed, Signature of Landowner supplying Reuse Water \_\_\_\_\_  
Date \_\_\_\_\_  
(On the District's Expanded Water Use Variance Form, fill out section 4 (Water Source) – C (Reuse Water) and submit the information with this variance form.)

If needed, Signature of Landowner providing Offset Water \_\_\_\_\_  
Date \_\_\_\_\_



## VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

September 13, 2025

**VARIANCE REQUEST FOR IRRGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 3. (CLASS 3 VARIANCE)**

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### **10. WATER SOURCE INFORMATION:**

In a TWO-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. List of all registered wells in this area giving registration number, well identification number, legal description, latitude / longitude or UTM coordinates in NAD 83, elevation in feet above mean sea level, and well log for each well.
  - B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
  - C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.
- 

### **11. WATER USE LOCATION INFORMATION:**

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

- A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
  - B. Amount of water that can be reused or recycled at this new location.
  - C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.
-



## VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

VARIANCE REQUEST FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATED ACRES, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 4. (CLASS 4 VARIANCE)

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### 12. WATER SOURCE INFORMATION:

In a FIVE-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. List of all registered wells in this area giving registration number, well identification number, legal description, elevation in feet above mean sea level, latitude / longitude or UTM coordinates in NAD 83, and well log for each well.
  - B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
  - C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.
- 

### 13. WATER USE LOCATION INFORMATION:

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

- A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
  - B. Amount of water that can be reused or recycled at this new location.
  - C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.
- 

### 14. AQUIFER PUMP TEST:

In the location of the proposed water source an aquifer pump test is to be performed to obtain geologic data that will be used in the ensuing ground water modeling effort. Data from the pump test is to be reported to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. Description of pumping well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, elevation of well in feet above mean sea level, total amount of water pumped, gallons per minute during pump test, duration of pump test, well construction, well log, water discharge location and method.
  - B. Description of each monitoring well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, spacing in feet and direction from pumping well, elevation of well in feet above mean sea level, well log, and well construction.
  - C. Depth to bedrock, bedrock material, and name of geologic formation.
- 

### 15. GROUNDWATER MODEL:

In a FIVE-mile radius of the location of the proposed water source a ground water model using MODFLOW software, or similar software approved by LPNNRD, is to be done. Data from the ground water model is to be reported to the LPNNRD in both paper copy and electronically using the appropriate software.

- A. Model should list boundary conditions used, grid size, include all high capacity wells in modeled area, streams and rivers in the modeled area, expected recharge rates, location and flow amounts, hydrologic conductivity and transmissivity values used.
  - B. At least one iteration, reviewed and approved by LPNNRD, should model steady state conditions over a five-year period with a no flow boundary, and little or no recharge to simulate drought conditions.
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**VARIANCE REQUEST FOR  
 NEW WATER WELL IN A STAY MANAGEMENT AREA  
 OF THE LOWER PLATTE NORTH NRD (LPNNRD)**

**PURPOSE OF WELL**

**IRRIGATION WELLS (SECTION A)**

A. How many acres will be irrigated? 100 acres

B. Crops to be planted: Corn / Beans Crop rotation schedule Corn / Beans

C. Type of irrigation system.  Center Pivot,  Gravity,  Other (specify) Drip Tape & possible

D. The irrigation system is to be powered by  Electric  Fuel

E. Expected total annual consumptive water use in Acre Inches / Year 4" or  
 Total Gallons / Year \_\_\_\_\_

F. Will Fertilizer, Chemicals or Animal waste be applied through the system?  Yes,  No

**DEWATERING WELLS OVER 30 DAYS (SECTION B)**

A. Purpose of dewatering well, such as installation of building foundation, etc. \_\_\_\_\_

B. Expected total number of days the dewatering well will be in use \_\_\_\_\_

C. Approximate dates (month/day/year) in operation: Start \_\_\_\_\_ End \_\_\_\_\_

D. Legal description of water discharge location: \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West and name of river, stream or water body \_\_\_\_\_

E. Will discharge water be used for another purpose, such as livestock, irrigation, etc.?  Yes,  No  
 If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.  
 \_\_\_\_\_  
 \_\_\_\_\_

**LIVESTOCK WELLS (SECTION C)**

A. Name of facility \_\_\_\_\_

B. Type of Livestock:  Feeder Cattle,  Dairy Cattle,  Swine over 55 lbs.,  Swine under 55 lbs.,  Sheep,  Poultry,  Horses

C. Average number of livestock per year \_\_\_\_\_ and average weight per animal \_\_\_\_\_ lbs.

D. Peak number of livestock \_\_\_\_\_ and time of year \_\_\_\_\_

E. Is facility approved by Nebraska Department of Environmental Quality?  Yes,  No. If Yes, list NDEQ certification IIS number \_\_\_\_\_ If No, complete the rest of this section.

F. Type of facility:  Open lot,  Covered Building

G. If facility is Open lot, list soil type \_\_\_\_\_

H. Estimated depth to ground water under feedlot \_\_\_\_\_ ft.

I. Describe manure collection system of feedlot \_\_\_\_\_  
 \_\_\_\_\_

J. Name and distance of nearest surface watercourse from feedlot \_\_\_\_\_

K. For each manure land application site, list legal description and size in acres, method of application, and distance from feedlot operation. \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

**DOMESTIC WELLS WITH IRRIGATION ON ONE ACRE OR MORE (SECTION D)**

A. Check all that apply:

a. Water use:  Lawn and number of acres to be irrigated \_\_\_\_\_ acres.

b. Water use:  Commercial garden and number of acres to be irrigated \_\_\_\_\_ acres.

c. Water use:  Tree Farm and number of acres to be irrigated \_\_\_\_\_ acres.

d. Water use:  Type of livestock \_\_\_\_\_ and number \_\_\_\_\_

B. Type of irrigation system.  Sprinkler,  Drip Tape,  Other (specify) \_\_\_\_\_

C. If applicable, give Street address and town \_\_\_\_\_  
 \_\_\_\_\_

\* One acre equals 43,560 square feet.

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**INDUSTRIAL AND COMMERCIAL WELLS (SECTION E)**

- A. Name of facility \_\_\_\_\_
  - B. Products produced by facility \_\_\_\_\_
  - C. In Section 6 or on a separate sheet of paper, list well registration number and legal description of current wells supplying water to this facility.
  - D. In Section 6 or on a separate sheet of paper, provide a short description how water is used within the facility and the expected annual amount of water for each use. For example: "The manufacturing plant will use 45% of total annual water use, or 1.45 million gallons per year, for electroplating of galvanized pipe and the remaining 55% of total annual water use, or 1.77 million gallons per year, will be used for non-contact cooling water throughout the plant".
  - E. Will any of the used water or waste water from this facility be re-used for another purpose?  Yes,  No.  
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.
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**PUBLIC WATER SUPPLY WELLS (SECTION F)**

- A. On a separate sheet of paper, list the well registration numbers and legal description of current wells supplying water to this community.
  - B. Attach a list of the five largest industrial water users that your community supplies water to, and the total annual amount of water supplied to each of these industries for the last five years.
  - C. For these same industries list the total annual amount of water returned to the community as waste water for each of the last five years.
  - D. Will waste water be used for another purpose, such as livestock, irrigation, etc.?  Yes,  No  
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.
- 
- E. Attach a list of the golf courses that the community supplies water to and list the location and number of acres for each one.
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**RECOVERY OR REMEDIATION WELLS (SECTION G)**

- A. Reason for recovery or remediation well, i.e. leaking underground storage tank. \_\_\_\_\_
  - B. Contaminates of concern \_\_\_\_\_
  - C. Treatment method of contaminants \_\_\_\_\_
  - D. Approximate dates (month/day/year) in operation: Start \_\_\_\_\_ End \_\_\_\_\_
  - E. Legal description of water discharge location: \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West and name of river, stream or water body \_\_\_\_\_
  - F. Will cleanup water be used for another purpose, such as livestock, irrigation, etc.?  Yes,  No  
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.
- 

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**OTHER WELLS (SECTION H)**

- A. Purpose of water use \_\_\_\_\_
  - B. Will the well be used for one calendar year or less?  Yes,  No
    - a. If Yes, list approximate dates (month/day/year) the well will be in operation: Start \_\_\_\_\_ End \_\_\_\_\_
    - b. If No, list the approximate dates (months) or seasons of the calendar year that well is expected to be in peak or highest use. \_\_\_\_\_
  - C. Legal description of water discharge location: \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West and name of river, stream or water body \_\_\_\_\_
-

**All applicants must complete pages 1 and 2 in full. Depending upon size of irrigated field or total annual water use, information listed on pages 3 or 4 may also be required.** A \$75.00 filing fee is required for each application for a Variance (payable to the Lower Platte North Natural Resources District). In addition, for Class 3 variances an added fee of \$250.00 is required for District review. For Class 4 variances an added fee of \$500.00 is required for District review. Forward this application and filing fee to:

**Lower Platte North Natural Resources District  
P.O. Box 126  
Wahoo, NE 68066  
Phone: (402) 443-4675**

**Filing fee may be refunded if all water sources (including cones of depression if the water source is from ground water) and all areas of expanded water use are beyond the District's official boundary defined as Stay Management areas.**

Please take the time to fill out the information correctly. The District will return an incomplete or defective application, with 60 days being allowed for resubmission. The District shall grant or deny all variances, or report that a variance is not needed, no later than 60 days following recommendation from the LPNNRD Water Committee to the Board.

### **VARIANCE RESTRICTIONS**

1. Variances are required, on or after May 14, 2007, in the Stay management areas of the Lower Platte North NRD prior to any expansion in water use or to the application for a new water well permit.
2. An Expanded Water Use Variance or New Water Well Variance is not required for test holes, temporary dewatering wells (30 days or less), or water wells designed to pump 50 gallons per minute or less, unless water is commingled, combined, clustered or joined with any other water well or wells, which would result in total water capacity to be over 50 gallons per minute. New low capacity wells designed to pump 50 gallons per minute or less will also require a variance request in Stay Management areas, but not in the Hydrologically Connected Stay Management area. This requirement on low capacity wells does not apply to domestic wells irrigating less than one acre of land or wells for range livestock. If you have questions, please call the LPNNRD at 402-443-4675.
3. A New Water Well Variance approved by the District only applies to the locations specified and/or the volume of water used, as listed in this application. Any proposed additional water wells for expansion of water use in size of area or in volume of water applied will require application for another New Water Well Variance.
4. If expansion of water use could result in existing wells to enlarge their cones of influence (cones of depression) to now overlap into the District's defined Stay management areas, an Expanded Water Use Variance will now be required.
5. Consumptive water use in acre-inches is determined from the Department of Natural Resources (DNR) Net Corn Crop Irrigation Requirement map or a similar map produced by the University of Nebraska.
6. If a new water well is the only water source for any expanded water use, then use this form instead of the District's 'Expanded Water Use Variance' form.
7. If a new water well and another water source, such as surface water or reuse water, will be used then the applicant will need to fill out both a variance request for a new water well and expanded water use, but the fee shall remain at \$75.00.
8. Variance requests from a single landowner, landowners or entities that seek to supply water to a single facility or operation will be required to fill out that portion of the variance form that considers the collective total annual amount of water use, both existing and proposed, that will be used by that facility or operation.
9. Tax assessor records submitted with the variance request must include map, parcel number and an accurate account of current land use, such as irrigated acres.
10. Aerial photograph with markings to show the location of the water source(s) and the location of where the water is to be used, shall be submitted with the variance request form.
11. If reuse water is one of the water sources, the applicant must fill out section 4 (Water Sources) – C (Reuse Water) of the District's Expanded Water Use Variance form and supply information listing the annual amount of intake water, description of water use within the operation and the annual amount of water discharged from this operation and submit this information with this variance request.
12. Reuse water from the same aquifer sub-area can be used as a credit, such as a municipality or industry, but only if that source does not increase it's own water withdrawal to compensate for this reuse. Irrigation water by itself can not be credited as reuse water for another user.
13. Any person, who knowingly furnishes false information regarding a New Water Well Variance, shall be subject to the imposition of penalties imposed through the controls adopted by the District pursuant to §46-746.

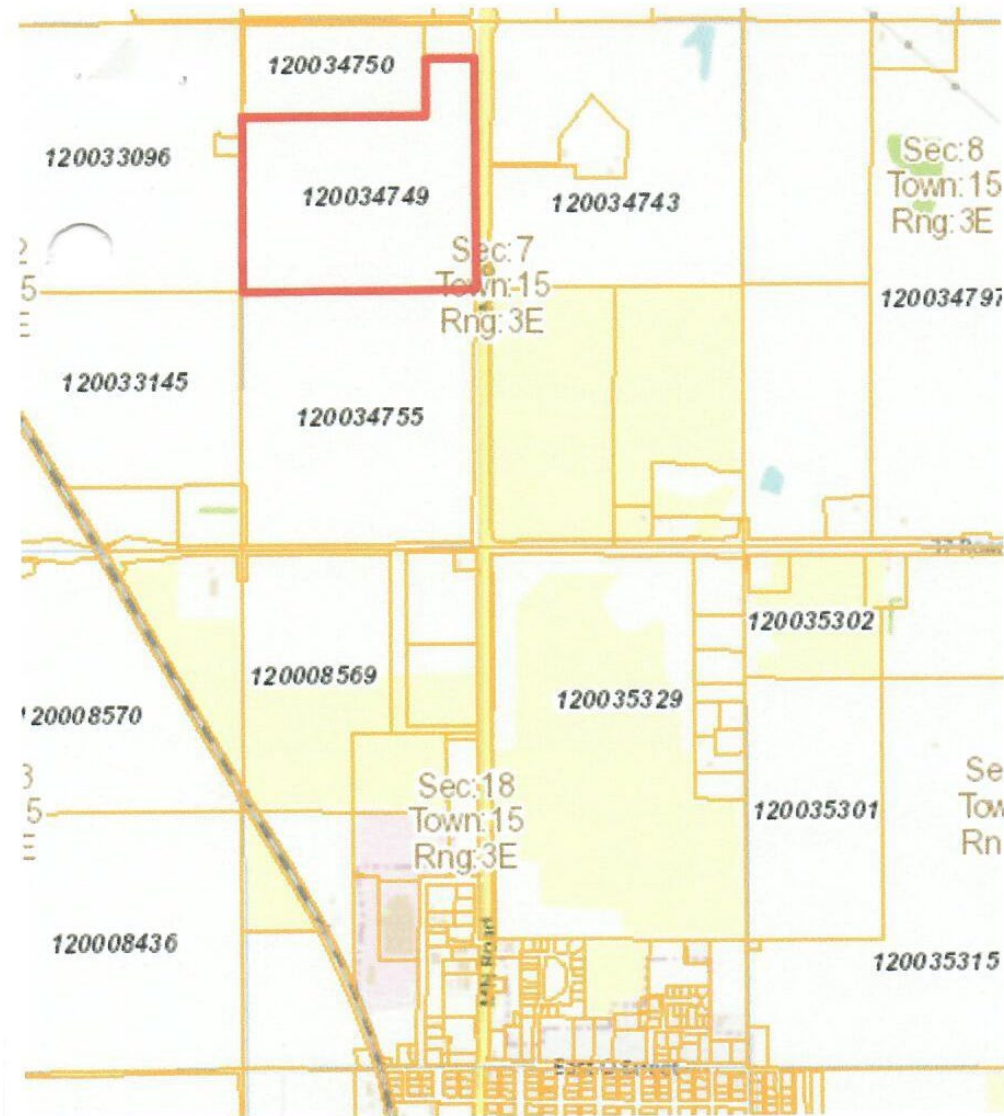
14. A Variance request will require that the applicant or operator of irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells by NRD certified.
15. LPNNRD review of any variance request will be based, in part, on a point system evaluation. See "Instructions to Fill Out Variance Request Form --" for details.
16. Review of the variance request by the District will also be based on discretionary factors, including but not limited to, whether the variance request would promote the health and welfare of the District by contributing to the conservation, protection, development, and sound management of natural resources in the District.
17. Landowner has 90 days following 'conditional approval' to apply to the NRD for a water well permit, and comply with any additional conditions required by the NRD. Conditional approval will expire in 90 days from date of issuance by the LPNNRD Board.
18. When the conditions of the variance have been satisfied and approved by the NRD within 90 days of issuance, then the 'conditionally approved variance' shall become an 'approved variance'. If these conditions have not been met, the landowner will need to submit a new variance request.
19. Construction of a new water well without an 'approved variance' and an approved NRD Water Well Permit, shall result in the District issuing a 'cease and desist order' against further construction and use of that water well.
20. Landowner has 90 days after completion of the well to update County Assessor records, submit well registration to DNR and comply with any additional conditions required by the District.
21. If ground water is not initially put to use within a one-year period following construction and completion of the water well as approved by LPNNRD and DNR, then a New Water Well Variance is needed. The LPNNRD may grant an exception for good cause shown, such as abundant rainfall received on new or expanded irrigated acres when actual irrigation would not be necessary. Please contact the LPNNRD if you think an exception may apply.
22. If a New Water Well Variance and NRD Water Well Permit are granted, then water users must report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31<sup>st</sup> of each following year.
23. If multiple water sources are used, landowner must supply flow records from each water source in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31<sup>st</sup> of each following year.
24. After construction of the water well is complete, the well driller is required to register the well with the Department of Natural Resources.
25. The District may void an approved variance at any time if the Board finds good cause to do so.
26. The approved variance will also be subject to annual renewal by the District. If the District believes the variance should not be renewed, the District will inform the landowner with at least a 45 day notice stating the intentions of the District and allowing the landowner to request a hearing before the Board of Directors within that time limit.

**\*\* Landowners must apply for a water well permit to LPNNRD, and comply with any additional conditions within 90 days of LPNNRD conditional approval of this Variance. Landowner will need NRD approval for a new Water Well Variance AND Water Well Permit, before the well can be constructed. Following completion of the well, landowners have 90 days to list new irrigated acres with the County Assessor, submit well registration information to the Department of Natural Resources and comply with any additional conditions required by the LPNNRD. LPNNRD staff may perform a site visit to verify information provided in the variance request. \*\***

**COMMENTS/RESTRICTIONS: Variance conditions required for approval by LPNNRD. This variance is approved as a class 2 variance for 130.00 new irrigated acres (130.00 total irrigated acres) from this well with the following conditions:**

**General Conditions Applied To All New Well Variance Applications**

- 1. A well permit must be filed with the Lower Platte North NRD within 90 days of conditionally approved variance.**
- 2. A Lower Platte North NRD approved flow meter needs to be installed on the wells following manufacturer's recommendations.**
- 3. Total annual water use pumped by the well will be reported to the Lower Platte North NRD on District approved forms by January 31<sup>st</sup> of each following year.**
- 4. Landowner must have the correct number of irrigated acres listed with both the County Assessor and the Nebraska Department of Natural Resources.**



Planning Commission member Greg Aschoff made a motion to grant the wellhead permit application submitted by Bryan C. Hein for an irrigation well at Section 17, Township 15 North, Range 3 NE ¼ 158.45 AC (Parcel # 120035294) and Section 17, Township 15 North, Range 3 SE ¼ 165.20 AC (Parcel # 120035322) subject to NRD test wells and NRD rules that would restrict irrigation pumping. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Absent. Yea: 4, Nay: 0, Absent: 1.

CITY OF DAVID CITY, NEBRASKA



PAID

AUG 27 2025

CITY OF DAVID CITY  
DAVID CITY UTILITIES

**WELLHEAD STRUCTURE OR ACTIVITY  
PERMIT APPLICATION**

**IMPORTANT NOTICE:** Applicants and property owners are solely responsible for the information submitted on the application. Information which is incorrect or inaccurate may be cause for rejection of the application. Officials of the City of David City are not authorized to practice engineering, surveying or architecture. Review of applications by the City of David City is not to be construed as a substitute for architectural, engineering, surveying or contractors services. Applicants are encouraged to consult with a professional architect, engineer, surveyor or contractor when in doubt. Applicants are solely responsible for all applicable state building, electrical and plumbing codes. Applicants are solely responsible to comply with all zoning codes of the General Plan and all ordinances of the City of David City and are cautioned to consult with an attorney when in doubt. No construction shall be started without an approved Wellhead Permit. Applicants are encouraged to obtain certification from a Nebraska licensed surveyor to document compliance with zoning regulations. The City of David City may seek recommendations of the Natural Resources District, the Nebraska Department of Environmental Quality or any other party or agency in evaluating the impact of the proposed structure or activity on the municipal water supply or ground water.

The City of David City shall not be liable for any and all liability that may arise as a result of the proposed construction.

Date of Application 8-27-25 Zone 430 180

Type of Construction or Activity  
(describe the activity or operation, etc.): Irrigation Well

Estimated Cost 125 K Intended Use Irrigation

Property Owner:

Name Bryan C. Hein  
Address 1476 37 RD  
David City, NE 68632  
Phone 402-270-0275

Location of Work:

Owner Bryan C. Hein  
Address Parcel #1 = 120035322  
Parcel #2 = 120035294  
Zone Parcel #3 = 120034749

Legal Description of Work Site:

Description of Work- Describe the project or activity and why approval would not adversely impact municipal water supply and groundwater (use a separate sheet if necessary):

Irrigate My Crops As a Farmer we want to Save water not waste it. Only used when needed.

only 1 well @ a time Not 3 trying to get Approval For NRD TO Be able to Approve My Farmland Eligible for Irrigation Lifetime Resident of David City Try to do things the right way to Improve My Farming Practices

General Contractor:

Name Sargent well Drilling  
Address Geneva Phone: 402-759-3902

Electrician:

Name Woodsey Electric  
Address David City Phone: 402-430-9286

Plumber:

Name \_\_\_\_\_  
Address \_\_\_\_\_ Phone: \_\_\_\_\_

=====  
**This section to be completed by the city**

Permit Fee \$25.00 Date Paid 9/27/25 Rec'd by Rachel Kohn  
Date Plans Submitted \_\_\_\_\_ Date Survey Submitted \_\_\_\_\_

ACTION:

- SUBMITTED TO PLANNING COMMISSION Date September 2, 2025 - meeting Sept. 13, 2025  
 DENIED Reason \_\_\_\_\_ Date \_\_\_\_\_  
 APPROVED Date \_\_\_\_\_

PLANNING COMMISSION FINDINGS Planning Commission member Greg Aschoff made a motion to grant the wellhead Permit Application submitted by Bryan C. Hein for an irrigation well at Section 17, Township 15 North, Range 3, NE 1/4 158.45 AC (Parcel # 120035294) and Section 17, Township 15 North, Range 3 SE 1/4 1165.20 AC (Parcel # 120035322) subject to NRD test wells and NRD rules that would restrict irrigation pumping. Jim Masek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Absent. Yea: 4, Nay: 0, Absent: 1.

PERMIT ISSUED Date \_\_\_\_\_ Number \_\_\_\_\_

NACA



## VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: June 2022

|  |                                     |
|--|-------------------------------------|
| <b>NRD USE ONLY</b>  |                                     |
| Date Received <u>9/4/2024</u>  | Paid: Cash or Check <u>OK \$150</u> |
| Initial Review by NRD Representative <u>[Signature]</u>                        |                                     |
| Certified Acres _____  | by NRD Representative _____         |
| Date of Water Committee Recommendation to the NRD Board _____                  |                                     |
| Date NRD Board issues Conditional Approval or Denial of Variance Request _____ |                                     |
| Date of Approved Variance _____ by NRD Representative _____                    |                                     |

**ALL APPLICANTS SEEKING A WATER WELL VARIANCE MUST COMPLETE PAGES 1 AND 2, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 1-4 VARIANCE)**

**VARIANCE REQUESTS FOR IRRIGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR MUST COMPLETE PAGES 1, 2, AND 3, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 3 VARIANCE)**

**VARIANCE REQUESTS FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATION ACRES, MUST COMPLETE PAGES 1, 2, AND 4, AND THE APPROPRIATE SECTION BASED ON THE PURPOSE OF THE WELL. (CLASS 4 VARIANCE)**

**1. NAME AND ADDRESS OF APPLICANT:**

Bryan C. Hem Home Phone: ( ) - \_\_\_\_\_  
1476 37 RD Cell Phone: (402) - 270 - 0275  
David City, NE 68632 Landowner Name: Ralph E. Hem  
 (if other than applicant)

**2. PURPOSE OF NEW WATER WELL (indicate one or more):**

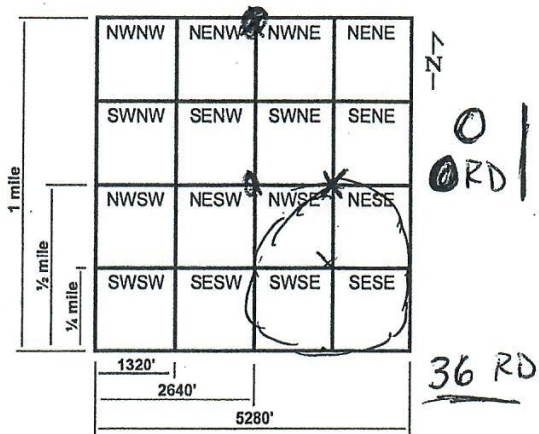
Irrigation (Complete section A)       Dewatering (Over 30 days, Complete section B)  
 Livestock (Complete section C)       Domestic (Irr. on one acre or larger, Complete section D)  
 Industrial (Complete section E)       Public Water Supply (Complete section F)  
 Recovery or Remediation (Complete section G)  
 Other (specify) \_\_\_\_\_ (Complete section H)

**3. LOCATION OF PROPOSED NEW WATER WELL:**

A. Butler County, 1/4 of the 1/4 of Section 17, Township 15 North, Range 3E  
 (East/West. (circle one))

B. The box at the right represents one square mile, (section). Indicate with an "X", the proposed location of the well. Outline the proposed water use area. If the water is to be used outside the above written legal description, give legal description of water use area, \_\_\_\_\_ 1/4 of the \_\_\_\_\_ 1/4 of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West.

C. The well will be located 2640 feet from the North/South section line, and will be 1320 feet from the East/West section line. Or enter Lat. / Long.  
 Latitude Degree \_\_\_\_\_ Minute \_\_\_\_\_ Second \_\_\_\_\_  
 Longitude Degree \_\_\_\_\_ Minute \_\_\_\_\_ Second \_\_\_\_\_



**4. GROUND WATER SOURCE:**

- A. Expected total well depth: 400 feet.  
B. Estimated pumping capacity: 700 - 1000 GPM.  
C. Expected total annual water use in Acre Inches / Year 4" or Total Gallons / Year \_\_\_\_\_  
D. Will the well be used in a system with other wells? Yes,  No. If Yes, How many \_\_\_\_\_  
Attach list of well registration number and legal description for each well.

**5. REUSE WATER (If any reuse water will be used, fill out this section):**

- A. Legal Description of water source: \_\_\_\_\_ County, \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West. (circle one)  
B. Landowner and Address of person(s) providing reuse water \_\_\_\_\_  
C. Original water source of this reuse water:  Ground Water,  Surface Water, mark all that apply  
D. Total annual amount of consumptive water use to be delivered to proposed location in Acre Inches / Year \_\_\_\_\_ or Total Gallons / Year \_\_\_\_\_  
• Attach information from the operation you will be using as a source of reuse water. List amount of intake water used by this operation, description of water use within the operation, and the amount discharged.  
• Irrigation water by itself can not be credited as reuse water for another user.

**6. OFFSET WATER USE:**

- A. Will proposed new water well be offset by retiring water use in this same aquifer system?  Yes,  No  
B. If Yes, give legal description of that offsetting water use: \_\_\_\_\_ County, \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West. (circle one)  
C. Landowner and Address of person(s) providing offset \_\_\_\_\_  
D. If using offset from irrigation, list number of acres at this 'offset' location \_\_\_\_\_  
E. Original water source of this offset water:  Ground Water,  Surface Water,  Reuse Water, mark all that apply.  
F. Total annual amount of consumptive water use to be retired at this 'offset' location in Acre Inches / Year \_\_\_\_\_ or Total Gallons / Year \_\_\_\_\_  
• Please provide flow records for the last five years from this 'offset' location.

**7. Addition information and requirements for Lower Platte North NRD review.**

- Attach current tax assessor records including map, parcel number, and current land use such as irrigated acres.
- Attach aerial photo showing location of water source(s) and area water or reuse water is to be used.
- All new and replacement water wells must install a District approved flow meter and report water pumped annually to the LPNNRD by January 31<sup>st</sup> of the following year. See approved list in this packet.
- Additional variance conditions maybe required for approval by the Lower Platte North NRD.
- Variances will be reviewed annually.

**8. I certify that I am familiar with the information contained in this application, and it's restrictions, rules and regulations and that to the best of my knowledge and belief such information is true, complete and accurate.**

Date 8-21-24 Signature of Applicant Bryan C. Hem  
Signature of Well System Operator, if different than Applicant \_\_\_\_\_  
NRD Certification Number of Landowner or Operator 5956 (Required for irrigation, livestock, 9/11/2024  
domestic (with irrigation on one acre or more of land), industrial, and public water supply wells.)  
Bryan C. Hem

**9.**

If needed, Signature of Landowner supplying Reuse Water \_\_\_\_\_  
Date \_\_\_\_\_  
(On the District's Expanded Water Use Variance Form, fill out section 4 (Water Source) – C (Reuse Water) and submit the information with this variance form.)

If needed, Signature of Landowner providing Offset Water \_\_\_\_\_  
Date \_\_\_\_\_



**VARIANCE REQUEST FOR  
NEW WATER WELL IN A STAY MANAGEMENT AREA  
OF THE LOWER PLATTE NORTH NRD (LPNNRD)**

Updated Form: May 2008

**VARIANCE REQUEST FOR IRRGATED ACRES GREATER THAN 160 ACRES IN SIZE OR TOTAL ANNUAL WATER USE BETWEEN 150 AND 300 ACRE FEET PER YEAR, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 3. (CLASS 3 VARIANCE)**

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**10. WATER SOURCE INFORMATION:**

In a TWO-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. List of all registered wells in this area giving registration number, well identification number, legal description, latitude / longitude or UTM coordinates in NAD 83, elevation in feet above mean sea level, and well log for each well.
  - B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
  - C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.
- 

**11. WATER USE LOCATION INFORMATION:**

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

- A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
  - B. Amount of water that can be reused or recycled at this new location.
  - C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.
-



## VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNNRD)

Updated Form: May 2008

### VARIANCE REQUEST FOR TOTAL ANNUAL WATER USE EQUAL TO OR GREATER THAN 300 ACRE FEET PER YEAR, REGARDLESS OF NUMBER OF IRRIGATED ACRES, PROVIDE INFORMATION REQUESTED ON PAGES 1, 2, AND 4. (CLASS 4 VARIANCE)

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#### 12. WATER SOURCE INFORMATION:

In a FIVE-mile radius around the water source location, provide the following information to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. List of all registered wells in this area giving registration number, well identification number, legal description, elevation in feet above mean sea level, latitude / longitude or UTM coordinates in NAD 83, and well log for each well.
  - B. List of all test holes in the area that have been published by Conservation and Survey Division of the University of Nebraska.
  - C. List of all surface water rights in this area giving appropriation number, priority date, legal description, use, status, current total acres (if applicable), and grant amount.
- 

#### 13. WATER USE LOCATION INFORMATION:

In the location where the water will be used, provide the following information to the LPNNRD in both paper copy and electronically in Word (Microsoft) format.

- A. Description of expanded water use including: latitude / longitude or UTM coordinates in NAD 83 of water use location and timeframe or schedule when water will be used.
  - B. Amount of water that can be reused or recycled at this new location.
  - C. Description of how water will be used at this new location, i.e. process water vs. cooling water, etc.
- 

#### 14. AQUIFER PUMP TEST:

In the location of the proposed water source an aquifer pump test is to be performed to obtain geologic data that will be used in the ensuing ground water modeling effort. Data from the pump test is to be reported to the LPNNRD in both paper copy and electronically in Excel Spreadsheet (Microsoft) or Access Database (Microsoft) format.

- A. Description of pumping well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, elevation of well in feet above mean sea level, total amount of water pumped, gallons per minute during pump test, duration of pump test, well construction, well log, water discharge location and method.
  - B. Description of each monitoring well should include legal description of well, latitude / longitude or UTM coordinates in NAD 83, spacing in feet and direction from pumping well, elevation of well in feet above mean sea level, well log, and well construction.
  - C. Depth to bedrock, bedrock material, and name of geologic formation.
- 

#### 15. GROUNDWATER MODEL:

In a FIVE-mile radius of the location of the proposed water source a ground water model using MODFLOW software, or similar software approved by LPNNRD, is to be done. Data from the ground water model is to be reported to the LPNNRD in both paper copy and electronically using the appropriate software.

- A. Model should list boundary conditions used, grid size, include all high capacity wells in modeled area, streams and rivers in the modeled area, expected recharge rates, location and flow amounts, hydrologic conductivity and transmissivity values used.
  - B. At least one iteration, reviewed and approved by LPNNRD, should model steady state conditions over a five-year period with a no flow boundary, and little or no recharge to simulate drought conditions.
-



## VARIANCE REQUEST FOR NEW WATER WELL IN A STAY MANAGEMENT AREA OF THE LOWER PLATTE NORTH NRD (LPNRRD)

Updated Form: May 2008

### PURPOSE OF WELL

#### IRRIGATION WELLS (SECTION A)

- A. How many acres will be irrigated? 150? acres
- B. Crops to be planted: Corn, Beans Crop rotation schedule Corn, Beans
- C. Type of irrigation system.  Center Pivot,  Gravity,  Other (specify) possible Drip Tape
- D. The irrigation system is to be powered by  Electric  Fuel ? Not sure
- X E. Expected total annual consumptive water use in Acre Inches / Year 4 1/2 or  
Total Gallons / Year \_\_\_\_\_
- F. Will Fertilizer, Chemicals or Animal waste be applied through the system?  Yes,  No

#### DEWATERING WELLS OVER 30 DAYS (SECTION B)

- A. Purpose of dewatering well, such as installation of building foundation, etc. \_\_\_\_\_
- B. Expected total number of days the dewatering well will be in use \_\_\_\_\_
- C. Approximate dates (month/day/year) in operation: Start \_\_\_\_\_ End \_\_\_\_\_
- D. Legal description of water discharge location: \_\_\_\_\_ ¼ of the \_\_\_\_\_ ¼ of Section \_\_\_\_\_, Township \_\_\_\_\_ North, Range \_\_\_\_\_ East/West and name of river, stream or water body \_\_\_\_\_
- E. Will discharge water be used for another purpose, such as livestock, irrigation, etc.?  Yes,  No  
If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.  
\_\_\_\_\_  
\_\_\_\_\_

#### LIVESTOCK WELLS (SECTION C)

- A. Name of facility \_\_\_\_\_
- B. Type of Livestock:  Feeder Cattle,  Dairy Cattle,  Swine over 55 lbs.,  Swine under 55 lbs.,  
 Sheep,  Poultry,  Horses
- C. Average number of livestock per year \_\_\_\_\_ and average weight per animal \_\_\_\_\_ lbs.
- D. Peak number of livestock \_\_\_\_\_ and time of year \_\_\_\_\_
- E. Is facility approved by Nebraska Department of Environmental Quality?  Yes,  No. If Yes, list NDEQ certification IIS number \_\_\_\_\_. If No, complete the rest of this section.
- F. Type of facility:  Open lot,  Covered Building
- G. If facility is Open lot, list soil type \_\_\_\_\_
- H. Estimated depth to ground water under feedlot \_\_\_\_\_ ft.
- I. Describe manure collection system of feedlot \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
- J. Name and distance of nearest surface watercourse from feedlot \_\_\_\_\_
- K. For each manure land application site, list legal description and size in acres, method of application, and distance from feedlot operation. \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

#### DOMESTIC WELLS WITH IRRIGATION ON ONE ACRE OR MORE (SECTION D)

- A. Check all that apply:
- a. Water use:  Lawn and number of acres to be irrigated \_\_\_\_\_ acres.
- b. Water use:  Commercial garden and number of acres to be irrigated \_\_\_\_\_ acres.
- c. Water use:  Tree Farm and number of acres to be irrigated \_\_\_\_\_ acres.
- d. Water use:  Type of livestock \_\_\_\_\_ and number \_\_\_\_\_
- B. Type of irrigation system.  Sprinkler,  Drip Tape,  Other (specify) \_\_\_\_\_
- C. If applicable, give Street address and town \_\_\_\_\_  
\_\_\_\_\_

\* One acre equals 43,560 square feet.

---

**INDUSTRIAL AND COMMERCIAL WELLS (SECTION E)**

- A. Name of facility \_\_\_\_\_
- B. Products produced by facility \_\_\_\_\_
- C. In Section 6 or on a separate sheet of paper, list well registration number and legal description of current wells supplying water to this facility.
- D. In Section 6 or on a separate sheet of paper, provide a short description how water is used within the facility and the expected annual amount of water for each use. For example: "The manufacturing plant will use 45% of total annual water use, or 1.45 million gallons per year, for electroplating of galvanized pipe and the remaining 55% of total annual water use, or 1.77 million gallons per year, will be used for non-contact cooling water throughout the plant".
- E. Will any of the used water or waste water from this facility be re-used for another purpose?  Yes,  No.  
 If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.

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

---

**PUBLIC WATER SUPPLY WELLS (SECTION F)**

- A. On a separate sheet of paper, list the well registration numbers and legal description of current wells supplying water to this community.
- B. Attach a list of the five largest industrial water users that your community supplies water to, and the total annual amount of water supplied to each of these industries for the last five years.
- C. For these same industries list the total annual amount of water returned to the community as waste water for each of the last five years.
- D. Will waste water be used for another purpose, such as livestock, irrigation, etc.?  Yes,  No  
 If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.

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

- E. Attach a list of the golf courses that the community supplies water to and list the location and number of acres for each one.

---

**RECOVERY OR REMEDIATION WELLS (SECTION G)**

- A. Reason for recovery or remediation well, i.e. leaking underground storage tank. \_\_\_\_\_
- B. Contaminates of concern \_\_\_\_\_
- C. Treatment method of contaminates \_\_\_\_\_
- D. Approximate dates (month/day/year) in operation: Start \_\_\_\_\_ End \_\_\_\_\_
- E. Legal description of water discharge location: \_\_\_\_ ¼ of the \_\_\_\_ ¼ of Section \_\_\_\_, Township \_\_\_\_ North, Range \_\_\_\_ East/West and name of river, stream or water body \_\_\_\_\_
- F. Will cleanup water be used for another purpose, such as livestock, irrigation, etc.?  Yes,  No  
 If Yes, list purpose, location and expected total amount of water use in acre-inches / year or total gallons / year.

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

---

**OTHER WELLS (SECTION H)**

- A. Purpose of water use \_\_\_\_\_
- B. Will the well be used for one calendar year or less?  Yes,  No
  - a. If Yes, list approximate dates (month/day/year) the well will be in operation: Start \_\_\_\_\_ End \_\_\_\_\_
  - b. If No, list the approximate dates (months) or seasons of the calendar year that well is expected to be in peak or highest use. \_\_\_\_\_
- C. Legal description of water discharge location: \_\_\_\_ ¼ of the \_\_\_\_ ¼ of Section \_\_\_\_, Township \_\_\_\_ North, Range \_\_\_\_ East/West and name of river, stream or water body \_\_\_\_\_

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**All applicants must complete pages 1 and 2 in full. Depending upon size of irrigated field or total annual water use, information listed on pages 3 or 4 may also be required.** A \$75.00 filing fee is required for each application for a Variance (payable to the Lower Platte North Natural Resources District). In addition, for Class 3 variances an added fee of \$250.00 is required for District review. For Class 4 variances an added fee of \$500.00 is required for District review. Forward this application and filing fee to:

**Lower Platte North Natural Resources District  
P.O. Box 126  
Wahoo, NE 68066  
Phone: (402) 443-4675**

**Filing fee may be refunded if all water sources (including cones of depression if the water source is from ground water) and all areas of expanded water use are beyond the District's official boundary defined as Stay Management areas.**

Please take the time to fill out the information correctly. The District will return an incomplete or defective application, with 60 days being allowed for resubmission. The District shall grant or deny all variances, or report that a variance is not needed, no later than 60 days following recommendation from the LPNNRD Water Committee to the Board.

### VARIANCE RESTRICTIONS

1. Variances are required, on or after May 14, 2007, in the Stay management areas of the Lower Platte North NRD prior to any expansion in water use or to the application for a new water well permit.
2. An Expanded Water Use Variance or New Water Well Variance is not required for test holes, temporary dewatering wells (30 days or less), or water wells designed to pump 50 gallons per minute or less, unless water is commingled, combined, clustered or joined with any other water well or wells, which would result in total water capacity to be over 50 gallons per minute. New low capacity wells designed to pump 50 gallons per minute or less will also require a variance request in Stay Management areas, but not in the Hydrologically Connected Stay Management area. This requirement on low capacity wells does not apply to domestic wells irrigating less than one acre of land or wells for range livestock. If you have questions, please call the LPNNRD at 402-443-4675.
3. A New Water Well Variance approved by the District only applies to the locations specified and/or the volume of water used, as listed in this application. Any proposed additional water wells for expansion of water use in size of area or in volume of water applied will require application for another New Water Well Variance.
4. If expansion of water use could result in existing wells to enlarge their cones of influence (cones of depression) to now overlap into the District's defined Stay management areas, an Expanded Water Use Variance will now be required.
5. Consumptive water use in acre-inches is determined from the Department of Natural Resources (DNR) Net Corn Crop Irrigation Requirement map or a similar map produced by the University of Nebraska.
6. If a new water well is the only water source for any expanded water use, then use this form instead of the District's 'Expanded Water Use Variance' form.
7. If a new water well and another water source, such as surface water or reuse water, will be used then the applicant will need to fill out both a variance request for a new water well and expanded water use, but the fee shall remain at \$75.00.
8. Variance requests from a single landowner, landowners or entities that seek to supply water to a single facility or operation will be required to fill out that portion of the variance form that considers the collective total annual amount of water use, both existing and proposed, that will be used by that facility or operation.
9. Tax assessor records submitted with the variance request must include map, parcel number and an accurate account of current land use, such as irrigated acres.
10. Aerial photograph with markings to show the location of the water source(s) and the location of where the water is to be used, shall be submitted with the variance request form.
11. If reuse water is one of the water sources, the applicant must fill out section 4 (Water Sources) – C (Reuse Water) of the District's Expanded Water Use Variance form and supply information listing the annual amount of intake water, description of water use within the operation and the annual amount of water discharged from this operation and submit this information with this variance request.
12. Reuse water from the same aquifer sub-area can be used as a credit, such as a municipality or industry, but only if that source does not increase its own water withdrawal to compensate for this reuse. Irrigation water by itself can not be credited as reuse water for another user.
13. Any person, who knowingly furnishes false information regarding a New Water Well Variance, shall be subject to the imposition of penalties imposed through the controls adopted by the District pursuant to §46-746.

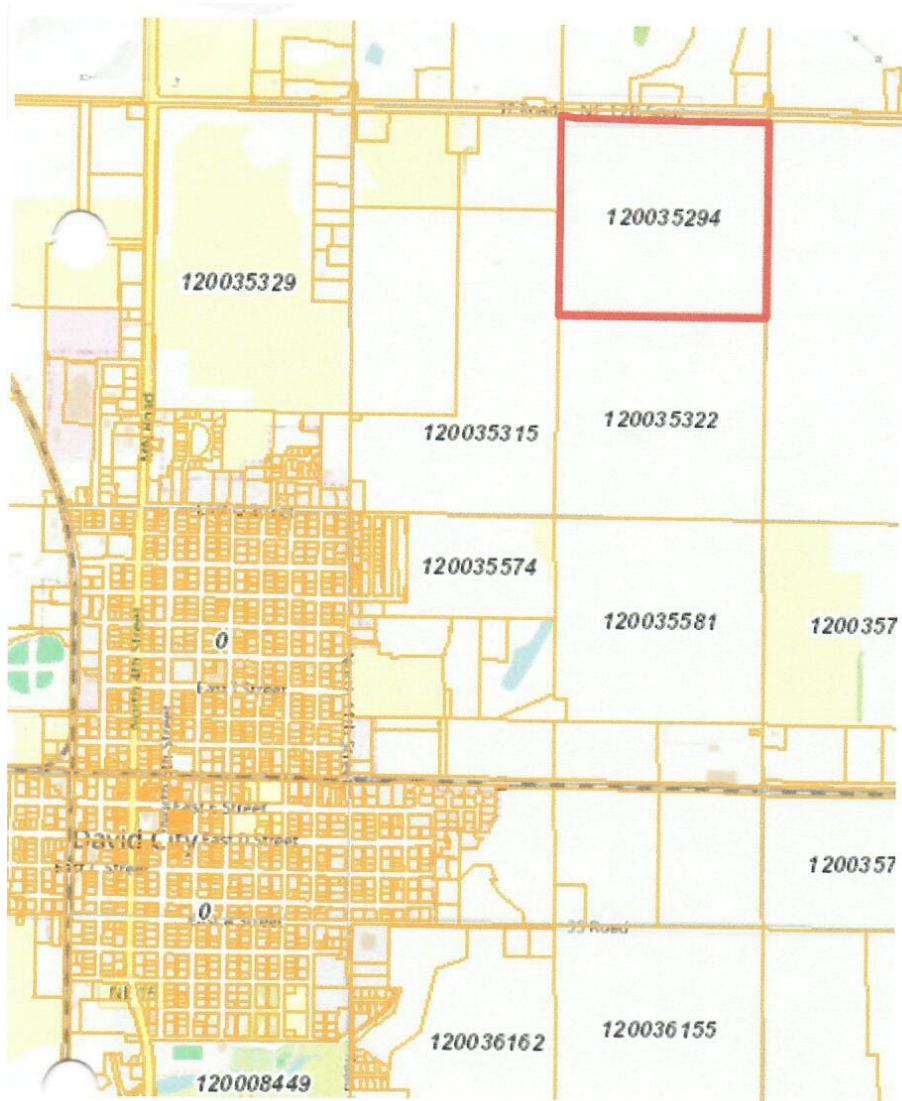
14. A Variance request will require that the applicant or operator of irrigation, livestock, domestic (with irrigation on one acre or more of land), industrial, and public water supply wells by NRD certified.
15. LPNNRD review of any variance request will be based, in part, on a point system evaluation. See "Instructions to Fill Out Variance Request Form --" for details.
16. Review of the variance request by the District will also be based on discretionary factors, including but not limited to, whether the variance request would promote the health and welfare of the District by contributing to the conservation, protection, development, and sound management of natural resources in the District.
17. Landowner has 90 days following 'conditional approval' to apply to the NRD for a water well permit, and comply with any additional conditions required by the NRD. Conditional approval will expire in 90 days from date of issuance by the LPNNRD Board.
18. When the conditions of the variance have been satisfied and approved by the NRD within 90 days of issuance, then the 'conditionally approved variance' shall become an 'approved variance'. If these conditions have not been met, the landowner will need to submit a new variance request.
19. Construction of a new water well without an 'approved variance' and an approved NRD Water Well Permit, shall result in the District issuing a 'cease and desist order' against further construction and use of that water well.
20. Landowner has 90 days after completion of the well to update County Assessor records, submit well registration to DNR and comply with any additional conditions required by the District.
21. If ground water is not initially put to use within a one-year period following construction and completion of the water well as approved by LPNNRD and DNR, then a New Water Well Variance is needed. The LPNNRD may grant an exception for good cause shown, such as abundant rainfall received on new or expanded irrigated acres when actual irrigation would not be necessary. Please contact the LPNNRD if you think an exception may apply.
22. If a New Water Well Variance and NRD Water Well Permit are granted, then water users must report water pumped annually in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31<sup>st</sup> of each following year.
23. If multiple water sources are used, landowner must supply flow records from each water source in acre-inches per year or total gallons per year on LPNNRD approved forms by January 31<sup>st</sup> of each following year.
24. After construction of the water well is complete, the well driller is required to register the well with the Department of Natural Resources.
25. The District may void an approved variance at any time if the Board finds good cause to do so.
26. The approved variance will also be subject to annual renewal by the District. If the District believes the variance should not be renewed, the District will inform the landowner with at least a 45 day notice stating the intentions of the District and allowing the landowner to request a hearing before the Board of Directors within that time limit.

**\*\* Landowners must apply for a water well permit to LPNNRD, and comply with any additional conditions within 90 days of LPNNRD conditional approval of this Variance. Landowner will need NRD approval for a new Water Well Variance AND Water Well Permit, before the well can be constructed. Following completion of the well, landowners have 90 days to list new irrigated acres with the County Assessor, submit well registration information to the Department of Natural Resources and comply with any additional conditions required by the LPNNRD. LPNNRD staff may perform a site visit to verify information provided in the variance request. \*\***

**COMMENTS/RESTRICTIONS: Variance conditions required for approval by LPNNRD. This variance is approved as a class 2 variance for 130.00 new irrigated acres (130.00 total irrigated acres) from this well with the following conditions:**

**General Conditions Applied To All New Well Variance Applications**

- 1. A well permit must be filed with the Lower Platte North NRD within 90 days of conditionally approved variance.**
- 2. A Lower Platte North NRD approved flow meter needs to be installed on the wells following manufacturer's recommendations.**
- 3. Total annual water use pumped by the well will be reported to the Lower Platte North NRD on District approved forms by January 31<sup>st</sup> of each following year.**
- 4. Landowner must have the correct number of irrigated acres listed with both the County Assessor and the Nebraska Department of Natural Resources.**



There being no further business to come before the Planning Commission, Chairman Jim Masek made a motion to adjourn at 9:03 a.m. Pam Kabourek seconded the motion. The motion carried. Greg Aschoff: Yea, Robert Hilger: Yea, Pam Kabourek: Yea, Jim Masek: Yea, Jim Vandenberg: Absent. Yea: 4, Nay: 0, Absent: 1.

## **Notice of Public Hearing - City of David City**

NOTICE IS HEREBY GIVEN that a public hearing before the Planning Commission of the City of David City, Nebraska, will be held on Saturday, January 10, 2026, at 8 A.M. in the meeting room of the City Office, 490 "E" Street, David City, Nebraska. During this meeting, the following Public Hearing will be held:

- Public hearing to consider amending the Zoning Ordinance No. 1060 by amending Section 2.03 Definitions by adding and updating definitions for Agriculture, Agricultural Operations, Agricultural Processing and Manufacturing, Agricultural Sales and Service, Animal Byproducts, Animal Unit, Farm, Farming, Feed Mill, Feedlot (Commercial), Livestock Feeding Operation (LFO), Poultry – Commercial Feeding Operation, Poultry Hatchery, and Rendering Plant, as well as amending Section 5.06 Land Use Categories/Matrix by adding Poultry Hatchery, Agricultural Processing and Manufacturing, Agricultural Processing of Food Products, Rendering Plant as permitted or conditional use permitted in Land Use Districts, and amending Section 5.08 TA-1 Transitional Agricultural District by removing commercial, industrial in Supplemental Setbacks. At said time and place, all interested parties may appear and be heard.

Dated this 3rd day of December, 2025.

City of David City, Nebraska  
Lori Matchett, Deputy City Clerk  
December 18, 2025  
COL-NE-1400733 ZNEZ

**David City, Nebraska, Zoning Ordinance – Draft Amendments October 2025**

Marvin Planning Consultants

**Section 2.03 Definitions**

**AGRICULTURE** shall mean the use of land to obtain a profit by raising, harvesting, and selling crops or by feeding, breeding, management, and sale of, or the produce of, livestock, poultry, fur-bearing animals, or honeybees, or for dairying and the sale of dairy products, or other similar use.

**AGRICULTURAL OPERATIONS** shall mean the business of farming, excluding Livestock Feeding Operations as defined -a farmstead of 20 acres or more which produces \$1,000 or more of farm products each year.

**AGRICULTURAL PROCESSING AND MANUFACTURING** shall mean the processing and packaging of agricultural products, after harvest, for wholesale or retail sales, except where otherwise defined.

**AGRICULTURAL SALES AND SERVICE** shall mean an establishments or places of business engaged in sale from the premises of feed, grain, fertilizers, farm equipment, pesticides, and similar goods or in the provision of agriculturally related services with incidental storage on lots other than where the service is rendered. Typical uses include nurseries, hay, farm implement dealerships, feed and grain stores, and tree service firms.

**ANIMAL BYPRODUCTS** shall mean parts of a slaughtered animal not directly consumed by humans, such as fat, bones, and gelatin, typically processed into products for animal feed, fertilizer, or industrial uses.

**ANIMAL UNIT** shall mean a calculation which converts animals of different species or sizes into equivalent units. any farming operation or the feeding, farrowing, or raising cattle, swine, sheep, poultry, or other livestock, in a confined area where grazing is not possible, and where the confined area is for more than 6 months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below. The confined area of the Livestock Feeding Operation (LFO) shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations. Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other or if they utilize a common area of system for the disposal of livestock waste.

Animal Units (A.U.) are defined as follows:

**FARM** shall mean an area containing **at least 20 acres or more** in agricultural use for growing or storage of products such as vegetables, fruit, and grain, as well as for the raising thereon of the farm poultry and farm animals, and which produces \$1,000 or more per year of farms products raised on the premises, in accordance with §23-114.03 Nebraska Revised Statutes. The term farming includes the operation of such area for one or more of the above uses with the necessary accessory uses for treating or storing the produce and the feeding of livestock as hereinafter prescribed provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**FARMING** shall mean the planting, cultivating, harvesting and storage of grains, hay or plants commonly grown in Nebraska with the necessary accessory uses for treating or storing the produce and the feeding of livestock as prescribed hereunder, provided such accessory uses do not include the feeding of garbage or offal to swine or other animals.

**FEED MILL** shall mean a facility or establishment primarily engaged in the grinding, mixing, processing, and/or manufacturing of animal feed or feed ingredients for wholesale or retail distribution; and may include storage of bulk grains, additives, and other agricultural inputs necessary for producing finished feed products.

**FEEDLOT, COMMERCIAL** shall mean a lot or building or combination of lots and buildings intended to be used for the confined feeding, breeding, raising or holding of animals and specifically designed as a confinement area in which manure may accumulate, or where the concentration of animals is such that a vegetation cover cannot be maintained in the enclosure. This definition does not include the pasturing of livestock. See also *Livestock Feeding Operation*.

**LIVESTOCK FEEDING OPERATION (LFO):** Any agricultural or farming operation in a confined area where grazing is not possible, and where the confined area is for more than six months in any one calendar year, and where the number of animals so maintained exceeds 300 Animal Units as defined below.

The confined area of the LFO shall include the pens, corrals, sheds, buildings, feed storage areas, waste disposal ponds, and related facilities. Such facilities shall be constructed and operated in conformance with applicable county, state, and federal regulations.

Two or more LFO's under common ownership are deemed to be a single LFO if they are adjacent to each other and utilize a common area of system for the disposal of livestock wastes.

Each operation type shall be classified in one of four levels according to total number of A.U. in the operation at any one time. Levels will include:

- Class I Facility = 301-1,000 animal units;
- Class II Facility = 1,001-2,500 animal units;
- Class III Facility = 2,501-5,000 animal units;
- Class IV Facility = 5,001-10,000 animal units;
- Class V Facility = 10,001 or more animal units.

LFOs having more than one type of feeding operation at one location shall be categorized according to the total number of animal units. A farm with 300 animal units or less is considered strictly an Agricultural operation.

**POULTRY, COMMERCIAL FEEDING OPERATION** shall mean a type of commercial Livestock Feeding Operation (LFO) ~~agricultural food lot~~ for poultry, whether confined feeding operations are enclosed or outdoors. A Hatchery may be accessory to a Poultry Commercial Feeding Operation or may be a principal use as defined.

**POULTRY HATCHERY** shall mean a facility engaged in the incubation of fertilized poultry eggs and the management, hatching, and initial care of poultry chicks before their distribution to growers, farms, or production facilities. May include egg handling, cleaning, incubation, brooding, and temporary chick holding areas, but does not include long-term raising or slaughter of birds on-site.

**RENDERING PLANT** shall mean a facility engaged in the processing of animal tissues and byproducts to extract, purify, and package animal byproducts; typical processes include the mechanical and thermal breakdown of raw animal material and/or fat extraction for commercial and industrial use.

## Section 5.06 Land Use Categories/Matrix

|                                 |  | E = Exempt from Permits<br>P = Permitted<br>C = Conditional Use Permit<br>T = Temporary<br>"-" = not permitted<br><br>Overlay District and Floodplain regulations shall also be met. |          |          |          |          |          |          |          |          |          |          |                         |
|---------------------------------|--|--|----------|----------|----------|----------|----------|----------|----------|----------|----------|----------|-------------------------|
| Use Category                    | Use Type   | Land Use District  |          |          |          |          |          |          |          |          |          |          | Additional Requirements |
|                                 |  | TA-1   | RE       | R-1      | R-2      | R-3      | RM       | DC       | GC       | FLEX     | I-1      | I-2      |                         |
| Agriculture & Horticulture Uses | Agricultural buildings for general ag use  | P  | P        | -        | -        | -        | -        | -        | -        | P        | P        | P        |                         |
|                                 | Agricultural operations, other than LFOs   | E  | E        | E        | -        | -        | -        | -        | -        | E        | E        | E        |                         |
|                                 | Class I or larger Livestock Feeding Operation (LFO)  | -  | -        | -        | -        | -        | -        | -        | -        | -        | -        | C        | Section 9.25            |
|                                 | Community Gardens  | E  | E        | E        | E        | E        | C        | E        | E        | E        | E        | E        |                         |
|                                 | Conservation Easement  | C  | C        | C        | C        | C        | C        | C        | C        | C        | C        | C        | Section 9.19            |
|                                 | Cover Crops  | E  | E        | C        | C        | -        | -        | -        | -        | E        | E        | E        | Section 9.25            |
|                                 | Crop Production  | E  | E        | E        | -        | -        | -        | -        | -        | E        | E        | E        |                         |
|                                 | Horses and other non-commercial livestock on residential lots                                      | E  | E        | C        | -        | -        | -        | -        | -        | E        | -        | -        | Section 9.25            |
|                                 | Irrigation facilities  | P  | P        | P        | -        | -        | -        | -        | -        | P        | P        | P        |                         |
|                                 | Livestock for educational purposes as a Secondary use  | E  | E        | E        | -        | -        | -        | -        | -        | E        | E        | E        | Section 9.25            |
|                                 | Livestock sales  | C  | -        | -        | -        | -        | -        | -        | -        | -        | C        | P        |                         |
|                                 | <b>Poultry Hatchery</b>  | <b>P</b>   | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>-</b> | <b>C</b> | <b>P</b> |                         |
|                                 | Stockpiling of dead livestock, manure, or sludge   | C  | -        | -        | -        | -        | -        | -        | -        | -        | -        | -        |                         |
|                                 | Tree farms and forestry  | E  | E        | -        | -        | -        | -        | -        | -        | -        | E        | E        |                         |
| Vineyard                        | E  | E  | -        | -        | -        | -        | -        | -        | -        | E        | E        |          |                         |
| Agricultural Sales & Service    | Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for commercial use.   | C  | -        | -        | -        | -        | -        | -        | -        | C        | C        | C        |                         |
|                                 | Agricultural chemicals, fertilizer, anhydrous ammonia-storage & distribution for on-farm use.      | E  | -        | -        | -        | -        | -        | -        | -        | E        | E        | E        |                         |
|                                 | Agricultural Cooperative Production/Distribution Facility  | C  |          |          |          |          |          |          |          | C        | C        | C        | Section 9.05            |
|                                 | Agricultural feed mixing and blending (feed mill) and grain handling operations (retail/wholesale) | C  | -        | -        | -        | -        | -        | -        | C        | C        | C        | P        |                         |
|                                 | Agricultural implement & vehicle sales and service   | C  | -        | -        | -        | -        | -        | -        | C        | P        | P        | P        |                         |
|                                 | Agricultural research farm   | P  | -        | -        | -        | -        | -        | -        | -        | C        | P        | P        |                         |
|                                 | Agricultural seed sales (retail/wholesale)   | P  | -        | -        | -        | -        | -        | -        | C        | C        | P        | P        |                         |
|                                 | Equestrian centers and stables   | C  | -        | -        | -        | -        | -        | -        | -        | -        | C        | C        | Section 9.25            |
|                                 | Fertilizer Transmission Line   | C  | -        | -        | -        | -        | -        | -        | -        | -        | C        | C        |                         |
|                                 | Winery   | C  | C        | -        | -        | -        | -        | -        | C        | C        | C        | C        |                         |

E = Exempt from Permits  
P = Permitted  
C = Conditional Use Permit  
T = Temporary  
“-“ = not permitted

Overlay District and Floodplain regulations shall also be met.

| Use Category                | Use Type   | Land Use District |     |     |     |     |    |    |    |      |     |              | Additional Requirements       |
|-----------------------------|--|-------------------|-----|-----|-----|-----|----|----|----|------|-----|--------------|-------------------------------|
|                             |  | TA-1              | R-E | R-1 | R-2 | R-3 | RM | DC | GC | FLEX | H-1 | H-2          |                               |
| General Manufacturing       | Agricultural Processing and Manufacturing (other than Feed not otherwise provided) | C                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | P            | Section 9.05                  |
|                             | Electronics manufacturing  | -                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | P            | Section 9.05                  |
|                             | Machinery manufacturing  | -                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | P            | Section 9.05                  |
|                             | Millwork manufacturing   | -                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | P            | Section 9.05                  |
|                             | Musical instruments manufacturing  | -                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | P            | Section 9.05                  |
|                             | Tool, die, gauge and machine shops   | -                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | P            | Section 9.05                  |
| Food Processing             | Agricultural Processing of Food Products   | C                 | -   | -   | -   | -   | -  | -  | C  | C    | P   | P            | Section 9.05                  |
|                             | Bakery Products Manufacturing  | -                 | -   | -   | -   | -   | -  | C  | C  | C    | P   | P            | Section 9.05                  |
|                             | Beverage Blending and Bottling (Except Breweries)                                  | -                 | -   | -   | -   | -   | -  | C  | C  | C    | P   | P            | Section 9.05                  |
|                             | Butcher or Meat Locker with on-site slaughter                                      | C                 | -   | -   | -   | -   | -  | -  | C  | C    | P   | P            | Section 9.05                  |
|                             | Coffee, Tea and Spice Processing and Packaging                                     | -                 | -   | -   | -   | -   | -  | C  | C  | C    | P   | P            | Section 9.05                  |
|                             | Creamery and Dairy Operations  | -                 | -   | -   | -   | -   | -  | -  | -  | C    | P   | P            | Section 9.05                  |
|                             | Dairy Products Manufacturing   | -                 | -   | -   | -   | -   | -  | -  | -  | C    | P   | P            | Section 9.05                  |
| Egg Processing Plants       | -  | -                 | -   | -   | -   | -   | -  | -  | C  | P    | P   | Section 9.05 |                               |
| Mining & Excavation         | Brick, firebrick, and clay products manufacturing                                  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.05                  |
|                             | Monument & architectural stone manufacturing                                       | -                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.05                  |
|                             | Quarry or Sand/Gravel Pit  | C                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.18                  |
| Metal Manufacturing         | Agriculture machinery manufacturing  | -                 | -   | -   | -   | -   | -  | -  | C  | C    | P   | P            | Section 9.05                  |
|                             | Culvert manufacturing  | -                 | -   | -   | -   | -   | -  | -  | C  | C    | P   | P            | Section 9.05                  |
|                             | General metal manufacturing  | -                 | -   | -   | -   | -   | -  | C  | C  | C    | P   | P            | Section 9.05                  |
|                             | Welding  | -                 | -   | -   | -   | -   | -  | C  | C  | C    | P   | P            | Section 9.05                  |
|                             | Wire Rope and cable manufacturing  | -                 | -   | -   | -   | -   | -  | -  | -  | C    | P   | P            | Section 9.05                  |
| Manufacturing (High Hazard) | Bio-fuels and Distillation Manufacturing, including Ethanol                        | C                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | C            | Section 9.05 and Section 9.21 |
|                             | Data Center  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.24                  |
|                             | Distillery   | C                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.05 and Section 9.21 |
|                             | Grain Elevator and Commercial Storage Facilities                                   | C                 | -   | -   | -   | -   | -  | -  | C  | C    | P   | P            |                               |
|                             | Processing or storage of explosive material  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            |                               |
|                             | Rendering Plant  | C                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | C            | Section 9.05                  |
|                             | Sawmill/Lumber mill  | C                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.05                  |
|                             | Scrap or Salvage Operations/Yards  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | C            | Section 9.07                  |
|                             | Wind turbine manufacturing   | -                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | C            | Section 9.05                  |
| Wood Preservation Treatment | -  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | Section 9.05 |                               |
| Waste Handling              | Landfill, Construction Material  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | C            |                               |
|                             | Landfill, Solid Waste  | -                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | -            |                               |
|                             | Junkyard, Salvage Yard, or Wrecking Yard   | -                 | -   | -   | -   | -   | -  | -  | -  | -    | C   | C            | Section 9.07                  |
|                             | Recycling Center   | C                 | -   | -   | -   | -   | -  | -  | C  | C    | C   | C            |                               |
|                             | Recycling Processing   | C                 | -   | -   | -   | -   | -  | -  | -  | C    | C   | C            |                               |
|                             | Sanitary Transfer Station  | C                 | -   | -   | -   | -   | -  | -  | -  | -    | -   | C            |                               |

## **Section 5.08 TA-1 Transitional Agriculture District**

### 5.08.07 Supplemental Setbacks

1. The following uses shall be a minimum of 2,640 feet (1/2-mile) from any residential, ~~commercial, industrial,~~ or public use, as measured from the nearest point on the lot line.
  - A. Commercial auction yards or barns.
  - B. Commercial production and husbandry of poultry, fish, and small animals.
  - C. Commercial feedlots.
  - D. Mining and extraction of natural resources.
  - E. Feed mills.
  - F. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
  - G. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, ~~commercial, industrial,~~ or public use shall be located nearer than 2,640 feet (1/2-mile) to any existing use listed in Section 5.08.07(1) above (*reciprocal setback*).

## **Section 5.09 RE Residential Estates**

### 5.09.07 Supplemental Setbacks

1. The following uses shall be a minimum of 2,640 feet (1/2-mile) from any residential, commercial, industrial, or public use, as measured from the nearest point on the lot line.
  - A. Commercial auction yards or barns.
  - B. Commercial production and husbandry of poultry, fish, and small animals.
  - C. Commercial feedlots.
  - D. Mining and extraction of natural resources.
  - E. Feed mills.
  - F. Auto wrecking yards, junk yards, salvage yards, and scrap processing yards.
  - G. Storage and distribution of anhydrous ammonia, fuel, fertilizer, and other chemicals.
2. No new residential, commercial, industrial, or public use shall be located nearer than 2,640 feet (1/2-mile) to any existing use listed in Section 5.08.07(1) above (*reciprocal setback*).



PAID

DEC 19 2025

CITY OF DAVID CITY  
DAVID CITY UTILITIES

### DAVID CITY PLANNING COMMISSION

#### TYPE OF ACTION REQUESTED

Conditional Use \$100.00

Vacate request: alley, street, etc. \$50.00

Rezoning/Zoning Amendment \$150.00

#### LEGAL DESCRIPTION OF THE PROPERTY:

18 15 3 David City Lot 1 Tallow Acres Subdiv (1.86 AC)

#### DESCRIPTION OF THE PROJECT:

Process tallow (beef fat) to a ready-to-eat form, or for use in cosmetics

*Christa Emery*

Applicant's Signature

.....  
FOR CITY USE ONLY

Date received: 12/19/25

By: *Reuben Jones*

Fee Paid:  Yes \$ 100.00

No

Hearing Date: January 15th, 2026

Hearing Notice Published:  Yes  No

Adjoining Landowners Notified  Yes  No

Action Taken: \_\_\_\_\_

# PLANNING COMMISSION MEETING DATES FOR 2026

Saturdays, 8 a.m.  
City Office Meeting Room

January 10, 2026

February 14, 2026

March 14, 2026

April 11, 2026

May 9, 2026

June 13, 2026

July 11, 2026

August 8, 2026

September 12, 2026

October 10, 2026

November 14, 2026

December 12, 2026

## PLANNING COMMISSION OFFICERS

### **2017**

Chairman – James Masek  
Vice Chairman – Keith Marvin  
Secretary – George  
Cunningham

### **2018**

Chairman – James Masek  
Vice Chairman – Keith Marvin  
Secretary – Janis Cameron

### **2019**

Chairman – James Masek  
Vice Chairman – Keith Marvin  
Secretary – Janis Cameron

### **2020**

Chairman – James Masek  
Vice Chairman – Keith Marvin  
Secretary – Janis Cameron

### **2021**

Chairman – James Masek  
Vice Chairman – Keith Marvin  
Secretary – Janis Cameron

### **2022**

Chairman – James Masek  
Vice Chairman – Keith Marvin  
Secretary – Pam Kabourek

### **2023**

Chairman – James Masek  
Vice Chairman – Greg Aschoff  
Secretary – Pam Kabourek

### **2024**

Chairman – James Masek  
Vice Chairman – Greg Aschoff  
Secretary – Pam Kabourek

### **2025**

Chairman – James Masek  
Vice Chairman – Greg Aschoff  
Secretary – Pam Kabourek

### **2026**

Chairman –  
Vice Chairman –  
Secretary -