

FACTSHEET

TITLE: **CHANGE OF ZONE NO. 07010**, from AG Agricultural District to AGR Agricultural Residential District, requested by Steve M. Champoux, on property generally located at 134th Street and "A" Street, ½ mile south of "O" Street.

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 03/14/07
Administrative Action: 03/14/07

STAFF RECOMMENDATION: Denial.

RECOMMENDATION: Denial (6-3: Cornelius, Sunderman, Esseks, Krieser, Taylor and Carlson voting 'yes'; Carroll, Strand and Larson voting 'no').

FINDINGS OF FACT:

1. This is a request to rezone approximately 125.51 acres, more or less (124.02 net), from AG Agricultural District to AGR Agricultural Residential District, located at the northwest corner of 134th & "A" Streets, with the intent to develop acreages.
2. The staff recommendation to deny this change of zone request is based upon the "*Analysis*", as set forth on p.5-6, concluding that the change of zone is not in conformance with the 2030 Comprehensive Plan; is not consistent with the development pattern in the area; and would contribute to acreage sprawl. The existing zoning is appropriate, with a 49-lot Community Unit Plan in place with 7 lots approved on this parcel and 42 lots approved on the Crooked Creek golf course area, in addition to the golf course.
3. The water report submitted by the applicant is found on p.23-36.
4. The staff presentation is found on p.8.
5. Testimony on behalf of the applicant by Peter Katt and Mike Eckert is found on p.8-10. Mr. Katt contended that "grouping" is important as acreages are located in the county, and that this applicant should not be penalized because there is no performance standard point system in place for siting and selecting acreage areas. The additional information submitted by Mr. Katt in support of his testimony is found on p.37-42.
6. Robert Batcher testified in opposition on behalf of a group of land owners and home owners in the area (See letter and petition bearing 14 signatures, p.43-44). The issues of the opposition include water quantity and quality, sewage treatment system, property taxes, construction in the floodplain and increased traffic.
7. The applicant pointed out that the water report clearly indicates that water is plentiful in the area; that the layout would cluster smaller lots and require a community system; that there will be no attempt to fill or construct in the floodplain; and that, through the community unit plan process, the applicant is prepared to commit to paving 134th Street past the golf course and to pave to the entrance of the development.
6. On March 14, 2007, the majority of the Planning Commission agreed with the staff recommendation and voted 6-3 to recommend denial (See Minutes, p.12-13); Carroll, Strand and Larson dissenting.

FACTSHEET PREPARED BY: Jean L. Walker

DATE: April 2, 2007

REVIEWED BY: _____

DATE: April 2, 2007

REFERENCE NUMBER: FS\CC\2007\CZ.07010

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for March 14, 2007 PLANNING COMMISSION MEETING

PROJECT #: Change of Zone No. 07010

PROPOSAL: Change of zone from AG Agriculture to AGR Agriculture Residential

LOCATION: 134th Street and A Street, ½ mile south of “O” Street

LAND AREA: 125.51 acres more or less (124.02 net)

EXISTING ZONING: AG with a Community Unit Plan

CONCLUSION: Not in conformance with the 2030 Comprehensive Plan. Not consistent with the development pattern of the area. Contributing to acreage sprawl. The existing zoning is still appropriate. An existing 49 lot Community Unit Plan is in place with 7 lots approved on this parcel and 42 lots approved on the Crooked Creek golf course area, in addition to the golf course.

RECOMMENDATION:	Denial
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GENERAL INFORMATION:

LEGAL DESCRIPTION: Lot 10, Irregular Tract in the SE 1/4 of Section 29, T10N, R8E, Lancaster County Nebraska.

EXISTING LAND USE: Ag land with the waste treatment facility for Crooked Creek, an existing AG/AGR Community Unit Plan.

SURROUNDING LAND USE AND ZONING:

North: Crooked Creek Golf Course, zoned AGR with a CUP
South: farmland and some acreages, zoned AG
East: farmland, zoned AG
West: farmland and the Boy Scouts camp, zoned AG. East Beltway Corridor.

ASSOCIATED APPLICATIONS: None

HISTORY: In October 2002, Change of Zone 147 was withdrawn from the County Board pending list.

A Planning Commission public hearing on Change of Zone #147/2930 from AG to AGR on this lot was held on August 30, 1995 and the application was deferred for continued public hearing and action after the County Comprehensive Plan Task Force report. On February 12, 1997 the Planning Commission held continued public hearing and voted to deny the application. On February 26, 1997 the Planning Commission voted to reconsider and put this item on pending until a plat could be submitted. At one time this was included in the Iron Horse/Crooked Creek Golf Course application but was not part of the approved golf course special permit.

In June 1976 the County Board approved Walton Meadows Preliminary Plat and Community Unit Plan (under the AA Rural and Public Use zoning at that time the minimum lot size was 1 acre). In October 1978 a Final Plat of Walton Meadows was submitted on this parcel but not completed through the County Board. In June 1982 the County Board amended the Subdivision regulations to limit the effective period of an approved preliminary plat to 10 years, so the Walton Meadows Plat has expired.

Changed from AA Rural and Public Use to AG Agriculture during the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: This shows as Agriculture and Green Space on the Future Land Use map. This is in Tier II. Applicable language in the Plan is as follows;

The land use plan for Lincoln and Lancaster County contains several general categories of land use types that are listed below. The maps displaying the land use plan are but one aspect of the Comprehensive Plan. The entire Comprehensive Plan should be referenced and considered when viewing the land use plan maps and for judging the appropriateness of the land uses they may display. Agricultural: Land principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silviculture, aquaculture) on site. Pg 16

Tier II: An area of approximately 70 square miles intended to serve the following purposes: (1) to define the geographic area the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and; (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas, Tier II should also remain in its present use in order to provide for future urban development. Pg 23 (underline added)

Currently, acreage development has occurred under two development scenarios: AG -Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. Pg 70

Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the number of potential conflict points between farm operations and acreages.

Preserve areas for the future growth of incorporated towns. In accordance with town plans, preserve additional areas in agricultural use, outside of the town's current one mile zoning, for future town growth.

Direct and support residential, commercial and industrial growth in incorporated towns.

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, number of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met.

New urban acreage development is not encouraged in the Plan Vision Tier I areas for Lincoln, except for areas already zoned, previously designated for acreages or under development, in order to provide areas for future urban growth and to minimize the impact on new acreage development. This will reduce the number of acreage homeowners who would be impacted by annexation in the future. Even though acreages can be designed with infrastructure to city standards, there is still an impact on acreage owners and their families during annexation in terms of changes in school district, the character of the surrounding area and financial implications. Impacts to the acreage homeowners and to the City of Lincoln can be avoided by locating acreages in areas outside of the Tier I areas. Pg 70

These principles are embodied in the following Acreage Development Policy.

Retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres) for all agriculturally zoned land. Provide more bonuses and a lower threshold size (not below nominal 40 acres) for the proven technique of "cluster" development using the Community Unit Plan. This technique has been successful in providing flexibility while preserving both farmland and environmental resources at the same time.

Development of a performance standard system will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient attributes can be accumulated to justify the development at the requested location.

New 'urban acreage' development should only be permitted in Tier II and Tier III areas of Lincoln and near towns under higher design standards based upon a "build-through" model and without use of sanitary improvement districts. The "build-through" design standards should address, along with other items deemed necessary by the study; a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;

a lot layout that meets the various elements of the Comprehensive Plan; and

a development agreement that runs with the land and acknowledges that the acreage development (I) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate. Pg71

STRATEGIES FOR RURAL AREAS

- * Town plans should be acknowledged in the Comprehensive Plan.
- * The Comprehensive Plan should acknowledge the "Right to Farm."
- * Increase incentive bonuses for environmental and historic resources.
- * Pursue expansion of the cluster provisions to include non-contiguous property or a Transfer of Development Rights technique.
- * Use GIS data, and other sources, to help develop performance standards for determining land usages (e.g adopted county zoning policy criteria).
- * Acreages shown (designated as Low Density Residential in 1994 Comprehensive Plan), platted or zoned AGR (Agricultural Residential) shall remain. pg 73

UTILITIES: This is in the Lancaster County Rural Water District. This is in the Norris Public Power District.

TOPOGRAPHY: Gently rolling, draining to the northwest. (Steven Creek)

TRAFFIC ANALYSIS: "A" Street and South 134th street are local county roads. 134th is paved from "O" to the golf course maintenance building drive and is gravel adjacent to this property, "A" Street is gravel.

PUBLIC SERVICE: This is in the Southeast Rural Fire District (Stations at 77th and Pine Lake and at 84th and Holdrege, providing Basic Life Support) and the Waverly Public School district.

REGIONAL ISSUES: The Walton trail abuts the north of this parcel. Continued proliferation of unplanned for acreages is an issue in the sense of development occurring where it is unanticipated and infrastructure is not in place to support it.

ENVIRONMENTAL CONCERNS: There are no identified historic or ecological resources at this location. The soil rating of this site is 4.31 on a scale of 1 to 10, where 1 to 4 are prime ag land. There is floodplain and floodway present on about the west 5 to 10% of the land.

AESTHETIC CONSIDERATIONS: na

ALTERNATIVE USES: An existing CUP and preliminary plat is approved for 7 lots. Farming or 6 20+ acre parcels.

ANALYSIS:

1. This request is for a change from AG Agriculture zoning to AGR Agriculture Residential on a 124 acre (net) parcel of land at the northwest corner of 134th and A Street.
2. The intent is to develop acreages. The zoning would give approximately 33 dwelling units. A Community Unit Plan on this parcel, using the 40% bonus could yield 48 units.
3. This parcel is shown as Agriculture/Tier II in the Comprehensive Plan maps. It is surrounded by land shown as Agriculture and Green Space to the north. It is not in conformance with the Plan. Other areas are already zoned AGR, and the bulk of the county land is available under AG zoning and utilizing CUP's and the "2 - 3's per 40" cluster provisions for appropriate and adequate acreage development.
4. The attached water report (from the 1997 application) indicates adequate water quantity and quality .
5. The East Beltway corridor abuts the west lot line of this application.
6. If approved this could allow up to 48 dwellings, which is contrary to the adopted plans of the City and County. This development will not generate revenue to the city from impact fees, construction sales tax, property tax, or wheel tax, but the increased density will increase pressure on the County to pave gravel roads with county wide property taxes, the bulk of which are paid by city property owners. A recent report by the Planning Department noted 10 to 14% of new single family permits in the last five years had been occurring in unincorporated areas outside the City Limits, which is twice the percentage provided for in the Comprehensive Plan. A more than adequate supply of acreage lots is being made available through platting of land zoned AGR and AG through CUPs and 40 acre cluster provisions. Even with build-through, this is contributing to acreage urban sprawl and reinforcing requests to strip "A" and 134th with acreage development.
7. Continued approvals that are not in accordance with the Plan encourage speculation and other requests and undermine the application and validity of the Plan itself.
8. Some acreage review issues can be addressed in this report:
 - a) Water/rural water,
This area is in the Lancaster Rural Water District #1 and Norris Public Power District. There is no other public infrastructure present. The applicant apparently

intends to establish a new community water supply rather than tie into the RWD #1 system. The water report indicates adequate quantity and quality.

b) Road access and paving,

'A' street is a gravel county road and South 134th Street is partially paved. South 134th is not shown for future potential paving, A' Street is shown for future potential paving to 148th Street. Neither street is in the County Engineers 1 - 6 CIP. The East Beltway is shown for future development along the west boundary of this application and is shown in the 1 - 6 CIP for right of way. The exact location of the ROW has not been determined and may impact this property. There are no transit linkages. This abuts the Walton Trail for pedestrian and bike linkages

c) Soil rating,

The soil is very good but not prime ag land of the county.

d) Development of the area/land parcelization,

The surrounding land in this area is in substantially larger parcels of 40 and 80 acres in area except to the north where AGR/CUP residential development exists.

e) Existing acreages,

There is one area of abutting acreage development to the north. A few scattered acreage exist to the southeast.

f) Conflicting farm uses,

There are no conflicting farm uses noted in a field check.

g) Environmental issues,

There are no identified historic or ecological resources at this location. There is Steven Creek floodplain and floodway present on about the west 5 to 10% of the land.

h) Impact on other governmental entities,

This will increase demand for service on the Sheriff, Rural Fire, School, County Roads and others. The level of impact is not known.

i) Plans of other towns,

This is not in conformance with the Lincoln Lancaster County Comprehensive Plan.

Prepared by:

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Planner

DATE: February 27, 2007

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CHANGE OF ZONE NO. 07010

PUBLIC HEARING BEFORE PLANNING COMMISSION:

March 14, 2007

Members present: Carroll, Cornelius, Sunderman, Esseks, Krieser, Taylor, Strand, Larson and Carlson.

Ex Parte Communications: None.

Staff recommendation: Denial.

Staff presentation: **Mike DeKalb of Planning staff** presented this proposal for a change of zone from AG to AGR on approximately 125 acres generally located at 134th & A Streets, about ½ mile south of "O" Street on the west side of 134th Street. The area south of Crooked Creek is shown as AG in the Comprehensive Plan, which is the primary reason for a staff recommendation of denial. The staff could not find sufficient reasons to overrule what is shown in the Comprehensive Plan.

Esseks inquired how many dwelling units could be built on this site using a community unit plan under the existing AG zoning, with the bonuses for open space and farm land preservation, etc. DeKalb explained that this parcel currently has an AG CUP with seven lots. With the bonuses and a community sewer system they might be able to get eight lots.

Esseks inquired as to the approximate distance to the nearest emergency medical station. DeKalb indicated that the property is in the Southeast Rural Fire District, with stations located at 84th & Holdrege to the northwest and 77th & Pine Lake, so it would be approximately five to seven miles.

Proponents

1. **Peter Katt** appeared on behalf of the applicant, **Steve Champoux**. His client has been working on this property since 1994. The last time was in 2002 when his client voluntarily removed it from the County Board agenda because of the adoption of the new Comprehensive Plan and the desire to apply new standards in the siting and selection of acreages. Unfortunately, there is still not a completed performance standard point system, and Katt does not believe this application should be delayed because of that.

With regard to the staff analysis, Katt pointed out that the Comprehensive Plan land use map is just one factor to be considered – it is not "the" factor -- it is one factor of many. When the Comprehensive Plan was updated in 2002, no additional acreage areas were added because we were going to develop a performance point standard. Mr. Champoux should not be penalized because this property is not shown on the land use map.

In addition, Katt purported that grouping has value - the staff indicates there are sufficient acreages in this area for AG CUP's and two three's per 40. Katt suggested that that encourages acreage parcels to be spread throughout the county and not clustered. Grouping is important as we locate acreages in the county.

Katt pointed to the Comprehensive Plan concept of performance criteria. The development of this performance standard system was an attempt to identify areas appropriate for acreages because the facilities were in place and to have a market based component.

Katt explained that the applicant has elected to proceed on a change of zone without an associated community unit plan at this time because there is significant added cost in developing the CUP and it is difficult in layout if zoned AG or AGR. The purpose in bringing this change of zone forward is to determine what needs to be designed in the CUP. Any requirements that need to be accomplished through build-through will be met or exceeded when the applicant comes forward with the CUP.

Katt believes the staff analysis and recommendation violates the Comprehensive Plan provision on grouping. Katt then referred to The Bridges, a community unit plan that was approved for AGR zoning. In terms of performance criteria, Katt believes that this proposal is better than The Bridges, and the only significant difference is the fact that The Bridges has a map designation and this site does not.

In terms of market demand, Katt stated that there really is not the same number or volume of acreage lots in this sector in Lincoln, which is one of the reasons his client believes that acreage development in this area is important to meet market demands. This is a very logical location, applying all of the non-arbitrary performance criteria for AGR zoning.

2. Mike Eckert of Civil Design Group also appeared on behalf of the applicant. There are only two areas shown in the Comprehensive Plan in this area of the County that are zoned for AGR subdivision and they are both fully built-out. In contrast, if you look at the area in the southwest, there are multiple areas of opportunities for acreages, many of which are also built-out.

Eckert showed an exhibit of the proposed layout of the property, but indicated that he felt it was in the best interest of his client not to develop an entire CUP until the change of zone is approved. With regard to quality of water, Eckert stated that the water report clearly indicates that water is plentiful in this area. There are wells on the golf course with tremendous volume and there were five test wells done on this property. Water is not an issue.

With regard to the sewage treatment system, Eckert stated that the applicant is committed and prepared to do a treatment plant. This layout would cluster the smaller lots, requiring the community system. There were some issues with contamination from nitrates and terracing effects, but these are all things that are fairly standard and can be treated.

With regard to the floodplain, Eckert explained that this is an area where there are revised maps for the Stevens Creek Watershed and this property abuts that. There will be no attempt to fill any of the floodplain property.

With regard to any concerns about increased traffic, Eckert stated that the applicant is prepared, during the CUP process, to commit to paving 134th Street past the golf course, and is also committed, at his cost, to pave to the entrance facilitating the 48-49 units. This development will comply with the build-through standards.

Eckert believes that this property stands up highly, as well as any other in the county, due to the paved roads, water, proximity to a major highway, the ability to cluster the development and it is not prime agricultural land.

Larson noted that the applicant discussed a community water treatment plant for sanitary sewer. What about water? Katt responded that most will be individual wells.

Larson wanted to know the number of lots anticipated. Katt stated that they would be requesting 48 to 49 lots on 125 acres.

Opposition

1. Robert Batcher, 720 S. 134th Street, testified in opposition on behalf of a group of land owners and home owners in the area. He is concerned about the water. He has three wells and wants to know what will happen if his wells are affected by this development. The neighboring property owners are also concerned about the sewage treatment system and how things will be handled in theory and practice. Presently, there is a large settling basin, with a terrific odor problem. He does not understand the difference between the AG and AGR CUP. Is there anything to say that they cannot make a change later on and put in multiple units on given lots?

Staff questions

Esseks noted that the staff report indicates that there is a large inventory of AGR parcels. He wanted to know where. DeKalb reminded the Commission that the Comprehensive Plan was adopted on November 11, 2006, and the Planning Department was asked to write a report on what is occurring across Lancaster County. That report pointed out 32 square miles of land that is shown for potential AGR, but, in addition, we are finding that more than half of the lots are being created in the AG areas. In fact, 10 to 14 percent of the single family dwellings constructed in Lancaster County are outside the city on acreages. Therefore, the staff took the position that the desires and need to market for acreage development are very adequately addressed, but one of the keys to that is distribution. It would be a much bigger impact on the support system of the county.

Esseks noted that the area east of Walton appears to be left out. Are there no AGR parcels approved in this area? DeKalb stated that from 112th to 120th south of Walton there is almost a square mile approved with build-through lots that have not been built yet. The staff is currently working on an AGR about 1.5 miles south of there, Hidden Valley Golf Course. The reason Stevens Creek does not have a lot of AGR shown is that it is an area into which the city can grow. This property is in Tier II and shown for future city growth.

Esseks noted the Comprehensive Plan goal of approximately 6% of the county population being in unincorporated areas. Is there some other way to achieve that goal besides turning down an application like this? DeKalb suggested that more and more flexibility has been built into the regulations to allow the AG areas more opportunities to create 3-acre lots. There is a Transfer of Development Rights (TDR) request in front of Legislature this year to give flexibility for adding density to cluster subdivisions.

Carroll confirmed that Stevens Creek is on the west side of this parcel. What is the timeline for the sewer line coming down Stevens Creek, crossing "O" Street and going south? DeKalb was not sure about crossing "O" Street, but the Tier I areas on the map are anticipated to have city sewer in the mid-range of 25 years, with Tier II between 25-50 years. It's coming on the west side but not on the east side.

Carroll wondered whether the paving of 134th Street down to the entrance would change the staff recommendation or help in any way. DeKalb stated that paving to be a minimum necessity. That would not change the staff recommendation. He would assume there would be more than one access at the time of subdivision. The portion now paved is because of the golf course development.

Carlson commented that it does seem like a timing issue, i.e. land banking or urban reserve and the ability of Lincoln to grow. The staff is trying to create flexibility in the AG to give someone an interim use. DeKalb agreed.

Response by the Applicant

Eckert urged that it is very unlikely that a residential well will have any kind of impact on another well.

Eckert also explained that the settling basin, or what is currently a lagoon for the 40 existing townhouses, is something that would be merged with the existing lots. The idea is to get away from that and do the package plant, which will, per NDEQ approval, dump its effluent into the creek. This is another highlight for this area. Cardwell Branch is very close to reaching its maximum ammonia level. There are not many developments along Stevens Creek and he does not believe there are any with package plants. The likelihood of approval by NDEQ is very high.

As far as density, Eckert stated that this is the maximum. If they use the bonus for clustering and for community sewer, this is the most units that can be done on this property until it is urbanized and annexed. 48 to 49 lots would be the maximum.

Eckert also noted that the policy of the city is that it is the west bank of Stevens Creek that will be developed first, clear down to Highway 2. It is in the 25-50 year window.

Katt noted that acreages are not to be located in the Tier I properties. They are to be located in Tier II areas, and this is a Tier II area relatively close to the city with a federal highway system that is less than one mile away that will be connected with pavement.

Katt believes that "demand" is the biggest policy issue – where does the demand for acreage lots arise? Is it people living in the small towns? The farm operations on the edge? Or does the demand arise from people working in the city? He believes the primary demand comes from people that live and work in the city. If the staff solution to that demand is to say, let them go do an AG CUP with two three's per forty – what does that imply? It implies that all those people that want acreage lots have to go further and further out of the city – they are not compact and not clustered – and the ability to provide services is very difficult. Clearly there is a demand. Is it better to meet that demand closer to the city in compact developments? Or is it better to force them out further? That is the policy choice to be made. What better place than in the county – outside growth of 25 years, adjacent to existing AGR development with a golf course, not interrupting existing agricultural operations, across the creek to the west is the Boy Scout camp, at 134th & O Street is an industrial facility with bars, restaurants, 200 storage sheds and Campbell's is developing a major facility on the other corner. The pattern has been set that this part of the county will become more urban, not agriculturally oriented. This is a good place to meet the demand for acreage lots.

Katt also suggested that the primary beneficiaries of residential land values are school districts. This land is in the Waverly School District. The city has just taken over a tremendous amount of the Waverly Public Schools tax base. This is another location for Waverly to re-establish some tax base that it has lost.

Esseks commented that the issue of whether new homes are net benefits to school districts is really an open issue. It depends on how many children would be going to the Waverly District and it depends upon the Waverly District's tax rate as well as the value of these homes. Existing studies indicate that these homes do not pay for themselves in terms of the school issue. If you want to come forward with more of these developments, he would like more information on the cost-revenue issue. He does not think these homes would be net benefits to the Waverly District. Katt's response was that when they talked with Waverly Public Schools, it was the Waverly Public Schools' opinion that these developments are net benefits. They have capacity in their schools. The last development that we did up there was primarily retirement – non-family. These acreage homes will probably be in the price range in excess of \$400,000 so the income levels necessary to live in these homes generally have higher incomes and have the tendency to have smaller families.

ACTION BY PLANNING COMMISSION:

March 14, 2007

Larson moved approval, seconded by Strand.

Larson stated that he lives in the Tier I area on the west side of Stevens Creek. This 125 acres of which he is very familiar is really not a good size for any farm operation. He is concerned about using that piece of land for 20-acre lots as opposed to 3-acre lots, which would result from this change of zone. He believes it creates an inefficient use of land if we leave it in AG and require 20 acres per lot. There are many reasons to increase the density.

Strand agreed with Larson.

Carroll commented that it is a difficult issue according to the Comprehensive Plan because we do not want to leapfrog out to the edge of the County with acreages. But they are putting in build-through. The paving is a big issue because the developer will pave the roads. It is next to AGR to the north with the golf course; there is a creek to the west; and there is development at 134th & O that is commercial now with additional commercial coming forward. It is not a good thing to allow acreages like this, but he believes this specific area and site is okay.

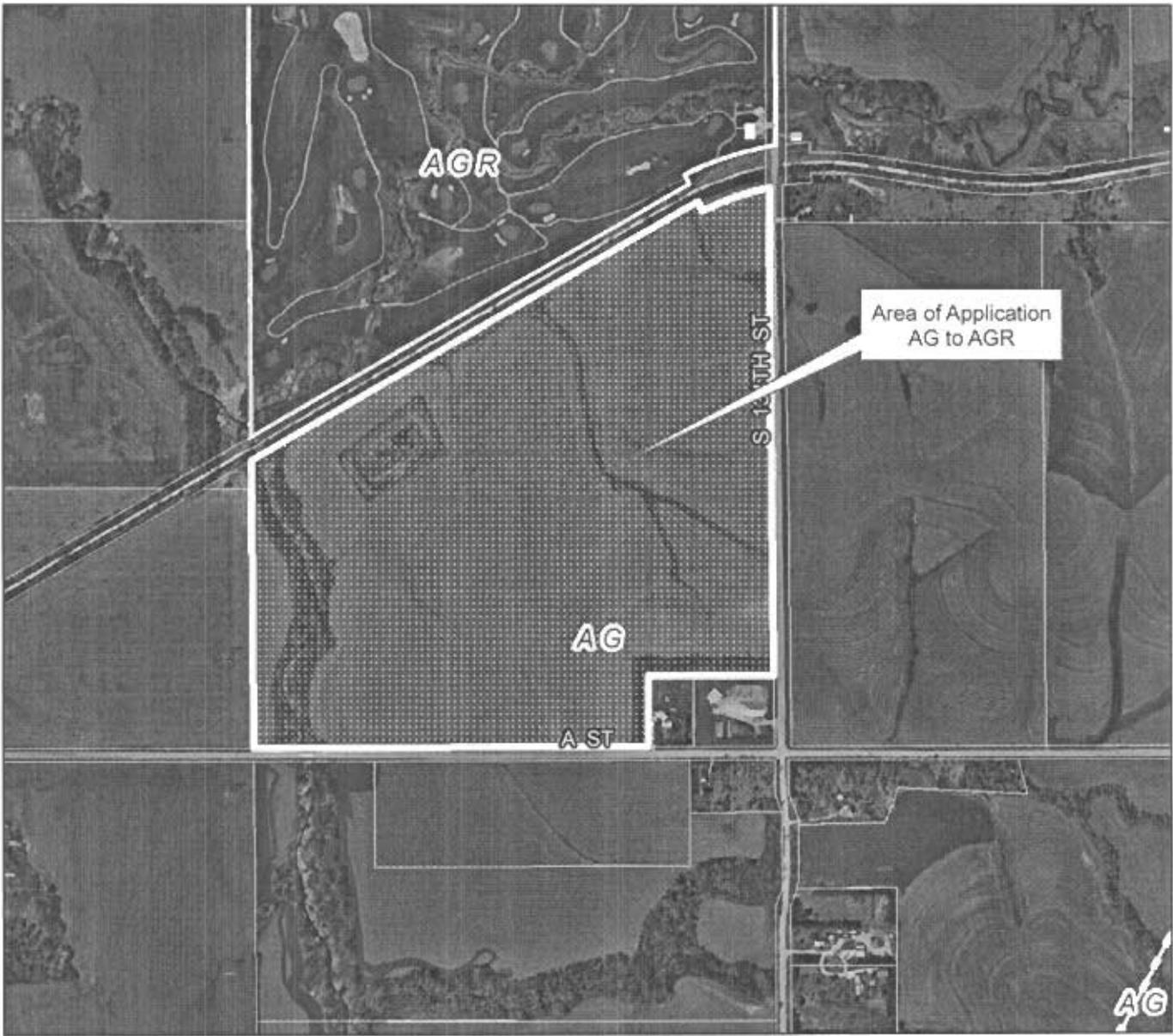
Esseks stated that he is opposed to the motion. He believes that the whole community benefits from a population distribution where most of the growth is found in the city and not in scattered areas around the city. How can we achieve 6% of the total population being in unincorporated areas unless we have the will to say "no" to some of these acreage developments? There are other undeveloped AGR parcels in the general area. He thinks we should wait for them. They can go ahead now with an AG CUP of eight units and then before long they would be ready to be annexed.

Carlson stated that his opinion falls on the side of denial. We need to constantly remind ourselves – what is the policy question? Should we have acreages in small scattered sites around the county? Should people be able to live on an acreage right outside the city? It becomes inconvenient when the city bumps up against them. He agreed with Esseks. The dynamic exists for an interim use of an AG

CUP. He believes that the parcel is now approved for three-acre units. He is concerned that if we approve piece by piece - one at a time - without a view to the overall plan, we don't get to meet the goal in the end.

Motion for approval failed 3-6: Carroll, Strand and Larson voting 'yes'; Cornelius, Sunderman, Esseks, Krieser, Taylor and Carlson voting 'no'.

Sunderman moved to deny, seconded by Esseks and carried 6-3: Cornelius, Sunderman, Esseks, Krieser, Taylor and Carlson voting 'yes'; Carroll, Strand and Larson voting 'no'. This is a recommendation to the City Council.



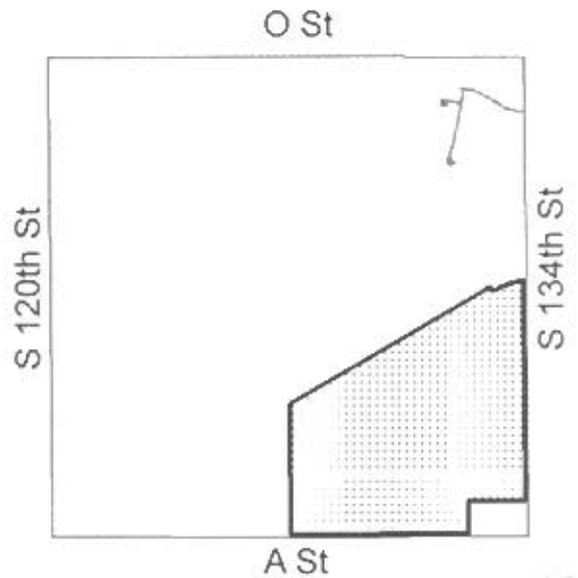
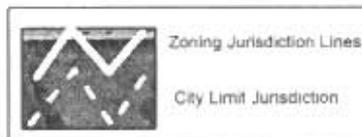
2005 aerial

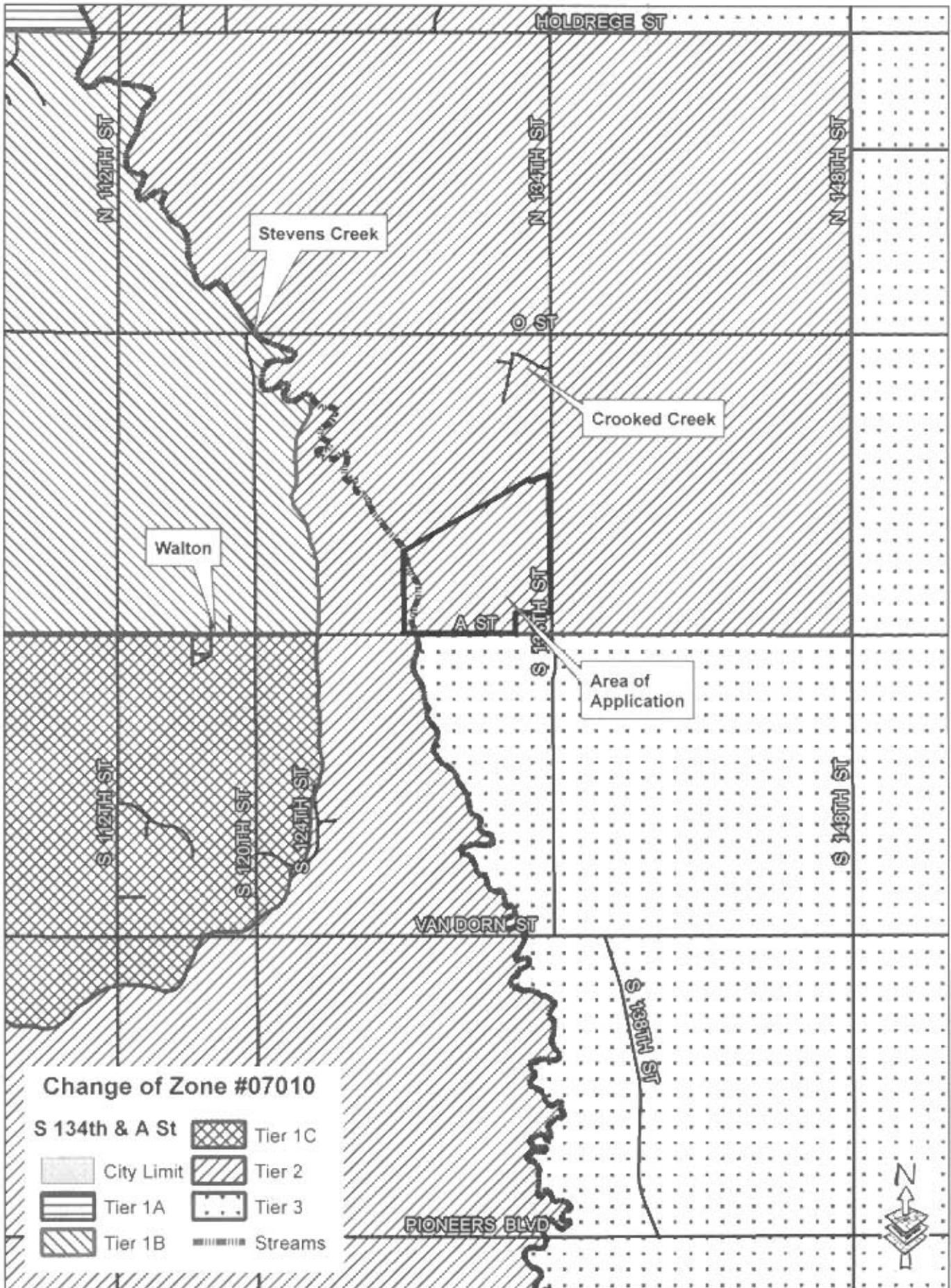
Change of Zone #07010 S 134th & A St

Zoning:

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

One Square Mile
Sec. 29 T10N R08E





Change of Zone #07010

- S 134th & A St  Tier 1C
-  City Limit  Tier 2
-  Tier 1A  Tier 3
-  Tier 1B  Streams

69

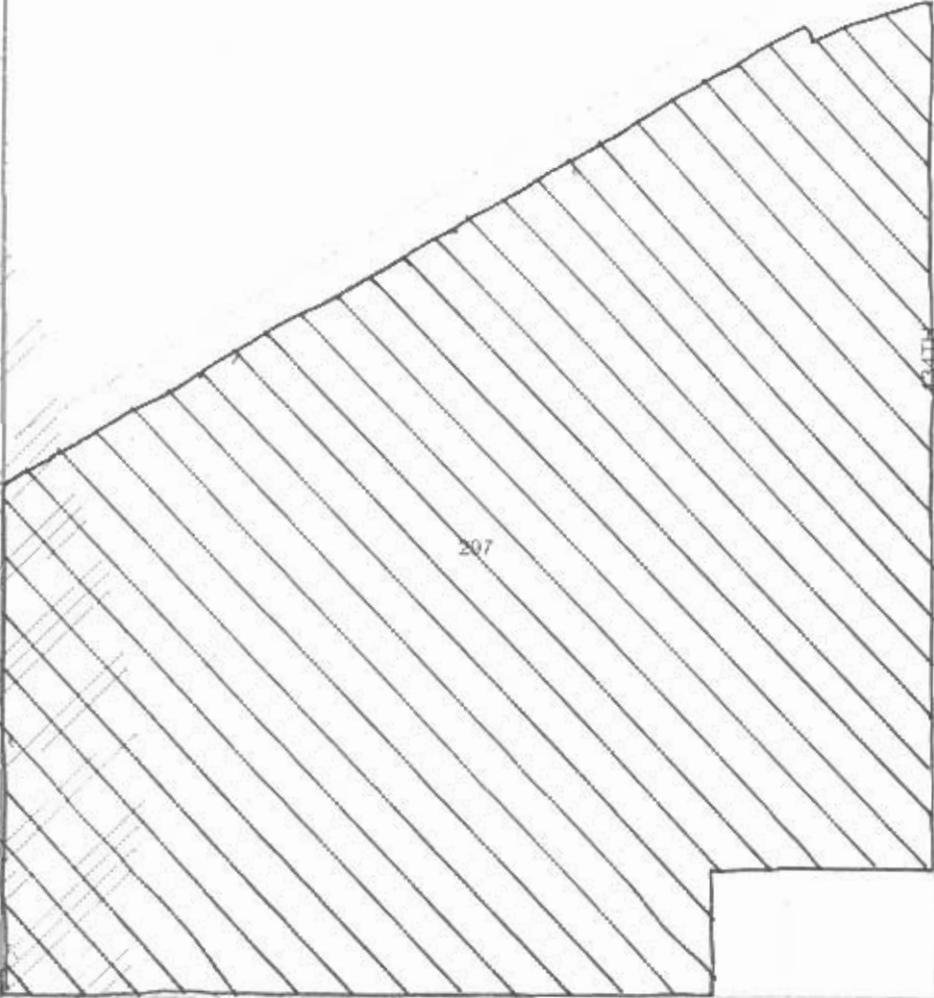
216



207

298

A

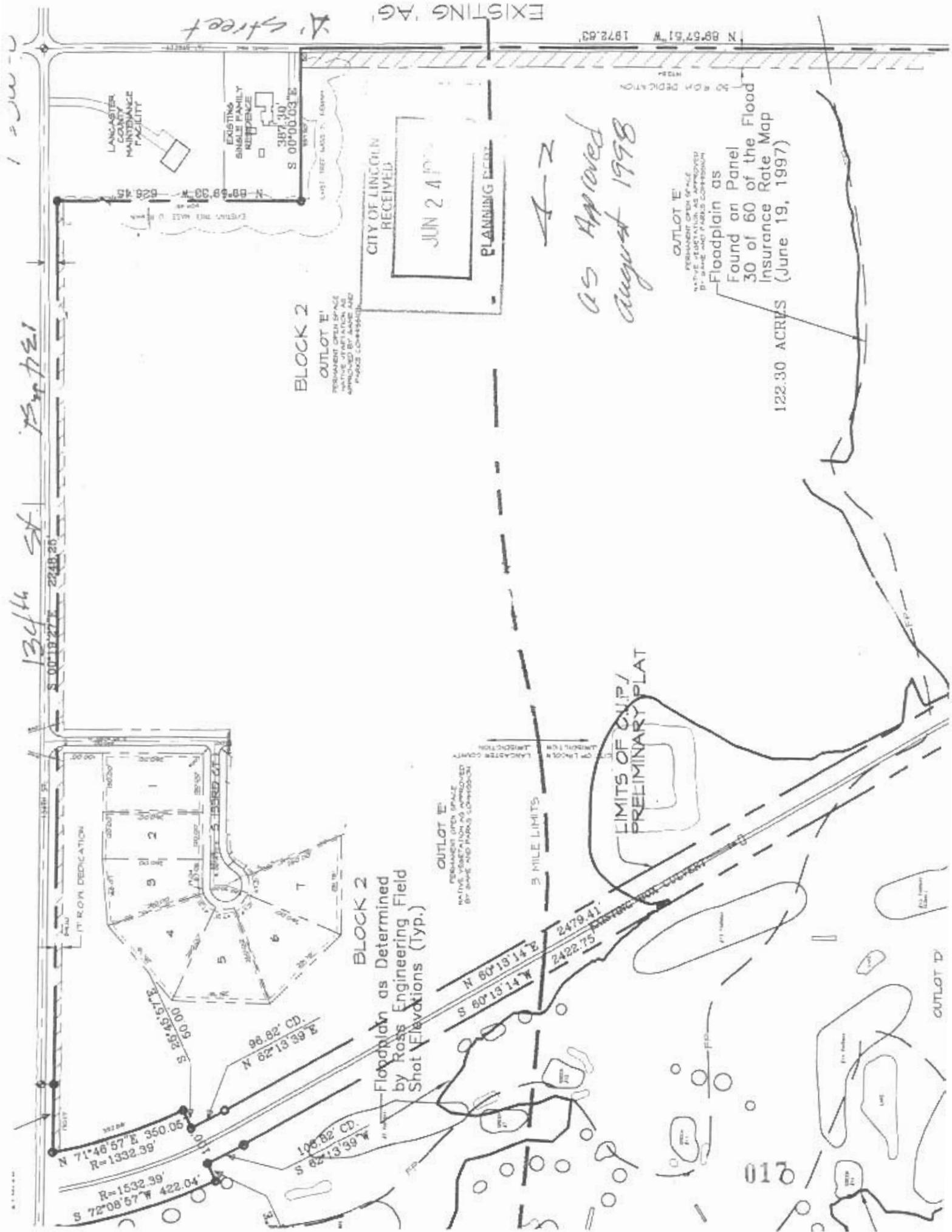


296

24TH

016

134th St. Project



EXISTING 'AG'

N 89°57'51" W 1972.83'

LANCASTER COUNTY CENTER MAINTENANCE FACILITY

EXISTING SINGLE FAMILY RESIDENCE

387.10'

S 00°00.03' E

CITY OF LINCOLN RECEIVED

JUN 24 1998

PLANNING DEPT.

BLOCK 2

OUTLOT E'
PERMANENT OPEN SPACE
APPROVED BY ANNE AND
FRANK CORRESON

AS Approved
August 1998

OUTLOT E'
PERMANENT OPEN SPACE
NATIVE VEGETATION AS APPROVED
BY ANNE AND FRANK CORRESON
Floodplain as
Found on Panel
30 of 60 of the Flood
Insurance Rate Map
(June 19, 1997)

122.30 ACRES

LIMITS OF CULVERT
PRELIMINARY PLAT

OUTLOT E'

PERMANENT OPEN SPACE
NATIVE VEGETATION AS APPROVED
BY ANNE AND FRANK CORRESON

3 MILE LIMITS

BLOCK 2
Floodplain as Determined
by Ross Engineering Field
Shot Elevations (Typ.)

N 60°13'14" E 2479.41'
S 60°13'14" W 2422.75'

134th St

N 71°46'57" E 350.05'
R=1332.39'

98.82' CD.
N 82°13'39" E

106.82' CD.
S 82°13'39" W

013

OUTLOT D'

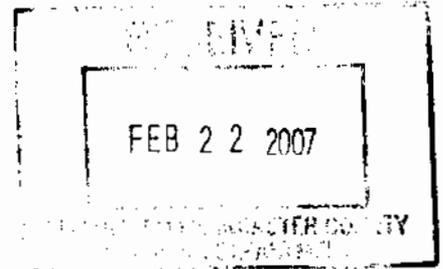
Lancaster
County

DON R. THOMAS - COUNTY ENGINEER

Engineering
Department

DEPUTY- **LARRY V. WORRELL**
COUNTY SURVEYOR

DATE: February 21, 2007
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell
County Surveyor
SUBJECT: CHANGE OF ZONE NO. 07010
SOUTH 134TH STREET AND "A" STEET



Until such time as a concept plan or a preliminary plat has been submitted, to study the impacts to the County roads, this office would recommend denial of this application.



Edwin Kouma/Notes
02/22/2007 01:50 PM

To Michael V Dekalb/Notes@Notes
cc Devin L Biesecker/Notes@Notes, Benjamin J
Higgins/Notes@Notes
bcc
Subject Zoning Change 134th & A, Champoux #CZ07010

Mike,

I have reviewed the application for zoning change for property at 134th and "A" Street owned by Steve Champoux. That portion of the property which is in the flood plain (west end of parcel) has been designated as Green Space in the Lancaster County Future Land Use Comprehensive Plan. The zoning change should apply only to that portion of the property which lies outside the flood plain.

Ed Kouma
Watershed Division
Public Works & Utilities Dept
901 N. 6th Street
Lincoln NE 68508
402-441-7018

M e m o r a n d u m

To: Mike Dekalb, Planning Department

From: Dennis Bartels, Engineering Services

Subject: Change of Zone #07010, AG to AGR at 134th and A

Date: February 22, 2007

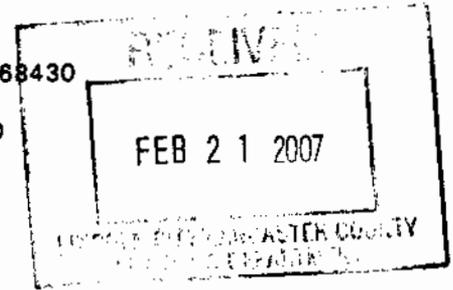
cc: Randy Hoskins

Engineering Services recommends denial of the change of zone. This area is shown as Tier II area in the comprehensive plan and the plan recommends that land uses remain as is until future urban development occurs.



AREA 2
SERVICE CENTER

R.R. 1 BOX 56
ROCA, NEBRASKA 68430
402/423-3855
FAX 402/423-8090



February 20, 2007

Mike Dekalb, Project Planner
555 S. 10th St. #213
Lincoln, NE 68508

RE: Champoux

Dear Mike,

I have reviewed the subject plat and have no issues with the change in zoning. We currently have a 7.2 KV underground line in easement along the very south end of the tract. I don't believe this will be a problem for Mr. Champoux, but he will have to stand any re-location costs should this not be the case.

I can be reached at 423-3855 if there are any questions.

Sincerely,

Rick Volmer, Staking Engineer

LANCASTER COUNTY BOARD OF COMMISSIONERS

COUNTY-CITY BUILDING
555 South 10th Street, Room 110
Lincoln, Nebraska 68508
Phone: (402) 441-7447
Fax: (402) 441-6301
E-mail: commish@co.lancaster.ne.us

July 2, 2002

Peter W. Katt
Attorney for Steve Champoux
P.O. Box 95109
Lincoln, NE 68509-5109

COMMISSIONERS

Kathy Campbell
Bernie Heier
Larry Hudkins
Ray Stevens
Bob Workman

Chief Administrative Officer
Kerry P. Eagan

Deputy Chief Administrative Officer
Gwen Thorpe

RE: County Change of Zone No. 147 and Comprehensive Plan Amendment No. 94-23-27b

Dear Mr. Katt:

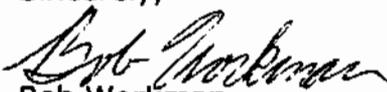
On June 1, 1999, the Lancaster County Board of Commissioners voted to place County Change of Zone No. 147 (AG to AGR) and Comprehensive Plan Amendment No. 94-23-27b on pending until the completion of the Stevens Creek Subarea Report. As you are aware, this request involves 124 acres of land at the location of 134th and A Street.

Since that time, not only has the Stevens Creek report been completed, but the updated Lincoln and Lancaster County Comprehensive Plan has been adopted by the City Council and the County Board. A significant change in the updated Plan is the formation of a new acreage development policy. To help implement the new acreage policy, three studies are to be completed with one year of the adoption of the Plan. The studies include a review of the following topics: 1) build through design standards, 2) cost of service, and 3) a performance standard point system.

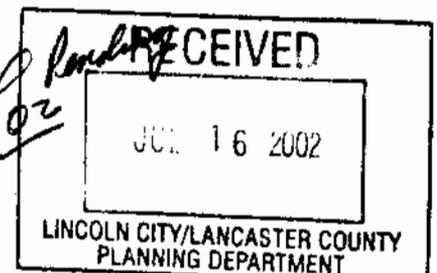
Given these significant changes in acreage policy, the County Board believes it would be in the best interests of all parties to discontinue your pending requests and refile them for review under the new acreage policies which are now being developed. Accordingly, if your client is willing to withdraw his requests for a change of zone and Comprehensive Plan amendment the Board would waive the filing fee for a new application which would be reviewed under the new Comprehensive Plan and acreage standards. As previously indicated, we hope to have the new standards completed within one year.

Thank you for consideration of the Board's request. Please don't hesitate to contact our office if you have any questions.

Sincerely,


Bob Workman,
Chairman of the Board

cc: County Board
Kent Morgan, Interim Planning Director
Mike DeKalb, Planning Department



022
KATT.BW

COPY

GROUNDWATER REPORT
CROOKED CREEK
East 1/2 Section 29, T. 10N., R. 8E.
LANCASTER COUNTY

Prepared for: Brian Carstens and Associates

Steven M. Champoux, Developer

Prepared by: Vincent H. Dreeszen
Groundwater Consultant
4811 Sinclair Ct.
Lincoln, NE 68516

December 16, 1997

Report of Groundwater Investigation
CROOKED CREEK
East 1/2 sec. 29, T. 10N., R. 8E.
Lancaster County

Crooked Creek is a proposed development that is planned to integrate an existing golf course with 40 town house units at 134th and "O" Streets with abundant open space and 55 city-size house lots south of the golf course. The proposed Community Unity Plan encompasses about 360 acres, East 1/2 section 29-10N-8E bounded on the north by "O" Street, on the east by 134th Street, on the south by "A" Street, and on the west by the valley of Stevens Creek. Two lots of about 5 acres (Lancaster County Maintenance Shop) and one home lot of about 1.8 acres (13000 A) both in the southeast corner of section 29 are not included in the plan. The Mopac Trail from Walton runs southwest to northeast bisecting the development. Figure 1 is a map displaying the salient features of the plan.

In the course of investigating the occurrence of groundwater quality and quantity for this report, the records of approximately 50 wells within a two-mile perimeter were examined. Locations of 32 of these wells are shown on Figure 2 and a summary of well information for 15 of the pertinent wells is given in Table 1. Logs and other well records are on file at the Conservation and Survey Division, UNL. Inorganic chemical quality analyses was available for 10 of the wells and that information is shown in Table 2. Samples of water were collected from two of the existing wells on the Crooked Creek Golf Course, from two existing wells in the southeast corner of section 29, and two new test wells located in the housing area in the south one-half of the section and analyzed for inorganic chemical water quality by the Nebraska Department of Health Laboratories. Well sites were visited in the field to determine locations and altitudes. The altitudes were estimated from the Walton 7.5 minute USGS topographic map and one prepared for Crooked Creek. Elevations are believed to be accurate within a range of plus or minus three feet.

There are at least three known separate more or less disconnected aquifers in the Crooked Creek area. The hydrogeology is relatively complex and that complexity is illustrated in two geologic cross sections. One cross section is along "O" Street from 112th to 148th Streets and the other is along 134th Street from Pioneers Boulevard to Holdrege Street. The Dakota Sandstone Formation is the principal aquifer. Secondary aquifers include alluvial sand and gravel along the flood plain and low terrace of Stevens Creek and its tributaries, a sand or sand and gravel associated with the advance of a Kansas glacial continental ice sheet and an early Pleistocene paleovalley fill of silt, clay and sand or gravel. Each of the aquifers is discussed separately.

Pennsylvanian age shales and limestone underlie the whole area and constitute the base of the Dakota Sandstone or to the east in

a major north-northwest to south-southeast paleovalley the Dakota has been removed by erosion and the Pleistocene lies directly on the Pennsylvanian. See wells 11 and 30 Cross section along "O" Street and well 28 Cross section along 134th Street.

DAKOTA SANDSTONE

The Dakota Sandstone Formation is believed to underlie the entire Crooked Creek area. It occurs as an erosional remnant of a bedrock ridge. The base of the Dakota also rests upon an eroded top of the Pennsylvanian. The relief on the top of the Pennsylvanian ranges from about 1070 feet above mean sea level (msl), wells 2 and 3 on the golf course to about 1100 feet above msl, wells 7, 8 and 13 near the southeast corner of the proposed development. Note that the Dakota is sharply eroded to the east of wells 9, 10, and 11 (Cross section "O" Street) near the northeast corner of Crooked Creek and the top of the Pennsylvanian is near 1050 feet above msl. The Dakota consists primarily of fine to medium and coarse to very coarse grained sandstone. Several of the tests and wells encountered silty sandstone and clay layers. Some of the wells or tests were not drilled into or through the Dakota and others may have been drilled into Dakota clays or shales rather than the Pennsylvanian. Well 6, Crooked Creek 2-97, for example, only penetrated five feet of the Dakota because of circulation problems in drilling sand, gravel and rocks above the Dakota. It is assumed that an additional 20 to 40 feet of Dakota is present at that site.

The wells with the greatest reported or potential well yield had the greatest thickness and the coarser grained Dakota sandstone (Table 1) wells 2, 3, 5, 9 and 10; Dakota thickness of 60, 75, 42, 41 and 50 feet respectively. Well yields reported or potential range from about 200 to 450 gpm for these wells. The Dakota appears to be the thinnest in well 1 and 26 in the north-central portion of Crooked Creek and in the northwest corner of section 29 (well 26); it is also thin near the southeast corner of Crooked Creek as in wells 7, 8 and 13 where the thickness ranges from only 10 to 25 feet. The irregularity in thickness of the Dakota is due to erosion of the Pennsylvanian prior to deposition of the Dakota and to several episodes of erosion after its deposition. The trend of the deepest of the channels cut into the Pennsylvanian (wells 9, 10, 2 and 3), about 1070 feet above msl is not known but is probably from the southwest to the northeast through these wells.

PLEISTOCENE Sand or Sand and Gravel

A sand and sandy gravel is present in the southern portion of the proposed development (Cross Section along 134th Street) and wells 6, 7, 8, 13 and 14. The saturated section of the aquifer is about 25 to 30 feet thick. The aquifer extends south through well 14 but was not present at Crooked Creek in well 5 about one-third mile north of the southeast corner.

The geometry of the aquifer is not precisely known. It appears to be an eroded body of a pre-ice advance channel of glacial outwash. It is possible that the sand, gravel and rocks in test well 6 (Crooked Creek) may be in a western extension of the channel fill. Wells 8 and 14 are completed in the sand and gravel as are two other wells in the W 1/2 NW 1/4 section 33-10N-8E (Underground Water Report by John Addink PhD PE, September 1977). The potential yield of a well developed in this sand and gravel is at least 50 to 100 gpm or as at test well 6, a well might yield as much as 200 gpm.

The sand from 84 to 93' in the two public supply wells (well 1) at the Crooked Creek Golf Course club house probably is about the same age as the channel fill in the south part of Crooked Creek. The sand was not screened in the wells. The basal gravel in well 26 (Highway Department Bridge tests), may also be of equivalent age ("O" Street Cross section).

ALLUVIAL Sand and Gravel

Sand or sandy gravel and rocks were drilled in a number of the tests and wells in Stevens Creek valley, its tributaries and low terraces. Wells 2, 3, 9, 10, 15 and 26 encountered variable thickness of alluvial sand and gravel. It is possible that the sand and gravel in test well 6 (Crooked Creek) is also largely a alluvial channel fill related to Stevens Creek. Well 15 is a small irrigation well completed in the alluvium. A second irrigation well is also registered in the same quarter section as well 15. Well 23 in Walton is representative of a number of wells that were completed and used in the Walton area that also were from the alluvial valley fill. Most of the residents of Walton are now obtaining their water supply from a rural water district.

The thickness of sand and gravel in the valleys is highly variable ranging from a foot or less up to 10 to 15 feet. Well yield potential from the valley alluvium is generally low ranging from a few gpm to as much as 100 gpm or more. The sand and gravel in wells 2 and 3, Crooked Creek Golf course was not screened. The hydrologic connection between the alluvium and the Dakota is also variable depending on whether the uppermost Dakota is a clay, sandy shale or sandstone. In parts of Stevens Creek valley the coarse aggregate fill is separated from the Dakota by Pleistocene clays.

WATER TABLE and WATER LEVELS

Groundwater discharge in the Crooked Creek area is toward Stevens Creek and its tributaries. Some of the discharge is to the creeks but most is to evapotranspiration in the valleys. Stevens Creek tributaries and Stevens Creek are perennial streams fed either from perched water tables (water in silts and clays above the regional water table) or in Stevens Creek from the perched water table and leakage from the Dakota.

Movement of groundwater in Crooked Creek is from the uplands toward Stevens Creek valley. Although good well-documented water levels in wells are sparse the water table is relatively flat and the gradient on its surface is about 15 to 20 feet per mile.

The elevations of the water levels in wells in the area are listed in Table 1 and are referred to msl. The unstressed water levels in the wells completed in the Dakota appear to be about 1178 to 1182 feet above msl. Water levels in the Pleistocene sand and gravel in the southeast part of Crooked Creek are similar. It is probable that water levels are confined by overlying clays. The gradient of Stevens Creek measured between points of live stream crossings on the Walton Quadrangle is about 10 feet per mile (about 1170 feet above msl near the center of section 29-10N-8E).

Water levels are shown in individual wells along the lines of the two cross sections. Water levels fluctuate seasonally and in response to periods of a series of wet or dry years. They also respond to the effect of groundwater withdrawal by wells. Note that water levels are shown for different periods of time for some of the wells.

Water levels are known to have declined by several feet during a three-year period of drought in the mid 1970s in the Walton area. The Conservation and Survey Division, UNL, (CSD), was requested to review conditions because water levels were low and well yields had decreased in a number of shallow domestic wells in the village. Water levels were measured in a number of wells in the area. Citizens were concerned that an irrigation well (well 24) one-fourth mile north of town had caused the problem. Conclusions of CSD staff was, "that pumping from the irrigation well has little or no effect on the water supply situation in town. Instead, the problems of declining water levels and smaller yields are due to other factors." (File Report July 14, 1977, CSD). The other factors included drought, clogged well screens and locally larger than usual water use due to the drought.

Water levels have been reported to CSD by the land owner of well 24 at various times as follows:

Date	Static Water Level (in feet)
2/20/76	33 (from well registration)
8/19/77	35
6/10/79	37
8/5/79	42
8/12/83	34.5
5/16/88	32

Little information is available on drawdowns in the large capacity wells in the area or of late season configuration of the water table. The cone of depression around individual large capacity wells in the Dakota generally is relatively steep and the area affected laterally quite small. For example the pumping water level (PWL) in the irrigation well (well 24) in July 6, 1977 was 90 feet

indicating a drawdown of about 55 feet. By August 19 of that year the static water level had recovered to 35 feet.

Drawdown in well 2, Crooked Creek Golf Course, was reported to be 47 feet, July 24, 1996 at the time of construction. The SWL was 30 feet and the PWL was 77 feet. The well was pumped at 440 gpm. Prior to any groundwater development in the area it is assumed that water levels in the northeast corner of the golf course (NE NE 29-10N-8E) and in the southwest corner of Section 21-10N-8E (Parker Hannifan Corporation) was about 15 to 20 feet (Well 3, 7/23/92). The Parker Hannifan wells were drilled in 1964 but no record is available of static water levels.

The static water level in well 11 (Parker Hannifan) was reported to be 44 feet in September, 1997. A late-summer "well field" pumping cone of depression of 30 feet or more appears to develop as the result of groundwater withdrawal. Water use data is not available for the golf course or for Parker Hannifan. Use at Parker Hannifan is for washing, cooling and domestic purposes. It is expected that water levels will recover to near normal following the period of heavy use each year. Fluctuations of the water levels, however, can be expected due to differences in annual precipitation.

WATER QUALITY

Inorganic water quality information is available from four Dakota sandstone wells at Crooked Creek and four additional sandstone wells one to one and a half miles to the west southwest. Analyses are also available for two sand and gravel wells at Crooked Creek and some limited information at Walton. Water quality in the Dakota and the Pleistocene sand and gravel in Crooked Creek although variable from well to well is similar in most parameters (Table 2). The exception being relatively high Nitrate-Nitrogen levels in the two sand and gravel wells (6 and 8) and very low levels in the sandstone wells. With that exception most water quality parameters are within safe drinking water standards. Iron concentrations are higher than desirable in some wells ranging from less than 0.1 mg/l in two wells to as much as 2 mg/l in well 6. Manganese levels also range widely from less than 0.05 mg/l to 1.8 mg/l in well 7. Total dissolved solids in three of the wells are slightly above 600 mg/l. The water is relatively hard ranging from 244 to 448 mg/l. Sodium, calcium, sulfate and chloride levels are low.

Exceptions to the above discussion of water quality are the four wells to the west-southwest. The water quality in the Windhoek and Wheatland subdivisions, wells 18, 19, and 20 is much less mineralized than at Crooked Creek. These wells and well 24 are completed in sandstone and for reasons unclear the water is some of the least mineralized water from the Dakota found in Lancaster County.

As mentioned previously two of the wells, 6 and 8 completed in the Pleistocene sand and gravel had relatively high Nitrate-Nitrogen levels of 9.2 and 9.6 mg/l respectively. The reason for the unexpectedly high levels of nitrates is unclear. The high nitrates in well 6, Crooked Creek test well may be due to lateral movement of fertilizer from the cropland toward the low terrace on which this test is located. The depth to water in this test well was only 17 feet. The nitrates in well 8 at the Lancaster County Maintenance Shop near the southeast corner of Crooked Creek may be due to fertilizer but is more likely due to point source contamination. The nearby private domestic well, well 7, completed in the Dakota sandstone had less than 0.1 mg/l Nitrate-Nitrogen.

Residents in the village of Walton experienced problems with high nitrate levels for many years. A survey done in 1970 by the Lincoln-Lancaster County Health Department found that 10 of the 22 wells sampled and analyzed had nitrate levels greater than 7.1 ppm with 6 of the samples having levels greater than 10 ppm. Four of the wells sampled had nitrate levels below the detectable limit. Well construction and depth information was not obtained. The high levels were attributed to point sources.

The Lincoln-Lancaster County Health Department (LLCHD) conducted a sampling survey of drinking water wells in Lancaster County 1986-1990. The objective of the survey was to gather baseline data concerning volatile organic chemicals (VOCs) and pesticides. Wells in 11 separate locations in Walton were sampled and analyzed for VOCs. (Volatile Organic Chemicals in Drinking Water Supplies in Walton, Nebraska, LLCHD March 1990, edited by Scott E. Holmes). A news release, February 24, 1997 by the department states that "Five of 7 water samples taken from the 11 sites showed contaminant levels of carbon tetrachloride, 1,2-dichloroethane, and benzene which exceed the maximum levels established by the Environmental Protection Agency." The source of the contamination was not identified but it was suggested that the chemicals are found in fuel, solvents, and fumigants. The news release also suggested that these chemicals exist in concentrations which pose no immediate health risks but that long-term exposure might be associated with kidney or liver dysfunction and the potential risk of cancer. A Sanitary Improvement District has since been created in Walton and most of its residents now obtain their water supply from a rural water district. Neither the nitrates nor VOCs at Walton pose a threat to the water supply to Crooked Creek. The contaminant will attenuate with time and the direction of groundwater movement is toward discharge in Stevens Creek valley to the north-northwest.

WATER AVAILABILITY and SUITABILITY

There is sufficient water available for the proposed development of 40 town houses in the northeast corner of Crooked Creek, estimated population of 100 to 120 people, and for the 55

single homes in the south portion, estimated population of 200 to 220 people. Additional water needs include water to meet needs at the club house, golf course maintenance shop, and to water the golf course.

Two large capacity wells provide water for the golf course, two small capacity wells presently provide the domestic supply at the club house and another small capacity well serves the golf course maintenance shop.

Present plans are for drilling a new public water supply well several hundred feet east of the present two wells at the club house. The well will provide a domestic supply for the 40 unit town houses and the club house. The two existing public water supply wells will be abandoned, or if permission can be obtained, one will be retained as a standby well and the other as a water-level monitoring well. The available information suggests that the Dakota sandstone thickness increases to the east of the club house and that a well constructed to municipal well standards yielding 150 or more gpm could be developed. Water quality is quite good in well 1 and should be similar in a well to the east.

Test drilling (wells 5 and 6) indicate that large capacity wells can be developed to serve the 55 units in the south portion of Crooked Creek. A conservative estimate of a well developed to municipal well standards at or near well 5 site is 200 gpm. That test had 42 feet of sandstone and 79 feet of saturated section. Water quality is satisfactory from the sandstone in well 5 although it is fairly hard and has higher than desirable concentrations of iron and manganese. If needed a second well should be possible in the general area of well 5.

A large capacity well could also be developed at the site of well 6. However, the relatively high nitrate level of 9.2 mg/l from the sand and gravel in this low-lying site essentially rules out this area for a domestic water supply. It is possible that the sand and gravel in this valley or terrace site has served as a reservoir to capture nitrates applied as fertilizer on the crop land. It is also possible that a sandstone well with the sand and gravel not screened would have acceptable levels of nitrates. It is possible, too, that a well out of the valley, above an elevation of 1210 and completed only in sandstone would have satisfactory water quality.

There appears to be a good potential to develop private domestic wells in either the Dakota sandstone or in the Pleistocene sand and gravel. Obtaining an adequate quantity of water appears to be possible. However, nitrates could be a problem for some wells that might otherwise be satisfactory in lots 11 through 23, Block 2. Further testing would be necessary to confirm this speculation or to determine if the water in the underlying sandstone has nitrate free water.

As discussed previously in the section on water quality, the nitrate in well 8 is believed to be from a point source. The nearby domestic well 7 completed below the sand and gravel and in the Dakota had a nitrate nitrogen level of less than 0.1 mg/l. If the assessment of nitrates in the Pleistocene sand and gravel, confined to the southern part of Crooked Creek and the valley land is correct, the sand and gravel in most of its occurrence in the uplands of Crooked Creek may have low levels of nitrates.

In summary, the water quantity and quality of groundwater in Crooked Creek is adequate to meet the needs of the development as envisioned. Well sites need to be selected carefully and water tested for suitability. Several options exist for the distribution of water to meet the various needs.

TABLE 1
CROOKED CREEK
Summary of Well Information

Well Number	Location	Estimated Groundwater Altitude	Well Depth		Aquifers, Intervals and Thickness in (ft)	Pumped or Potential Yield (gpm)	Depth to SWL		
			In Feet	Referred to well			In Feet	Referred to well	
1	NE NW NE 28-10N-8E	1244	157	1087	sand 118-120 (2) silt 138-157 (18)	(R) 19 & 27 (P) 50-75	68'	1178	Club House public supply well 2 wells, wells test pumped 60 & 100 g
2	NE SE NE 28-10N-8E	1185	125	1070	sand & gravel 42-51 (9) silt 57-71, 78-125 (60)	(R) 440 with 4" drawdown	30	1465	Golf Course commercial/industrial well
3	Cent SE NE 28-10N-8E	1186	125	1070	sand & gravel 35-50 (15) silt 50-125 (75)	(R) 200 with air (P) 300-400	18	1177	Golf Course commercial/industrial well
4	SE SE NE 28-10N-8E	1215	123	1082	silt 72-123 (51) no sand & gravel	(R) 20 (P) 150-200	34	1181	Golf Course maintenance shop
5	NE SE NE SE 28-10N-8E	1240	147	1093	silt 105-147 (42) no sand & gravel	(R) 100 with air (P) 200-250	68	1172	Crooked Creek Test 1-87 Moser Lot 1
6	SE NW SE 28-10N-8E	1200	57 (base 75)	1125	sand 50-65 (9) sand & gravel 55-75 (20) Dolomite 75-80 plus	(R) 50 with air (P) 200 plus	17	1183	Crooked Creek Test 2-87 Moser Lot 1
7	SE SE 28-10N-8E	1256	158	1087	sand 70-88 (20) silt 132-135, 137-159 (25)	(R) 35 (P) 100 plus	85	1173	Private domestic sandstone well 1300
8	SE SW 28-10N-8E	1252	105	1147	sand 74-80 (16) sand & gravel 80-105 (19) silt 145-155 (10)	(R) 50 (P) 100	74	1178	Lincoln County maintenance shop 1
9	NE SW 28-10N-8E	1201	122	1079	sand 70-78 (8) silt 81-122 (41)	(P) 250	18	1191	City of Lincoln Test SC-22 (1984) Elec
10	SW SW 21-10N-8E	1203	111	1082	sand 47-57 (10) silt 80-111 (31)	(R) 250 (P) 300	25 44	1176	Parlor Hamilton Corp well (1984) 2"
12	Cent NW SE SW 21-10N-8E	1215	160	1066	sand 146-151, 155-180 (10) silt not present	(R) 50	-	-	Unused well, (1987)
13	SE SW 28-10N-8E	1220	130	1100	sand 51-71 (20) sand & gravel 71-90 (19) silt 115-130 (15)	(P) 150	51	1179	City of Lincoln Test SC-21 (1984), Elec
14	SW NW NW 33-10N-8E	1245	90	1155	sand 55-90 saturated 63-90 (27) silt not drilled	(R) 12 (P) 50	63	1182	Private domestic sand well
15	NW NW NW 32-10N-8E	1185	55	1140	sand & gravel 44-47, 50-65 (6) silt not drilled	(R) 180 (P) 75	25 68	1184	Irrigation well (1978), 2" registered in

Abbreviations
 well = mean well level
 SWL = static water level
 gpm = gallons per minute
 sand = sandstone
 silt = siltstone
 est = estimated

Note: Well locations shown on Figure 2

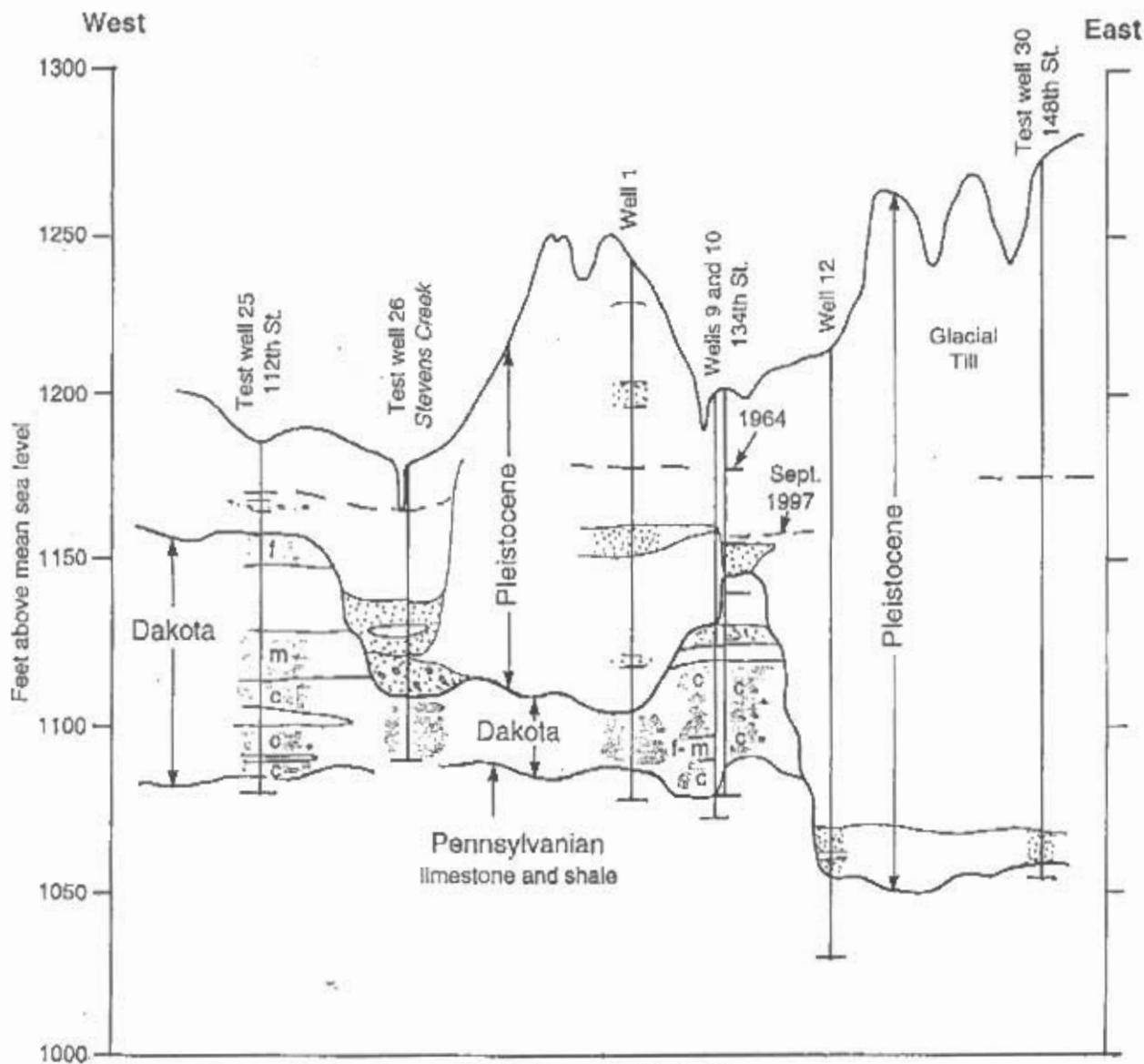
TABLE 2
Inorganic Chemical Quality Analyses in Milligrams Per Liter¹

Well Number	Location	Total Dissolved Solids	Hardness as CaCO ₃	Total Alkalinity as CaCO ₃	Chloride	Sodium	Sulfate	Calcium	Fluoride	Iron	Manganese	Nitr. Nitrc
1	NE NW NE 29-10N-8E	330	292	312	8	48	28	75	0.27	0.9	0.44	<0
4	SE SE NE 29-10N-8E	620	448	348	46	48	154	133	0.33	0.7	0.42	<0
5	NE SE NE SE 29-10N 8E	616	390	276	14	48	139	102	0.30	0.4	0.77	<0
6	SE NW SE 29-10N 8E	458	278	276	10	51	44	78	0.38	2.0	0.05	9
7	SE SE 29-10N 8E	276	244	264	4	25	25	77	0.30	<0.1	1.8	<0
8	SE cor 29-10N-8E	620	464	324	40	39	101	134	0.31	<0.1	<0.05	9
18	NW cor SW 32-10N-8E	256	156	196	4	26	28	42	0.4	<0.1	0.05	0
19	SW cor SW 32-10N-8E	212	140	180	2	20	10	35	0.3	1.2	0.05	0
20	SE SE SE 31-10N-8E	210	148	184	6	22	<10	43	0.3	<0.1	0.05	0
24	C S1/2 30-10N-8E	-	178	363	-	31	1.8	51	-	-	-	2

(1) Analyses by State of Nebraska Department of Health Laboratories unless otherwise noted.
 (2) Analysis by Soil Testing Service, UNL-LAUR, 1977.
 (3) Location of wells shown by symbol and letter Figure 1.



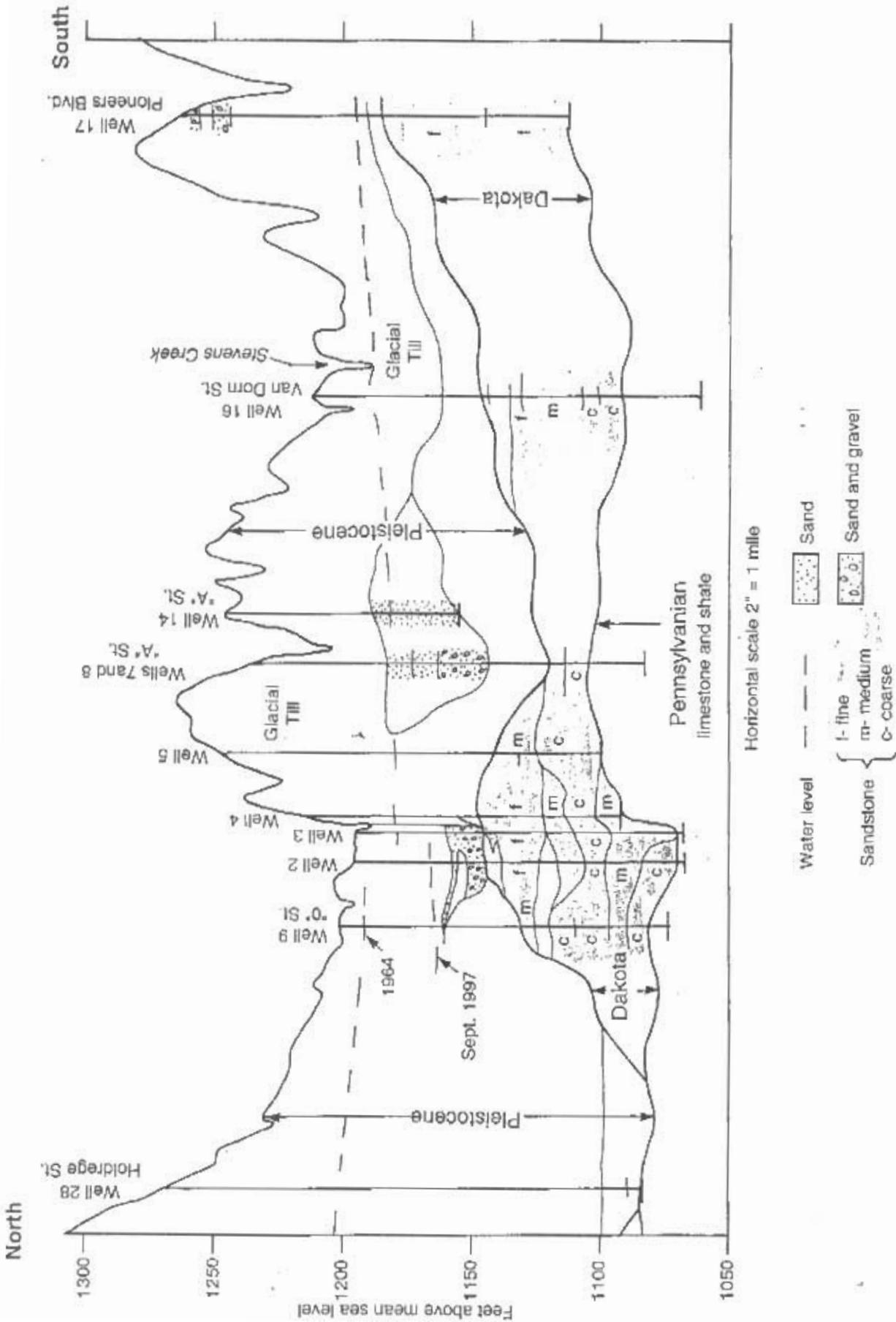
Figure 2. Area map showing location of wells by number and symbol. Circled numbers indicate wells sampled for inorganic chemical analysis, summarized in Table 2.



Horizontal scale 2" = 1 mile

- Water level — — —
- Sandstone {
 - f- fine
 - m- medium
 - c- coarse
- Sand (stippled pattern)
- Sand and gravel (stippled with circles pattern)

E-W Geologic Cross Section
"O" Street, 120th Street to 148th Street



N-S Geologic Cross Section
 Along 134th Street, Pioneers to Holdrege Street

Higher Density Acreage

Performance Criteria Analysis

<u>Criteria Description</u>	<u>134th & A</u>	<u>The Bridges</u>
Land Use Map	0 (no)	1
Water Quantity - Quality	1	0.5 (Needs Treatment)
Rural Water District	1	0
Soil Conditions	1 (Non-prime AG)	0.5 (Prime AG)
Paved Roads	1	1
Agricultural Productivity	0	0
Land Parcelization	0	0
Existing Acreages	0.5 (Some)	1 (A lot)
Future Development Plans (Tier II land)	1	1
Compliance with Platting Issues	1	1
Totals	6.5	6

LANCASTER COUNTY BOARD OF COMMISSIONERS

COUNTY-CITY BUILDING

555 South 10th Street, Room 110
Lincoln, Nebraska 68508
Phone: (402) 441-7447
Fax: (402) 441-6301
E-mail: commish@co.lancaster.ne.us

July 2, 2002

Peter W. Katt
Attorney for Steve Champoux
P.O. Box 95109
Lincoln, NE 68509-5109

COMMISSIONERS

Kathy Campbell
Bernie Heier
Larry Hudkins
Ray Stevens
Bob Workman

Chief Administrative Officer

Kerry P. Eagan

Deputy Chief Administrative Officer

Gwen Thorpe

RE: County Change of Zone No. 147 and Comprehensive Plan Amendment No. 94-23-27b

Dear Mr. Katt:

On June 1, 1999, the Lancaster County Board of Commissioners voted to place County Change of Zone No. 147 (AG to AGR) and Comprehensive Plan Amendment No. 94-23-27b on pending until the completion of the Stevens Creek Subarea Report. As you are aware, this request involves 124 acres of land at the location of 134th and A Street.

Since that time, not only has the Stevens Creek report been completed, but the updated Lincoln and Lancaster County Comprehensive Plan has been adopted by the City Council and the County Board. A significant change in the updated Plan is the formation of a new acreage development policy. To help implement the new acreage policy, three studies are to be completed with one year of the adoption of the Plan. The studies include a review of the following topics: 1) build through design standards, 2) cost of service, and 3) a performance standard point system.

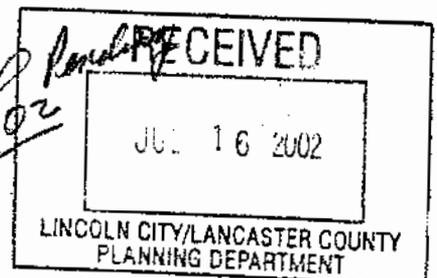
Given these significant changes in acreage policy, the County Board believes it would be in the best interests of all parties to discontinue your pending requests and refile them for review under the new acreage policies which are now being developed. Accordingly, if your client is willing to withdraw his requests for a change of zone and Comprehensive Plan amendment the Board would waive the filing fee for a new application which would be reviewed under the new Comprehensive Plan and acreage standards. As previously indicated, we hope to have the new standards completed within one year.

Thank you for consideration of the Board's request. Please don't hesitate to contact our office if you have any questions.

Sincerely,


Bob Workman,
Chairman of the Board

cc: County Board
Kent Morgan, Interim Planning Director
Mike DeKalb, Planning Department



038

KATT.BW 060

FACTSHEET

TITLE: CHANGE OF ZONE NO. 06072, from AG Agricultural District to AGR Agricultural Residential District, requested by Rezac-Pickering-Williams, on property generally located at the southwest corner of the intersection of S.W. 27th Street and West Denton Road.

STAFF RECOMMENDATION: Approval

SPONSOR: Planning Department

BOARD/COMMITTEE: Planning Commission
Public Hearing: 11/08/06 and 12/06/06
Administrative Action: 12/06/06

RECOMMENDATION: Approval (8-0: Taylor, Cornelius, Esseks, Larson, Carroll, Sunderman, Krieser and Carlson voting 'yes'; Strand absent).

FINDINGS OF FACT:

1. This change of zone request was heard in conjunction with The Bridges Community Unit Plan, a build-through acreage community unit plan consisting of 70 dwelling units on approximately 181.40 acres.
2. The staff recommendation to approve this change of zone request is based upon the "Analysis", as set forth on p.3-4, concluding that the request is in conformance with the Comprehensive Plan and the abutting acreage development pattern.
3. The associated community unit plan complies with the text amendment to the BTA (build-through) standards recommended for approval by the Planning Commission on December 6, 2006 (Change of Zone No. 06079, Bill #06-215, also scheduled for public hearing on January 8, 2007).
4. The minutes of the public hearing before the Planning Commission are found on p.5-7.
5. There was no testimony in opposition.
6. On December 6, 2006, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Strand absent).
7. On December 6, 2006, the Planning Commission also voted 8-0 to adopt Resolution No. PC-01031 approving The Bridges Community Unit Plan for 70 single family lots, with associated waiver requests (site plan attached, p.14).

FACTSHEET PREPARED BY: Jean L. Walker

DATE: December 12, 2006

REVIEWED BY: _____

DATE: December 12, 2006

REFERENCE NUMBER: FS\CC\2006\CZ.06072

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT
for November 8, 2006 PLANNING COMMISSION MEETING

PROJECT: Change of Zone #06072 - AG to AGR

PROPOSAL: A change of zone from AG Agriculture to AGR Agricultural Residential

LOCATION: Southwest corner of the intersection of S W 27th Street and W Denton Road

LAND AREA: 181.40 acres, more or less

CONCLUSION: This is in conformance with the Comprehensive Plan and abutting acreage development pattern.

RECOMMENDATION: Approval

LEGAL DESCRIPTION: Lot 2, Whispering Pines 2nd Addition located in the N 1/4 of Section 20, Township 9 North, Range 6 East of the 6th P.M., Lancaster County, Nebraska.

EXISTING LAND USE AND ZONING: Farm land, zoned AG

SURROUNDING LAND USE AND ZONING:

North: Acreages, zoned AGR
South: Farmland, zoned AG Agriculture
East: Acreages, zoned AGR Agricultural Residential
West: Farmland, zoned AG Agriculture

ASSOCIATED APPLICATIONS: Special Permit #06068, The Bridges CUP

HISTORY: Changed from AA Rural and Public Use to AG Agricultural with the adoption of the 1979 Zoning Update. Land to the north zoned AGR in 1996, land to the east zoned AGR in 1995

COMPREHENSIVE PLAN SPECIFICATIONS: In conformance. The 2025 Comprehensive Plan shows this area as Residential Low Density. This is in the Lincoln Growth Tier II

Low Density Residential: Residential areas with densities ranging from 1 to 5 acres per dwelling unit, with a typical density of 3 acres per dwelling unit. Such residential developments are often referred to as acreages. Pg 27

Rural Lancaster County is in transition from an area of predominantly agricultural uses to an area which includes more residential uses. Balancing the strong consumer demand for country style living and the practical challenge of integrating acreages with traditional agricultural land use will continue. Land

previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized. Pg 70

Specific areas will be designated so that approximately 5% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the amount of potential conflict points between farm operations and acreages. Pg 70

New 'urban acreage' development should only be permitted in Tier II and Tier III areas of Lincoln and near towns under higher design standards based upon a 'build-through' model and without use of sanitary improvement districts. The 'build-through' design standards should address, along with other items deemed necessary by the study,

- a preliminary plan layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plan would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;
- a lot layout that meets the various elements of the Comprehensive Plan; and
- a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate.

SPECIFIC INFORMATION:

UTILITIES: There are no utilities or water districts in the area.

TOPOGRAPHY: Mostly flat, draining to the north and east

TRAFFIC ANALYSIS: S 1st Street is adjacent to the entrance to Cardwell Woods and is a gravel county road to the south. It is not shown for future paving. W Denton Road is a paved county road

PUBLIC SERVICE: This is in the Southwest Rural Fire District (an Advanced Life Support district with stations in Denton and in the Yankee Hill neighborhood). About 4 miles distant. This is in the Lincoln School District. Electric service is by LES.

REGIONAL ISSUES: Acreage development and city growth

ENVIRONMENTAL CONCERNS: About 20-25% of this property is in floodplain along the north side, tied to the Cardwell Creek, and the east side. Tree mass and stream along the north property line. This soil is rated as of 2.45 on a scale of 1 - 10 where 1-4 is prime agriculture soil. This is prime agriculture.

AESTHETIC CONSIDERATIONS: None

ALTERNATIVE USES: Farm land, 9 - 20% or an AG CUP

ANALYSIS:

1. This request is for a change from AG Agriculture to AGR Agricultural Residential on a 181.40 acre parcel of land.
2. This is in conjunction with a Special Permit for a Community Use Plan called "The Bridges", a build-through plan with 70 units shown.
3. This is in conformance with the Comprehensive Plan Land Use Maps.

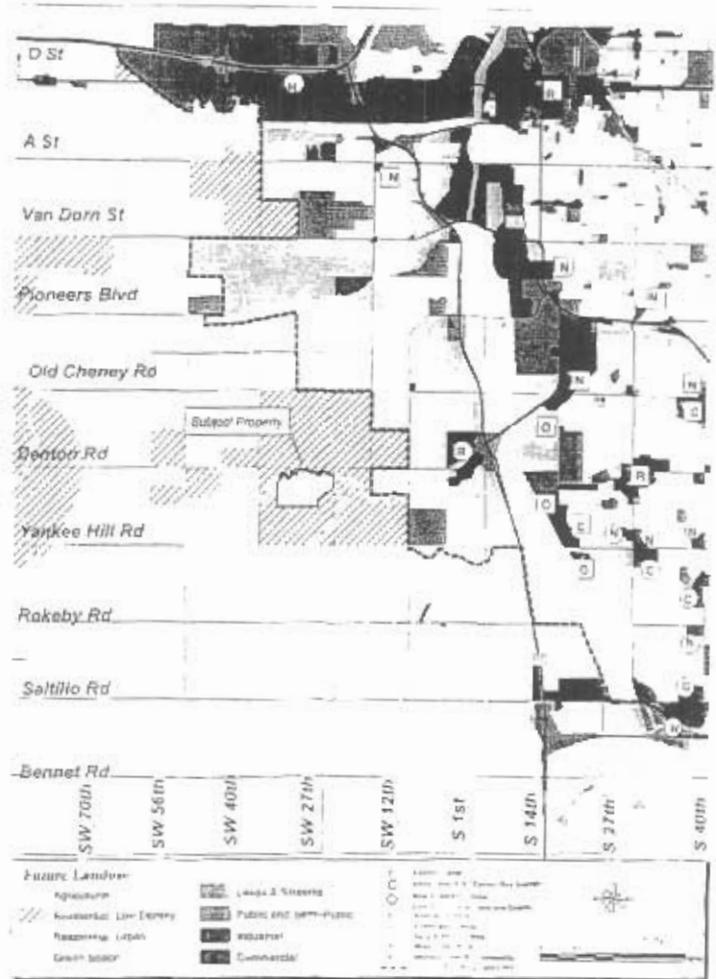
Prepared by

Mike Demuth
AICP, 441-6370, mikedem@lancasterplanning.com
Project Manager
October 20, 2006

APPLICANT: Rezac - Puckering - Williams
8011 S 137 Street
Lincoln, NE 68512
(402) 473-5441

CONTACT: Mike Eckerl
Civil Design Group, Inc.
3901 Normal Blvd., Suite 203
Lincoln, NE 68505

OWNERS: Rezac - Puckering - Williams



040

12, 1997 the Planning Commission held continued public hearing and voted to deny the application. On February 26, 1997 the Planning Commission voted to reconsider and put this item on pending until a plat could be submitted. At one time this was included in the Iron Horse/Crooked Creek Golf Course application but was not part of the approved golf course special permit.

In June 1976 the County Board approved Walton Meadows Preliminary Plat and Community Unit Plan (under the AA Rural and Public Use zoning at that time the minimum lot size was 1 acre). In October 1978 a Final Plat of Walton Meadows was submitted on this parcel but not completed through the County Board. In June 1982 the County Board amended the Subdivision regulations to limit the effective period of an approved preliminary plat to 10 years, so the Walton Meadows Plat has expired.

Changed from AA Rural and Public Use to AG Agriculture during the 1979 Zoning Update.

COMPREHENSIVE PLAN SPECIFICATIONS: This shows as Agriculture and Green Space on the Future Land Use map. This is in Tier II. Applicable language in the Plan is as follows;

please note.

The land use plan for Lincoln and Lancaster County contains ~~several general~~ categories of land use types that are listed below. The maps displaying the land use plan are but one aspect of the Comprehensive Plan. The entire Comprehensive Plan should be referenced and considered when viewing the land use plan maps and for judging the appropriateness of the land uses they may display. Agricultural: Land principally in use for agricultural production. Agricultural land may be in transition to more diversified agribusiness ventures such as growing and marketing of products (e.g., horticulture, silvaculture, aquaculture) on site. Pg 16

Tier II: An area of approximately 70 square miles intended to serve the following purposes: (1) to define the geographic area the city is assumed to grow into immediately beyond the twenty-five year time frame of Tier I; (2) to serve as the basis for long term, advanced utility planning; and; (3) to act as a secondary reserve area for urban growth should the Tier I area development occur more quickly than assumed for the twenty-five year period. Owing to the intended purposes of this Tier and the uncertainty of when the city may begin providing services to these areas

Currently, acreage development has occurred under two development scenarios: AG -Agricultural District (minimum of 20 acres per lot area) and AGR - Agricultural Residential District (minimum of 3 acres per lot area) with the possibility in both AG and AGR zoning districts of clustering units together in order to preserve more open space and agricultural areas and/or receive additional density bonuses under a community unit development. The complex issue of acreage development and other public objectives requires a large array of land use strategies. Pg 70

GROUPING Specific areas will be designated so that approximately 6% of the total population in the County can be accommodated on acreages. Grouping acreages together in a specific area enables services to be provided more efficiently, such as reducing the amount of paved roads, fewer and shorter school bus routes and more cost effective rural water district service. Grouping also reduces the number of potential conflict points between farm operations and acreages.

Preserve areas for the future growth of incorporated towns. In accordance with town plans, preserve additional areas in agricultural use, outside of the town's current one mile zoning, for future town growth.

Direct and support residential, commercial and industrial growth in incorporated towns.

*Performance Criteria
not mapping*

In determining areas of higher density rural acreage (200 units or more per square mile), numerous factors will be reviewed, such as but not limited to water and rural water districts, soil conditions, roads, agricultural productivity, land parcelization, number of existing acreages, and plans for urban or town development. Acreages should develop in areas that best reflect the carrying capacity of that area for acreages. A performance criteria should be developed to review requests for acreage zoning and to determine where these standards can best be met.

New urban acreage development is not encouraged in the Plan Vision Tier I areas for Lincoln, except for areas already zoned, previously designated for acreages or under development, in order to provide areas for future urban growth and to minimize the impact on new acreage development. This will reduce the number of acreage homeowners who would be impacted by annexation in the future. Even though acreages can be designed with infrastructure to city standards, there is still an impact on acreage owners and their families during annexation in terms of changes in school district, the character of the surrounding area and financial implications. Impacts to the acreage homeowners and to the City of Lincoln can be avoided by locating acreages in areas outside of the Tier I areas. Pg 70

These principles are embodied in the following Acreage Development Policy.

Retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres) for all agriculturally zoned land. Provide more bonuses and a lower threshold size (not below nominal 40 acres) for the proven technique of "cluster" development using the Community Unit Plan. This technique has been successful in providing flexibility while preserving both farmland and environmental resources at the same time.

Market Based Analysis

Development of a performance standard system will allow the location of higher density rural acreage development in either "AG" or "AGR" where the review criteria can be met. This allows equal treatment across the county, maximum freedom of determination of marketing and sale, while locating those developments only in those areas where sufficient attributes can be accumulated to justify the development at the requested location.

can be changed from present use

New 'urban acreage' development should only be permitted in Tier II and Tier III areas of Lincoln and near towns under higher design standards based upon a "build-through" model and without use of sanitary improvement districts. The "build-through" design standards should address, along with other items deemed necessary by the study, a preliminary plan lot layout that accommodates first phase low density acreages with rural water and sewer systems. The preliminary plat would also show future lot splits as a second phase to permit the urban infrastructure to be built through and urbanization to occur if and when annexed by a city or town is deemed appropriate. The future lot splits will increase density in an urban form and provide income to property owners to defray the increases in city taxes, services and infrastructure costs;

Mapping Issues

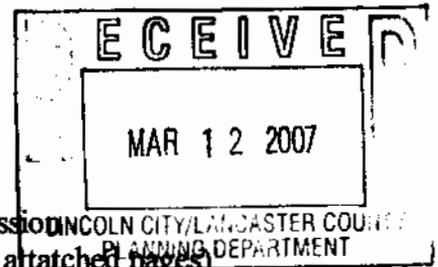


a lot layout that meets the various elements of the Comprehensive Plan; and

a development agreement that runs with the land and acknowledges that the acreage development (i) is not entitled to extra buffering protection greater than the acreage property lines from existing agricultural practices and from future urbanization and (ii) waives any future right to protest the creation of lawful centralized sanitary sewer, water and paving special assessment districts or other lawful financing methods at a later date when urbanization is appropriate. Pg71

STRATEGIES FOR RURAL AREAS

- * Town plans should be acknowledged in the Comprehensive Plan.
- * The Comprehensive Plan should acknowledge the "Right to Farm."
- * Increase incentive bonuses for environmental and historic resources.



To: City of Lincoln and Lancaster County Planning Commission
From: Concerned neighbors identified as the undersigned (see attached pages)
Regarding: Change of Zone No. 07010, 134th St. and "A" St.
Date: 3-8-07

Dear Planning Commission,

It has been brought to our attention that there has been an application for Change of Zone No. 07010, from AG Agricultural District to AGR Agricultural Residential District, on property legally described as Lot 10 I.T., located in the SE ¼ of Section 29-10-8, Lancaster County, Nebraska, generally located at 134th St. and "A" St.

We, the undersigned neighbors, wish to submit, for public record, the *objection* to this zoning change based on the following concerns:

- 1) **The quantity of water** for neighborhood well users will be jeopardized due to increased ground water demands from additional underground residential wells. There is a great demand already placed on the water table from the irrigation of the Crooked Creek Golf Course. (NOTE: Woodland Hills Development (south of Eagle) has experienced substantial hardships over underground water availability and water rights issues)
- 2) **The sewage treatment system** (sewage lagoon) will create issues of concern in the form of noxious odor, mosquito breeding grounds and the leaching of toxic waste into Steven's Creek watershed imposing concerns for the health of human underground water consumption and the health of flora and fauna in the ecosystem. Not to mention the de-valuation of property.
- 3) **The quality of underground water** will suffer due to leaching and contamination of underground water supply from home owner's use of toxic lawn chemicals, added to the existing petrochemical toxicity from Crooked Creek Golf Course.
- 4) **Property taxes** will increase for existing homeowners due to paving of roads (particularly 134th St. and "A" St.), reconstruction on the two bridges existing between 120th St. and 134th on "A" St., water shed construction for flood control, increased home density of new construction and its impact on raising valuation of existing property taxes for home owners .
- 6) **Home construction in a flood plain** is against environmental , safety and codes standards. Therefore "clustering" of homes is necessary with adherence to "acres per home" ratio.
- 7) **Increased traffic** is a concern for the physical safety of all residents. Noise pollution detracts from the value (monetary and emotional) of country living. Increased traffic increases air pollutants that contribute to respiratory and allergic ailments.

- MARY KAY RETZLAFF

- SCOTT RETZLAFF

Mary Kay Retzlaff 3/11/07

Scott Retzlaff 3-11-07

- Linda A. Dietrich

- Robert E. S. Retzlaff

Linda A. Dietrich

Robert E. S. Retzlaff 3-11-07

- Gary B. Summers

- BART HERRICK

Gary B. Summers 3-11-07

Bart Herrick 3-11-07

- David Williams

- Loree A. Peery

David Williams 3-12-07

Loree A. Peery 3-11-07

- Gwen C. Batcher

- William R. Peery

Gwen C. Batcher 3/12/07

William R. Peery 3-11-07

- ROBERT E. BATCHER

- Ervin A. Maabs

Robert E. Batcher 3/12/07

Ervin A. Maabs 3-11-07

- Clayton Strong
Clayton Strong

- Twila M Strong 3/11/07
Twila M Strong