



PLANNING COMMISSION MEETING
MONDAY, September 21, 2020
City Council Chambers, 400 East Military Avenue, Fremont NE
5:00 P.M.

The Municipal Building is undergoing renovations to install a new elevator. The west side of the building is closed. Please enter through the east door. You can take the stairs to the second floor or access the elevator by going through the lobby.

Videoconference Meeting Participation Notice: In the interest of public health and safety, this meeting will also be conducted online through the Zoom link below. Citizens may also call into the meeting with the phone number below.

To request to make a comment during a public hearing, please press *9 to electronically raise your hand allowing the Chair to call on you.

Once called upon you will be notified that you are unmuted. Press *6 to unmute your phone and press *6 to mute your phone when you are finished speaking, or wait to be muted by the host.

Topic: Planning Commission 9.21.2020
Time: Sep 21, 2020 05:00 PM Central Time (US and Canada)

Join Zoom Meeting
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PLANNING COMMISSION MEETING
MONDAY September 21, 2020
City Council Chambers, 400 East Military Avenue, Fremont NE
PLANNING COMMISSION MEETING – 5:00 P.M.
AGENDA

1. Call to Order.
2. Roll Call.
3. Disclosure of Ex Parte communication regarding any item on the agenda.
4. Dispense with the reading and approve the minutes of the August 17, 2020 Meeting as prepared.
5. A request by David Mitchell for a special exception to Sections 11-615.03 and 11-812(d)(1 and 2) related to all weather surfacing and landscape buffering for a 15.62 acre property generally located at the northwest intersection of County Road S and US Highways 77 & 275. **The applicant has requested that this item be continued until the October 19, 2020 Planning Commission meeting.**
6. A request by Martunus Potgieter on behalf of Sweetwater Inc. for a Conditional Use Permit for soil excavation on approximately 10 acres of property generally located at the southwest corner of the Old Highway 8 cul-de-sac and Highway 275.
7. Update on Comprehensive Plan and UDC interviews.
8. Adjournment.

THIS MEETING WAS PRECEDED BY PUBLICIZED NOTICE IN THE FREMONT TRIBUNE, THE AGENDA DISPLAYED IN THE LOBBY OF THE MUNICIPAL BUILDING AND POSTED ONLINE AT WWW.FREMONTNE.GOV IN ACCORDANCE WITH THE NEBRASKA OPEN MEETINGS ACT, A COPY OF WHICH IS POSTED CONTINUALLY IN THE COUNCIL CHAMBERS FOR PUBLIC INSPECTION, AND SAID MEETING IS OPEN TO THE PUBLIC. A COPY OF THE AGENDA WAS ALSO KEPT CONTINUALLY CURRENT AND AVAILABLE TO THE PUBLIC IN THE PRINCIPLE OFFICE OF THE DEPARTMENT OF PLANNING, 400 EAST MILITARY AVENUE. THE PLANNING COMMISSION RESERVES THE RIGHT TO ADJUST THE ORDER OF ITEMS ON THIS AGENDA.

PLANNING COMMISSION MINUTES

August 17, 2020
5:00 p.m. Meeting

Chairman Dev Sookram called the regular meeting to order at 5:00 p.m. He stated that a copy of the Open Meetings Act is posted continually for public inspection located near the entrance door by the agendas. Roll call showed Chairman Sookram and Commissioners, Nielsen, Gifford, Landholm, Lathrop, Borisow, Carlson, Sawyer, and Horeis present. All Nine Commissioners present – a quorum was established.

Chairman Sookram read the item: disclosure of Ex Parte communication regarding any item on the agenda into the record. None of the commissioners disclosed any ex parte contacts.

Chairman Sookram read the item: dispense with the reading of the minutes of the July 20, 2020 meeting. Commissioner Nielsen made a motion to approve the minutes as prepared. Commissioner Gifford seconded the motion. By a roll call vote, Borisow, Gifford, Lathrop, Nielsen, Carlson, Sawyer, Sookram, Landholm and Horeis voted in favor. The motion carried 9-0.

Chairman Sookram read the item: A request by Jerry Nelson on behalf of PCD, LLC, also known as Sid Dillon Chevrolet, for a Conditional Use Permit to expand a Non-standard Use to construct a canopy over the existing sales lot north of the main building on property legally described as Lot 4 Heartland Addition, generally located at 2405 N Luther Rd. Commissioner Gifford recused himself from this item. City Planner Jennifer Dam presented her staff report. Chairman Sookram opened the public hearing. One person spoke in favor of the Conditional Use Permit. Chairman Sookram closed the public hearing. Commissioner Landholm made a motion to recommend approval of the Conditional Use Permit and Commissioner Sawyer seconded the motion. By roll call vote, Borisow, Sawyer, Lathrop, Nielsen, Sookram, Carlson, Horeis and Landholm voted in favor. Commissioner Gifford abstained. The motion carried 8-0.

Chairman Sookram read the item: A request by Jerry Nelson on behalf of SCD, LLC, also known as Sid Dillon Chevrolet, for a Conditional Use Permit to expand a Non-standard Use to construct a canopy over the existing sales lot east of the main building on property legally described as Lot 5 Heartland Addition, generally located at 2500 East 23rd St., Commissioner Gifford recused himself. Planning Director Jennifer Dam presented her staff report. Chairman Sookram opened the public hearing. One person spoke in favor of recommending the motion. Chairman Sookram closed the public hearing. Commissioner Sawyer made a motion to recommend approval. Commissioner Nielsen seconded the motion. By a roll call vote Nielsen, Lathrop, Sawyer, Borisow, Landholm, Carlson, Horeis and Sookram voted in favor. Commissioner Gifford abstained Motion carried 8-0.

Commissioner Gifford joined the meeting again. Chairman Sookram read the item: A request by Stephen Dodd on behalf of RD Leasing, LLC, for the Howard Court Preliminary Plat consisting of 16 lots on property legally described as Lot 3, Morningside Industrial Park Subdivision, generally located north of Morningside Rd and west of Howard Street. Planning Director, Jennifer Dam presented her staff report. Chairman Sookram opened the public hearing. One person spoke in favor of the Conditional Use Permit. Chairman Sookram closed the public hearing. Commissioner Gifford made a motion to approve and Commissioner Horeis seconded the motion. By a roll call vote, Borisow, Gifford, Sawyer, Nielsen, Lathrop, Landholm, Carlson, Horeis and Sookram voted in favor of the motion. 9-0 Motion carried.

Chairman Sookram read the item: A request by Stephen Dodd on behalf of RD Leasing, LLC for the Howard Court Final Plat consisting of 16 lots on property legally described as Lot 3, Morningside Industrial Park Subdivision, generally located north of Morningside Rd and west of Howard Street. Planning Director, Jennifer Dam presented her staff report.. Chairman Sookram opened the public hearing. Having no public comment or discussion Chairman Sookram closed the public hearing. Commissioner Nielsen made a motion recommending approval. Commissioner Sawyer seconded the motion. By a roll call vote, Borisow, Lathrop, Landholm, Gifford, Sawyer, Carlson, Nielsen, Horeis and Sookram voted in favor of the motion. 9-0 Motion carried.

Chairman Sookram stated he would entertain a motion to adjourn the meeting. It was moved by Commissioner Landholm and seconded by Commissioner Sawyer to adjourn the meeting. By roll call vote, Nielson, Landholm, Sookram, Sawyer, Lathrop, Borisow Gifford, Horeis and Carlson all voting aye. The motion carried 9-0. Meeting was adjourned at approximately 5:33 p.m.

APPROVED

Dev Sookram, Chairman

ATTEST

Jennifer Dam, Director of Planning

From: [Dave Mitchell](#)
To: [Dam, Jennifer](#)
Cc: [Dave Mitchell](#); jlarsen57@gmail.com; doddeng1@gmail.com; jnelson@ailincoln.com
Subject: Larsen Intl./Haseman Application
Date: Wednesday, September 16, 2020 9:54:51 AM

Good Morning Jennifer—Larsen Intl. is continuing to finalize its proposed site plan and landscape plan. Would you please lay over the hearing on my application on their behalf to relax the UDC hard surfacing and landscaping requirements to next month? Thank you--Dave

David C. Mitchell
Yost Schafersman Lamme Hillis Mitchell
Schulz & Hartmann PC
81 West 5th St. Fremont, NE 68025
C-402-720-0579
O-402-721-6160
www.yostlawfirm.com

This message is confidential. If you received it in error, please delete it immediately and notify us of the error. Thank you.

Staff Report

TO: Planning Commission
FROM: Jennifer L. Dam, AICP, Planning Director
DATE: September 21, 2020
SUBJECT: Request for a Conditional Use Permit

RECOMMENDATION: Approval conditioned upon receipt of a Flood Plain Development Permit, State approval of the SWWP, and expiration upon completion of the beltway project.

Background:

This is a request by Martunus Potgieter of Graham Construction on behalf of Sweetwater Inc. for a Conditional Use Permit for soil excavation.

The excavated soil will be used in the construction of the SE Beltway.

The final result will be a building site and a lake on the 10 acre parcel. An administrative subdivision will be required if the owner intends to subdivide the building site and lake.

The proposal is on property generally located south of Old Highway 8, southwest of Highway 275.

The area is zoned R, Rural and has been used as agricultural land. The area to the north and west is developed with acreages. The area to the east is Highway 275 and agricultural land.

The property is within the flood plain zone AO2. A flood plain development permit is required.

The site will be restored to a similar condition as it is today with the addition of a lake upon the completion of the project.

A copy of the Storm Water Pollution Prevention Plan (SWPPP) has been submitted to the state and a copy is on file in the Planning Department.

Section 11-504.04 specifies the requirements for Extractive Industry.

The proposed use is more than 1,000 feet from the SR, AR, UR, MH, SC, GC, DC, BP, AV and CU zoning districts.

Primary access to the site will be internal and along the beltway right of way to facilitate the construction of the beltway.

The applicant has submitted a SWPPP plan to address storm water run-off, best management practices for erosion control, a future lake, potential hazards, and restoration of the site.

11-316.05.B Identifies criteria for approval of a Conditional Use Permit.

11-316.05.B.1 states that “the conditional use shall not be of a type that would tend to undermine the implementation of an adopted plan that includes the lot or tract proposed for development.”

Finding: The proposed excavation will be used as fill to construct the south beltway.

11-316.05.B.2 states “The conditional use shall be compatible with surrounding land uses and the natural environment, and will not materially detract from the character of the immediate area or negatively affect the planned or anticipated development or redevelopment trajectory.”

Finding: The proposed use is compatible with the surrounding area. Excavation sites have been permitted to the south west. A lake exists to the north of the residential development north of Old Highway 8 that was created when Highway 275 was constructed.

11-316.05.B.3 states “There is no practicable alternative location where the use is permitted as-of-right within 1,000 feet of the lot or tract proposed for development, or if such a location exists, the proposed location is more favorable in terms of: a) providing a needed community service; b) providing a critical mass of jobs that are likely to pay more than the median wages for the region; c) providing a balance of land uses, ensuring that appropriate supporting activities, such as employment, housing, leisure-time, and retail centers are in close proximity to one another; or d) making more efficient use of public infrastructure, such as off-peak street capacity.”

Finding: The excavation site is in the vicinity of the south bypass so that heavy truck traffic on the roads will be minimized.

11-316.06.B.4 states “The approval of the conditional use will not create a critical mass of similar conditional uses that is likely to discourage permitted uses by making the area less desirable.”

Finding: The proposal will not make the area less desirable, the future lake may make the area more desirable.

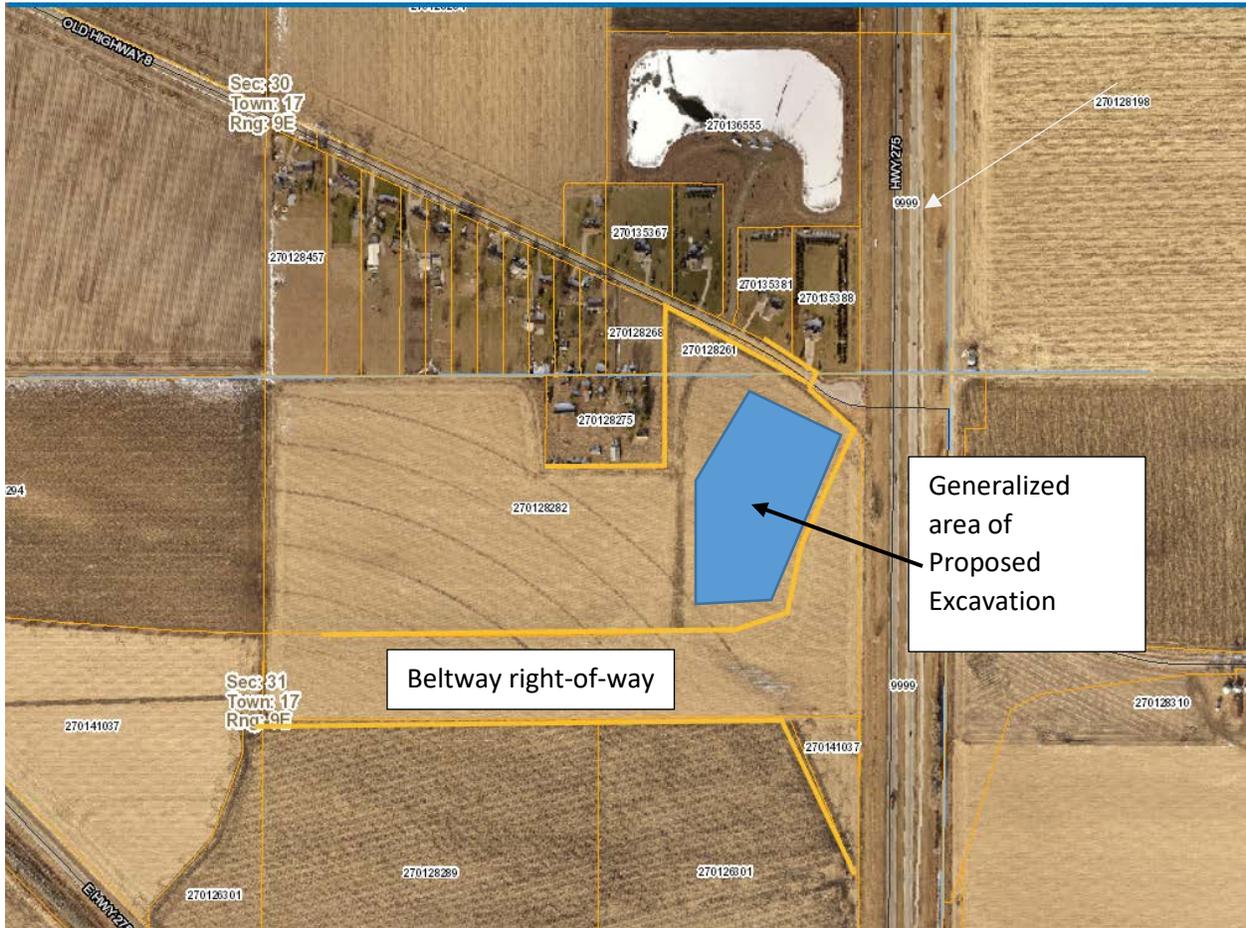
11-316.06.B.5 states “The conditional use and any conditions of development shall adequately protect public health and safety against natural and man-made hazards which include, but are not limited to, traffic noise, water pollution, airport hazards, and flooding.”

Finding: A flood plain development permit is required. There should be minimal traffic noise as construction activity will be primarily on site. The site is not in an airport zone. Water pollution should not be an issue, a SWPPP has been submitted to the state.

11-316.06.B.6 states "The conditional use will not use an unfairly disproportionate share of public services that would compromise the delivery of those services to other uses in the vicinity. Applicable public services include, but are not limited to, utilities, police protection, fire protection, schools, parks, and libraries."

Finding: The proposed use will not compromise or use a disproportionate share of public services.

Vicinity Map



Untitled Map

Write a description for your map.

Exhibit "A"

Legend

 Polygon Measure

Building
Site
3.0 A

7.0 A
LAKE

ROW

25
275



500 ft

- **Fremont SE Beltway**

Version 1.0



Prepared for:
Fremont City Planning

Prepared by:
Graham Construction Inc

September 2020

Table of Contents

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NO TABLE OF FIGURES ENTRIES FOUND.

FREMONT SE BELTWAY

September 2020

1.0 Borrow site overview

The borrow site is located north of the new Fremont SE Beltway, west of the new 275 Expressway. The owner is Sweetwater Inc. Graham propose to purchase a minimum of 250,000 CY from Sweetwater Inc up to a total estimated quantity of 300,000 CY. Currently the site is used for agricultural use.

1.1 KEY POINTS FOR BORROW SITE SELECTION

1.1.1 Traffic impacts

The total fill required for the section between OLD 275 and NEW 275 Expressway is approximately 360,000CY. Included in this quantity is approximately 60,000 CY of cohesive material not in sufficient quantities available within the Sweetwater borrow site. Portions of this quantity will require on road truck haul to site.

Using 20 CY per load, the borrow site reduces the amount of truck traffic significantly.

$360,000 \text{ CY} / 20 \text{ CY} = 18,000 \text{ Loads}$ or 100 days (5 months) hauling 180 loads per day.

With the borrow site:

$60,000 \text{ CY} / 20 \text{ CY} = 3,000 \text{ Loads}$ or 17 days (1 month) hauling 180 loads per day.

This reduce the duration of on road truck traffic by 4 months to complete the embankment fill. A significant reduction in truck traffic and associated impact to the general public.

1.1.2 Noise

Construction noise will include the following:

- 1.) Heavy equipment
- 2.) On highway trucks

By using the borrow site, daily production will increase from 3,600 CY per day to approximately 8,000 CY per day. Reducing the duration of construction noise by approximately 45 days or two months.

1.1.3 Storm water run off

The site drains naturally towards the NDOT ROW. Since the borrow site is excavating, water will drain towards the borrow site or towards the NDOT ROW. Attached is our Erosion control Plans for the NDOT Fremont SE Beltway section adjacent to the borrow site. Graham follows BMP's for the whole project.

FREMONT SE BELTWAY

September 2020

1.1.4 Topsoil

Topsoil will be removed prior to excavation of the borrow site and stockpiled. Once the borrow site is completely excavated, the topsoil will be respreads. Landscaping with seeding and planting will be completed by Sweetwater Inc.

1.2 PONDING WATER

The excavation will proceed below the water table so the borrow site will have standing water on completion of the excavation. The excavation will be sloped to 33% or better to establish safe slopes on all sides.

2.0 Safety Implications and Controls

2.1 BORROW SITE SAFETY SETUP

Graham will install signage on the north site of the borrow site as indication on the attached plan. Safety berms will also be installed on both the north and west side of the borrow site while excavation is in progress.

2.2 SAFETY IMPLICATION DURING CONSTRUCTION

The impact to the general public is a significant reduction on highway trucks on all the roads in the area. Graham will access for mobilization from OLD 275 and use off road equipment. The Fremont SE Beltway project once complete is a key bypass south of town linking HWY 77 and the new 275 Expressway. During Phase 1, the construction of this section of the Beltway allows for access to Downing Street once complete off the 275 Expressway.

FREMONT SE BELTWAY

September 2020

Appendix A Site Plan

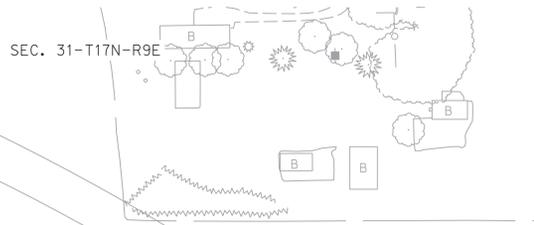


ROADWAY DESIGN DIVISION.

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DOWNING STREET TO US-275 INTERCHANGE SEGMENT

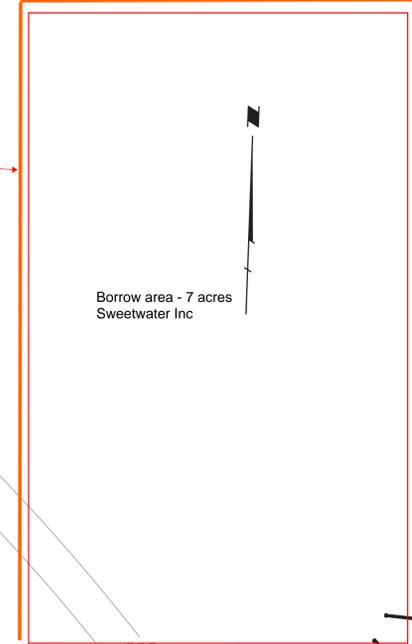
1
PHASE 1B
CONSTRUCTION SHALL EMPHASIZE COMPLETION OF US-77 FROM DOWNING STREET TO OLD HWY 275 CONNECTOR, INCLUDING UPRR BRIDGE. OPEN TO TRAFFIC FROM DOWNING STREET TO OLD HWY 275 ON BELTWAY.

B
C
PHASE 1C
US-275 BRIDGE WILL INCLUDE OVERNIGHT CLOSURES FOR GIRDER CONSTRUCTION. DETOUR ROUTE: N-36, OLD HWY 275, MORNINGSIDE. DETOUR ROUTE TO BE COORDINATED WITH CITY OF FREMONT AND DODGE COUNTY.

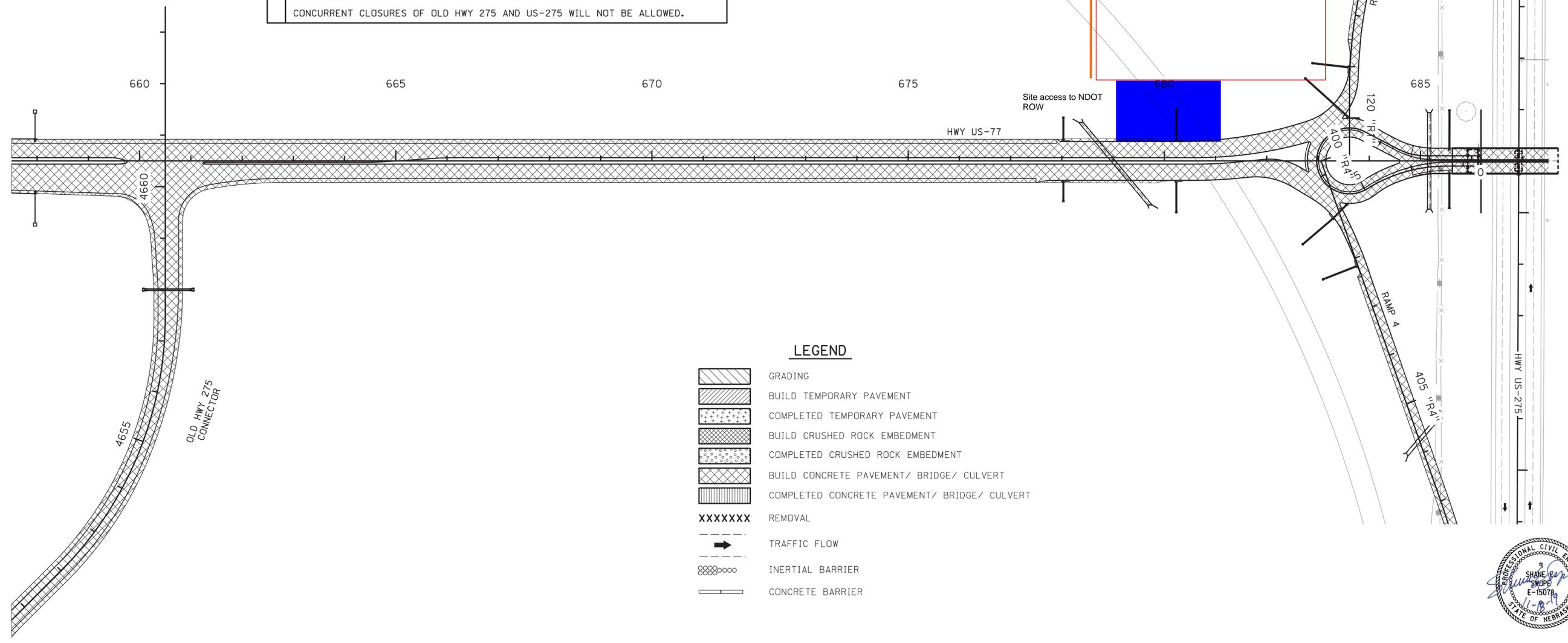
CONCURRENT CLOSURES OF OLD HWY 275 AND US-275 WILL NOT BE ALLOWED.



Open Excavation Signs



Safety Berm



LEGEND

- GRADING
- BUILD TEMPORARY PAVEMENT
- COMPLETED TEMPORARY PAVEMENT
- BUILD CRUSHED ROCK EMBEDMENT
- COMPLETED CRUSHED ROCK EMBEDMENT
- BUILD CONCRETE PAVEMENT/ BRIDGE/ CULVERT
- COMPLETED CONCRETE PAVEMENT/ BRIDGE/ CULVERT
- XXXXXXX** REMOVAL
- TRAFFIC FLOW
- INERTIAL BARRIER
- CONCRETE BARRIER

SEC. 31-T17N-R9E



PHASE 1, CONSTRUCTION PHASING

Untitled Map

Write a description for your map.

Exhibit "A"

Legend

Polygon Measure

25
275

Type D Buffer

33% Slope all sides

Building site
3.0 A

7.0 A
LAKE

ROW



500 ft

FREMONT SE BELTWAY

September 2020

Appendix B NDOT Fremont SE Beltway Erosion Plans

BUILD SILT CHECKS, SPECIAL PLAN 21C						
STATION TO	STATION	SIDE	SPACING	TYPE	LIN. FT. EACH	TOTAL LIN. FT.
678+10.00	- 678+54.00	Lt.	-	1-High	Varies	90
679+58.00	- 683+45.00	Rt.	25'	1-High	Varies	588
679+37.00	- 683+22.00	Lt.	25'	1-High	Varies	505
683+90.00	- 686+15.00	Lt.	25'	1-High	Varies	873
684+24.00	- 686+17.00	Rt.	25'	1-High	Varies	587
687+68.00	- 688+00.00	Lt.	25'	1-High	Varies	60
687+68.00	- 688+00.00	Rt.	25'	1-High	Varies	41

BUILD CURB INLET PROTECTION, SPECIAL PLAN 22C			
STATION	SIDE	DESCRIPTION	LIN. FT.
678+03.00	Lt.	Curb Inlet Protection	15
678+03.00	Rt.	Curb Inlet Protection	15
680+23.00	Lt.	Curb Inlet Protection	15
680+23.00	Rt.	Curb Inlet Protection	15

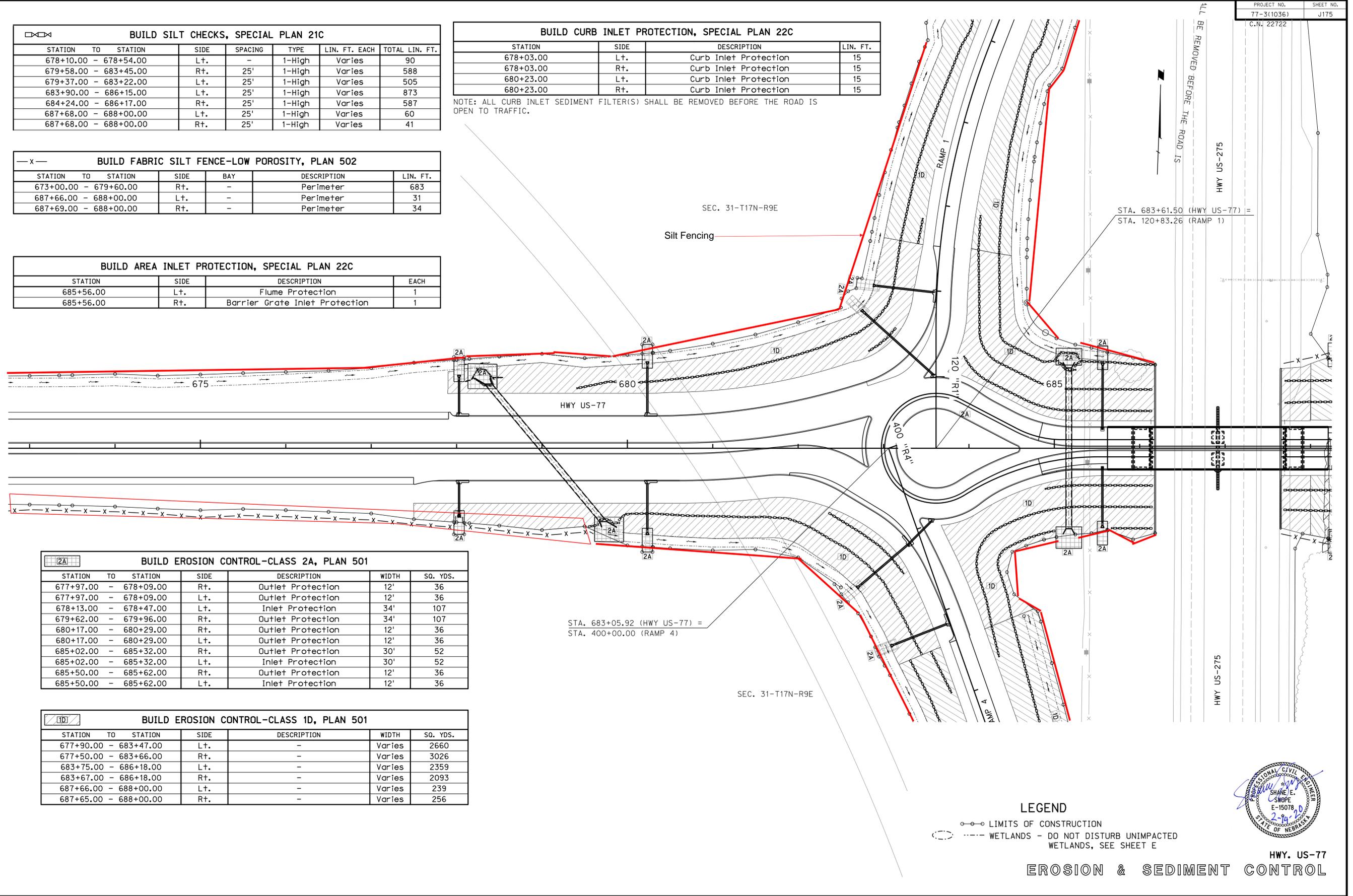
NOTE: ALL CURB INLET SEDIMENT FILTER(S) SHALL BE REMOVED BEFORE THE ROAD IS OPEN TO TRAFFIC.

BUILD FABRIC SILT FENCE-LOW POROSITY, PLAN 502					
STATION TO	STATION	SIDE	BAY	DESCRIPTION	LIN. FT.
673+00.00	- 679+60.00	Rt.	-	Perimeter	683
687+66.00	- 688+00.00	Lt.	-	Perimeter	31
687+69.00	- 688+00.00	Rt.	-	Perimeter	34

BUILD AREA INLET PROTECTION, SPECIAL PLAN 22C			
STATION	SIDE	DESCRIPTION	EACH
685+56.00	Lt.	Flume Protection	1
685+56.00	Rt.	Barrier Gate Inlet Protection	1

BUILD EROSION CONTROL-CLASS 2A, PLAN 501						
STATION TO	STATION	SIDE	DESCRIPTION	WIDTH	SQ. YDS.	
677+97.00	- 678+09.00	Rt.	Outlet Protection	12'	36	
677+97.00	- 678+09.00	Lt.	Outlet Protection	12'	36	
678+13.00	- 678+47.00	Lt.	Inlet Protection	34'	107	
679+62.00	- 679+96.00	Rt.	Outlet Protection	34'	107	
680+17.00	- 680+29.00	Rt.	Outlet Protection	12'	36	
680+17.00	- 680+29.00	Lt.	Outlet Protection	12'	36	
685+02.00	- 685+32.00	Rt.	Outlet Protection	30'	52	
685+02.00	- 685+32.00	Lt.	Inlet Protection	30'	52	
685+50.00	- 685+62.00	Rt.	Outlet Protection	12'	36	
685+50.00	- 685+62.00	Lt.	Inlet Protection	12'	36	

BUILD EROSION CONTROL-CLASS 1D, PLAN 501						
STATION TO	STATION	SIDE	DESCRIPTION	WIDTH	SQ. YDS.	
677+90.00	- 683+47.00	Lt.	-	Varies	2660	
677+50.00	- 683+66.00	Rt.	-	Varies	3026	
683+75.00	- 686+18.00	Lt.	-	Varies	2359	
683+67.00	- 686+18.00	Rt.	-	Varies	2093	
687+66.00	- 688+00.00	Lt.	-	Varies	239	
687+65.00	- 688+00.00	Rt.	-	Varies	256	



ROADWAY DESIGN DIVISION
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LEGEND

- LIMITS OF CONSTRUCTION
- WETLANDS - DO NOT DISTURB UNIMPACTED WETLANDS, SEE SHEET E



**HWY. US-77
EROSION & SEDIMENT CONTROL**

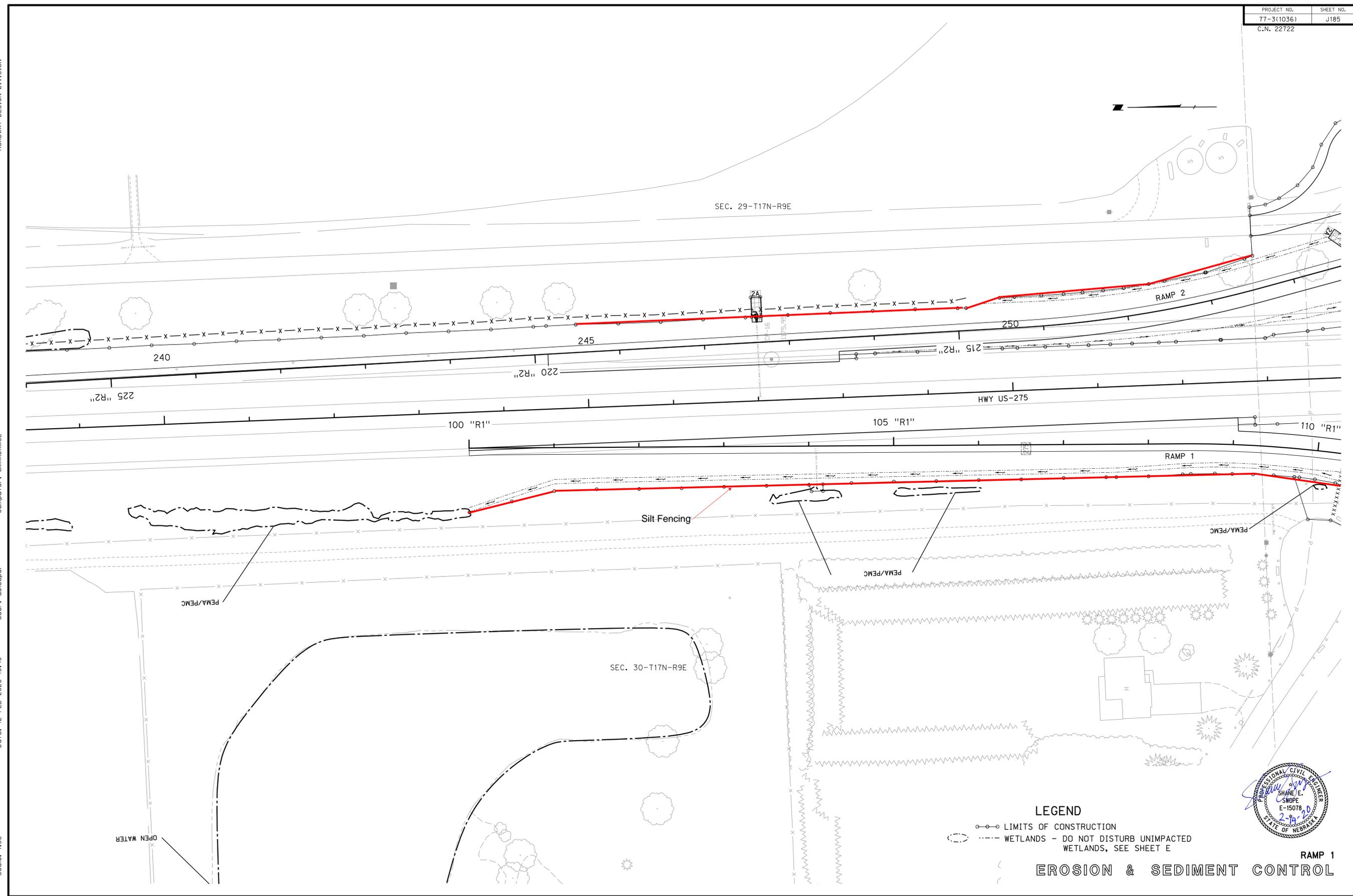
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- LEGEND**
- LIMITS OF CONSTRUCTION
 - WETLANDS - DO NOT DISTURB UNIMPACTED WETLANDS, SEE SHEET E

EROSION & SEDIMENT CONTROL

RAMP 1



SEC. 32-T17N-R9E

SEC. 31-T17N-R9E

BUILD CURB INLET PROTECTION, SPECIAL PLAN 22C

STATION	SIDE	DESCRIPTION	LIN. FT.
119+02.00	Rt.	Curb Inlet Protection	15
119+98.00	Rt.	Curb Inlet Protection	7

NOTE: ALL CURB INLET SEDIMENT FILTER(S) SHALL BE REMOVED BEFORE THE ROAD IS OPEN TO TRAFFIC.

BUILD SILT CHECKS, SPECIAL PLAN 21C

STATION	TO STATION	SIDE	SPACING	TYPE	LIN. FT. EACH	TOTAL LIN. FT.
114+74.00	- 118+46.00	Rt.	25'	1-High	Varies	409
114+12.00	- 118+49.00	Lt.	25'	1-High	Varies	458

BUILD FABRIC SILT FENCE-HIGH POROSITY, PLAN 502

STATION	TO STATION	SIDE	BAY	DESCRIPTION	LIN. FT.
113+68.00		Rt.	-	Inlet Protection	58

BUILD EROSION CONTROL-CLASS 1D, PLAN 501

STATION	TO STATION	SIDE	DESCRIPTION	WIDTH	SO. YDS.
113+00.00	- 113+67.00	Lt.	-	Varies	144
113+08.00	- 113+30.00	Rt.	-	Varies	54
113+49.00	- 118+48.00	Rt.	-	Varies	1870
113+76.00	- 118+50.00	Lt.	-	Varies	1663

BUILD EROSION CONTROL-CLASS 2A, PLAN 501

STATION	TO STATION	SIDE	DESCRIPTION	WIDTH	SO. YDS.
113+31.00	- 113+54.00	Rt.	Outlet Protection	25'	91
113+52.00	- 113+75.00	Lt.	Inlet Protection	25'	91
118+92.00	- 119+03.00	Rt.	Outlet Protection	12'	36
119+25.00	- 119+32.00	Rt.	Outlet Protection	12'	34

LEGEND

--- LIMITS OF CONSTRUCTION

--- WETLANDS - DO NOT DISTURB UNIMPACTED WETLANDS, SEE SHEET E



RAMP 1
EROSION & SEDIMENT CONTROL

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 Computer: OMAADAMSE
 ROADWAY DESIGN DIVISION