

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT
for March 14, 2007 PLANNING COMMISSION MEETING

P.A.S.: Comprehensive Plan Conformance No. 07001
S 105th and "A" Street conservation easements

PROPOSAL: To find that the acquisition of permanent conservation easements over restored native prairie conforms with the 2030 Comprehensive Plan.

LOCATION: Generally south of the intersection of S. 105th and "A" Streets.

LAND AREA: 25.48 acres, more or less.

CONCLUSION: This conservation easement is for the purpose of preservation of restored native prairie. Acquisition of the conservation easement by the Wachiska Audubon Society is in conformance with the policies and goals of the Comprehensive Plan.

<u>RECOMMENDATION:</u>	In conformance with the Comprehensive Plan.
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GENERAL INFORMATION:

LEGAL DESCRIPTION:

Camelot Acres 1st Addition Outlot A, located in the north half of Section 36, Range 10 North, Township 07 East, Lancaster County Nebraska.

EXISTING ZONING: AG Agriculture

EXISTING LAND USE: One dwelling. Restored Native Prairie

SURROUNDING LAND USE AND ZONING:

North:	Acreages, MoPac Trail	AG Agriculture
South:	Farming	AG Agriculture
East:	Farming, one house	AG Agriculture
West:	Farming	AG Agriculture

HISTORY:

1996 Administrative Amendment (AA96010) reconfigured Lot 1, Block 2 to its current location and established an access easement for a 25 foot wide private driveway over Block 2 Outlot B. That same year, Lot 1 and Outlot B of Camelot Acres CUP were Final Platted (FPPL96066) as Camelot Acres 1st Addition Lot 1 and Outlot A, also showing a 25 foot wide private driveway with access easement over Outlot A. 1994 Planning Commission and City Council approved the Camelot Acres Community Unit Plan (SP1499) allowing for five single family dwelling units. 1979 This property was changed from AA Rural and Public Use to AG Agriculture.

COMPREHENSIVE PLAN SPECIFICATIONS:

The 2030 Future Land Use Plan shows this land as Urban Residential, Green Space and Agricultural Stream Corridor all within the Future Service Limit, Tier I, Priority C.

Emerging Regional Planning Issue identified:

Conservation and protection of environmental and natural systems. (p.4)

Comprehensive Plan Vision: Environmental Stewardship

Natural and environmentally sensitive areas are preserved and thrive. Wetlands, native prairies and stream (riparian) corridors are preserved to ensure the ecological health of the community. (p.7)

Guiding Principles for the Urban Environment include:

Natural and environmentally sensitive areas should be preserved within neighborhoods. Conservation areas and open lands should be used to define and connect different neighborhoods.

Streams, trees, open space, and other environmentally sensitive features should be preserved within new development as design standards allow. The natural topography and features of the land should be preserved by new development to maintain the natural drainageways and minimize land disturbance. (p.9-10)

Priority Area Plan for Tier I: Priority C of Tier I

Priority C is the later phase of development areas and is intended to be served after Priority A and B. Given current growth rates and infrastructure financing, development would not begin in this area until after 2020 or 2025. (p.25)

Environmental Resource Features represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. (p.52)

A brief description of each of the Plan's environmental resource features is provided below.

Native Prairie This feature refers to the tallgrass prairie areas that are dominated by big bluestem, little bluestem, indian grass, and sideoats grama grass species. Numerous wildflowers and forbs are also found in these prairies, including purple coneflower, purple prairie clover, and black-eyed susan. Though historically they were the regions prevailing natural condition, native prairies are an increasingly rare feature on the Nebraska landscape. Lancaster County is fortunate to have about 8,640 acres of native prairie remaining, although they are scattered throughout the county in patches of land that must remain whole if their integrity as a natural resource feature is to continue. Nine Mile Prairie and Spring Creek Prairie are two of the larger massings of native grasslands in the county.

The Greenprint Challenge: Overview

The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features.

Preserve ecological protection areas. Protect areas that are biologically interconnected to support bird, animal, and insect migration and supporting vegetation. Examples are stream beds and wooded corridors, prairie land, and saline wetlands. (p.55)

The **Greenprint Challenge: Implementation Strategies** include:

Investigate means for encouraging native prairie restoration by private entities. (p.57)

Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.),...to manage land with environmental resource interest. (F 64)

ANALYSIS:

1. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires that the acquisition of conservation easements be referred to the local planning commission having jurisdiction over the properties for approval prior to the acquisition. The Planning Commission must make a recommendation "regarding the conformity of the proposed acquisition to comprehensive planning for the area," (NEB. REV. STAT. §76-2,112).
2. The purpose of this Comprehensive Plan Conformity report is to determine whether this permanent conservation easement is in conformance with the 2030 Comprehensive Plan.
3. The Conservation and Preservation Agreement has been agreed to by the Grantors (Larry Fletcher and Peggy J. Fletcher, owners) and the Grantee (Wachiska Audubon Society, a Nebraska private non-profit corporation).
4. The proposed conservation easement will protect restored native prairie and will include provisions prohibiting specific uses and practices. The prairie is currently used for several educational and conservation programs. Its location on the south side of the MoPac Trail make it a valuable community resource. The purpose of the proposed conservation easement is stated as the preservation of the land as a scenic, cultural, scientific, and educational resource and as a storehouse of rare prairie plant and animal life, all purposes conforming with the Comprehensive Plan.
5. Note 12 of the approved Camelot Acres Community Unit Plan states "*All areas beyond the individual lots and private roadway shall be planted with native grasses and trees or cultivated crops. These areas shall not be "mowed" except for the cutting of hay. Noxious weed shall be controlled.*" This conservation easement would further the intent of the Community Unit Plan to preserve this open space.
6. The County Engineer indicates no objection.
7. Public Works & Utilities - Watershed Management indicates no objection.
8. The City Engineer, Public Works & Utilities indicates no objections.

CONCLUSION:

This conservation easement supports the goals and policies of the 2030 Lincoln/Lancaster County Comprehensive Plan by preserving restored native prairie, providing habitat for birds and other wildlife, and providing recreational and educational opportunities for the people of Lancaster County. The proposed conservation easement also furthers the intent of the Community Unit Plan for Camelot Acres by preserving the land in native grasses. A finding of conformity is recommended.

Prepared by:

Sara S. Hartzell, Planner, 441-6372
shartzell@lincoln.ne.gov

Date: February 26th, 2007

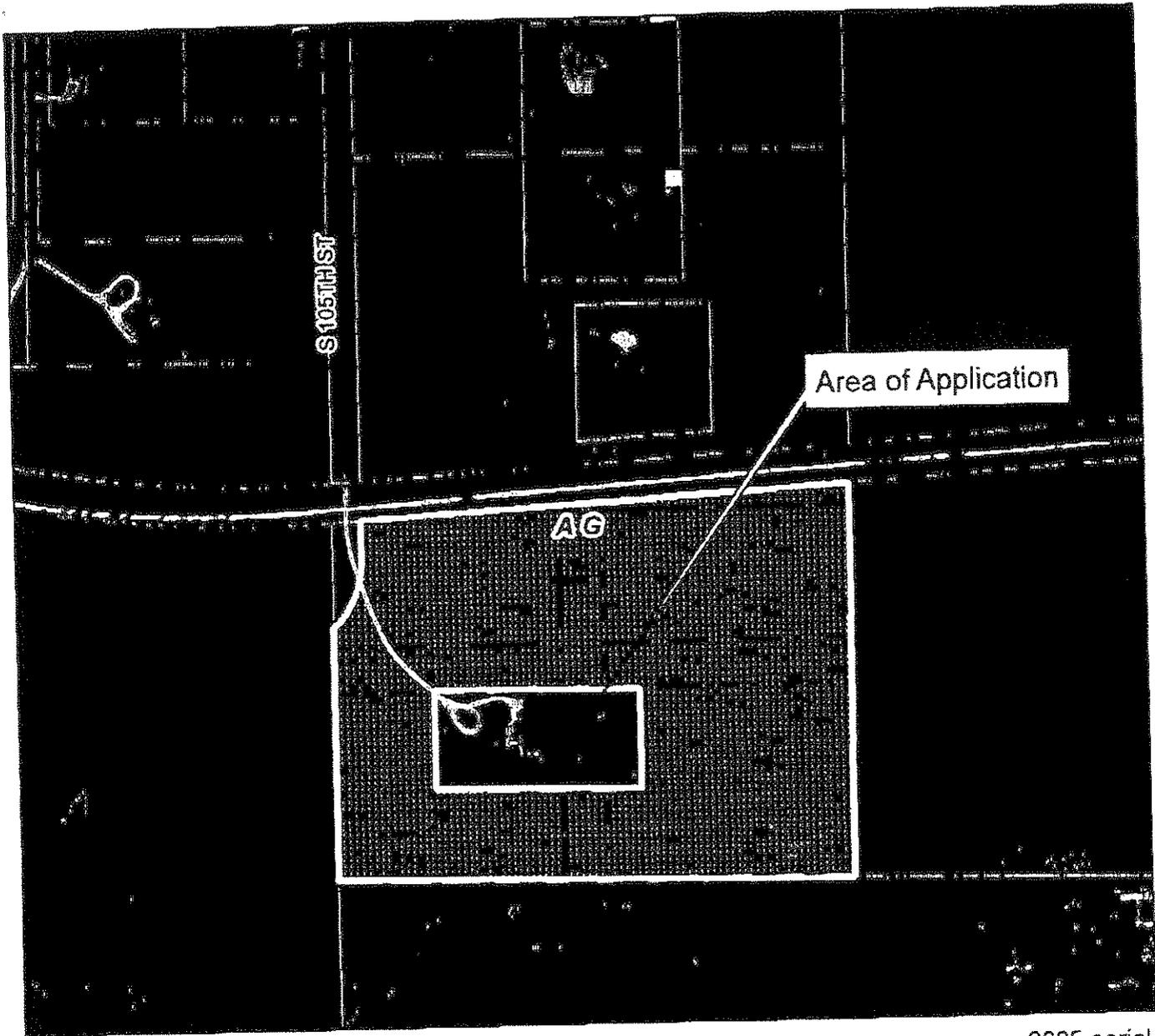
Applicant: Wachiska Audubon Society
4547 Calvert St., Suite 10
Lincoln, NE 68506

Contact: Donald J. Pepperl
4547 Calvert St., Suite 10
Lincoln, NE 68506
(402)489-9321

Owner: Dr. Larry Fletcher and Peggy J. Fletcher
1900 S. 105th St.
Lincoln, NE 68520

Conservation

Easement Holder: Wachiska Audubon Society
4547 Calvert St., Suite 10
Lincoln, NE 68506



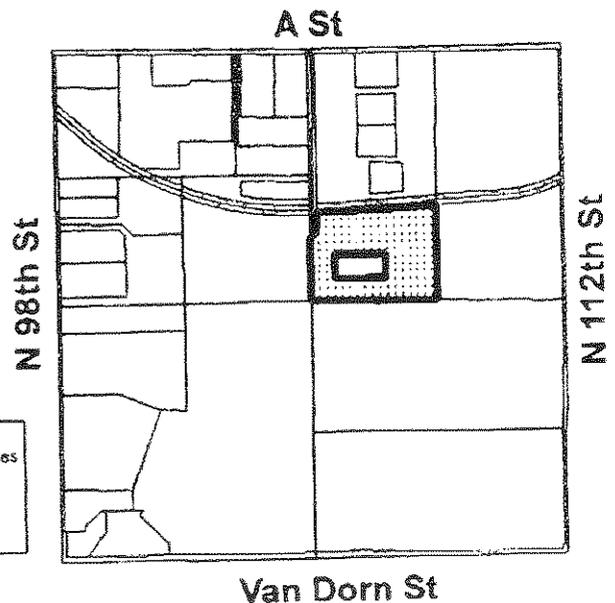
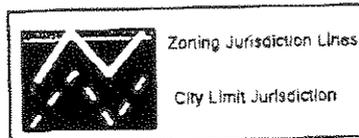
2005 aerial

Comp Plan Conformance #07001
Outlot A, Camelot Acres 1st Addition

Zoning:

- R-1 to R-8 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-6 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. 36 T10N R07E



Tier I, Priority B

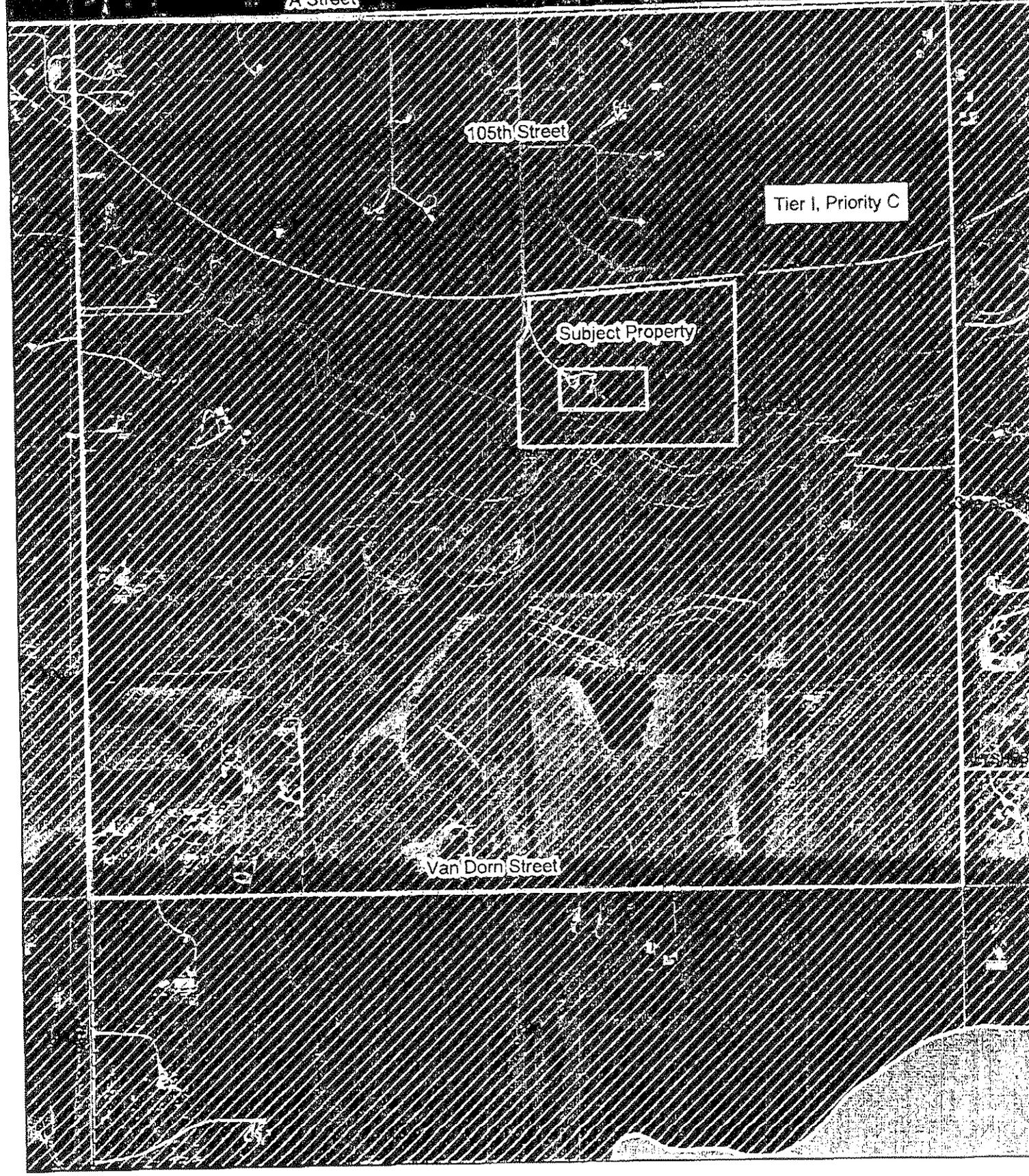
A Street

105th Street

Tier I, Priority C

Subject Property

Van Dorn Street

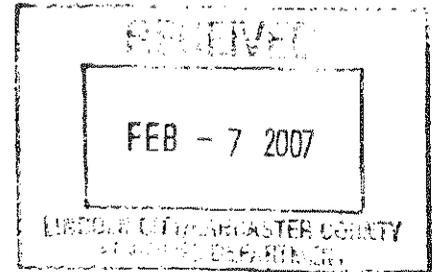


DONALD J. PEPPERL, P.C., L.L.O.
LAW OFFICE

FAX (402) 489-9323
PHONE (402) 489-9321

4547 CALVERT STREET
P.O. BOX 6476
LINCOLN, NEBRASKA 68506

February 6, 2007



Marvin Krout
Lincoln Planning Director
555 South 10th St.
Lincoln, NE 68508

Re: Conservation and Preservation Easement

Dear Mr. Krout:

Per the requirements of Neb. Rev. Stat. Section 76-2,112, (Reissue 2003), I am forwarding to you to be submitted to the Planning Commission a Conservation and Preservation Agreement executed by the grantors Dr. Larry Fletcher and Peggy J. Fletcher, and accepted by Wachiska Audubon Society. The Agreement was executed by our President subsequent to the Boards unanimously voting to approve acceptance at its board meeting of February 1, 2007.

Attached as Exhibit A to the Conservation Agreement is a compilation of plant species located on the tallgrass prairie and riparian woodlands. Also enclosed is a statement from the Fletchers outlining the processes utilized in reconstructing the tallgrass prairie and an aerial photo of the subject property.

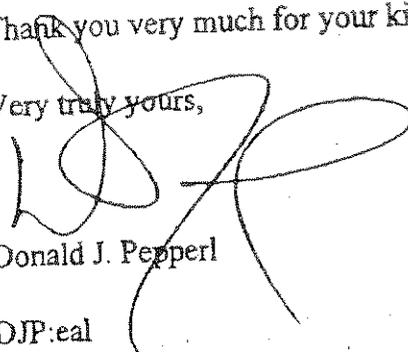
In support of our request that the Planning Commission approve this easement, we would ask them to note that it is in conformity with the Comprehensive Plan with respect to preservation of natural resources. Although the native prairie, including grasses and forbs, are the most predominant features, we note that with respect to the Core Resource Imperatives referenced in the Comprehensive Plan, the property also includes some fresh water wetlands and riparian, floodplain, and stream corridors. Also we believe of significance is the fact that the prairie abuts the Mopac Trail.

MAR-08-2007 11:55 CITY COUNTY PLANNING DEPT 402 441 037 1103701

Wachiska Audubon would request notification of the hearing date on this easement by the Planning Commission. Also please advise if there are any questions or further information needed.

Thank you very much for your kind assistance and cooperation.

Very truly yours,



Donald J. Pepperl

DJP:eal

Encl.

cc: Dana Roper, Lincoln City Attorney

Ernie Rousek, Wachiska Conservation Committee Chairman

**Review Comments for
Application #: CPC07001**

Comments as of: Monday, February 26, 2007

Status of Review: Approved

02/21/2007 3:49:26 PM

Reviewed By County Engineer

JIM LANGTRY

Comments: Upon review, this office has no direct objections to this submittal - Larry Worrell
(copied from hardcopy)

Status of Review: Active

ANY

Reviewed By Law Department

Comments:

Status of Review: Routed

COUNTER

Reviewed By Planning Department

Comments:

Status of Review: Complete

RAY HILL

Reviewed By Planning Department

Comments:

Status of Review: Active

SARA HARTZELL

Reviewed By Planning Department

Comments:

Status of Review: Complete

02/22/2007 9:07:17 AM

Reviewed By Public Works - Development Services

SIETDQ

Comments: Memorandum, ,

To: Sara Hartzell, Planning Department
From: Charles W. Baker, Public Works and Utilities
Subject: Fletcher Wachiska Audubon Conservation Easement CPC #07001
Date: February 22, 2007
cc: Randy Hoskins

The City Engineer's Office of the Department of Public Works and Utilities has reviewed the Fletcher Wachiska Audubon Conservation Easement CPC #07001 located on the property that abuts 1900 South 105th Street. Public Works has no objections.

Status of Review: Approved

Reviewed By Public Works - Watershed Management

02/21/2007 3:50:15 PM

NCSSXH

Comments: Sara,
Watershed management has reviewed the Fletcher/Wachiska Audubon Conservation Easement. We have no comments to offer.
Thanks

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