# BRIEFING NOTES

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| **NAME OF GROUP:** | PLANNING COMMISSION |
| **DATE, TIME AND PLACE OF MEETING:** | Wednesday, September 21, 2011, 12:00 p.m., Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska |
| **MEMBERS IN ATTENDANCE:** | Michael Cornelius, Dick Esseks, Wendy Francis, Leirion Gaylor Baird, Roger Larson, Jeanelle Lust, Jim Partington and Lynn Sunderman; Tommy Taylor absent. |
| **OTHERS IN ATTENDANCE:** | Lynn Johnson, Jerry Shorney, Bob Wehyrich, Parks & Recreation; Marvin Krout, Nicole Fleck-Tooze, Sara Hartzell, Steve Henrichsen, Brandon Garrett, Jean Preister and Michele Abendroth of the Planning Department. |
| **STATED PURPOSE OF MEETING:** | LPlan 2040: Street Trees and County Board Amendments |

The meeting was called to order at 12:00 p.m. The Nebraska Open Meetings Act was acknowledged.

Krout stated that today's discussion is regarding street trees and a couple County Board issues brought up by the County Board last week.

Krout began the discussion on street trees. In April, when the Parks & Recreation chapter was discussed, Lynn Johnson suggested adding language to consider having developers plant street trees on their properties in the front yards. Currently in the subdivision ordinance, there is language requiring that street trees are part of the public infrastructure planted in the right-of-way as part of the subdivision approval and are located between sidewalks and curbs. He recently recognized that the suggested language is in the draft Plan, and he is concerned about it. He would like to eliminate or modify the language and bring it to the City Council during their review of the Plan. Street trees are an important component of what makes Lincoln a special place, in that we have tremendous tree canopy and a tremendous visual appearance of our neighborhoods. This is reflected in the Placemaking chapter where we talk about the visual appeal of the City in that Lincoln has a great street canopy, which gives a level of quality to the streetscape. He is concerned that even if we would only apply this to newer development, this policy would lead you to question what we are doing in older neighborhoods. While he recognizes the budget struggles the Parks Department faces, it seems that street trees in the public right-of-way is such an important part of our visual appearance as well as for environmental benefits. So he has asked the Parks Department to reconsider that language.

Johnson stated that the Parks Department replaces about 1 in 5 street trees every year for various reasons. They monitor the number of trees we have. They have 132,000 trees they are responsible for managing. For aesthetic reasons, the perfect placement of the tree is between the curb and sidewalk. One of the things they track is the number of trees vs.

arborists. They have lost 2 arborists and have increased the trees significantly. In 2005/06, the ratio was 1 arborist for 4600 trees; in 2010/11 the ratio was 1 arborist for 6100 trees. This is at the breaking point for what is manageable. We are currently on a 10-year pruning cycle. In the past, we were on a 6-year pruning cycle. If street trees are not managed, they can become more of a hazard than a benefit. They have discussed this with the Parks Board, and they are recommending 1 arborist for 6000 trees. This would mean adding an arborist every 3 years.

Johnson proposed new language that states that we need to provide public resources to ensure that street trees are appropriately managed. Specifically, the language reads as follows: Street trees require ongoing, regular management to assure adequate clearance over sidewalks and over streets, and to maintain visibility of traffic safety signage. Increasing resources for staffing and contractual work are needed commensurate with the increasing number of street trees associated with new development in the community.

Esseks stated that repair of sidewalks is a big issue with the Planning Commission and the community. The area that a street tree is planted in cannot accommodate the tree growth and causes problems with the sidewalks. Johnson stated that the standard width requirement between the curb and sidewalk is 9 feet. In some older neighborhoods, the width is only 4 feet, and that is when damage occurs.

Francis stated that in the past 2 years, her home has seen sidewalk damage from the tree roots. But part of the reason she purchased her home is because of the tree canopy, and she feels it is a small price to pay.

Francis commented that many neighborhood associations are willing to volunteer to plant trees in their neighborhood.

Larson stated that if developers are encouraged to plant trees on their properties, he asked how the City will have control over that. Johnson stated that this question will need additional discussions between Parks, Planning and Law. Currently when final plats are submitted, we require a plan that identifies the species and locations of the trees. One of the standards in the past is that we required landscape screens on private property.

Gaylor Baird asked if they are concerned about disparities in wealthier neighborhoods versus low income neighborhoods. Johnson stated that they have discussed this issue as it is more likely neighborhoods who have resources will maintain their trees. Another issue is the potential disparity between services people receive for their property taxes.

Krout confirmed there was an informal consensus among Commissioners regarding the proposed language.

Next, Krout informed the Commission of the County Board concerns. He stated that there is a Common briefing on October 3 and inquired about their attendance at the meeting. He requested that they let him know if they would like to attend the Common briefing. A Common hearing has been scheduled for October 18. The County Board asked for a separate briefing which took place last week. One of their concerns was if we put the yellow back on the map, and we showed them that we did. In addition, they raised two more issues. The

first issue is regarding commercial and industrial development in rural areas, and the second issue is why we need a 20-acre rule in the Agricultural zoning district. The County Board has asked for a legal opinion from the County Attorney on the process to change the county zoning rules in the agricultural district from 20 acres to 5 acres. We were taken by surprise by these issues.

Regarding the commercial and industrial issue, Krout explained that there was an issue with the Bennet corner, approximately 2 miles north of Bennet. There is a small commercial development at the Highway 2 and 148th Street interchange. We had discussions with Bennet 3 years ago regarding commercial and industrial development north and south of that corner. At that time, they were not interested in seeing the map change to add more commercial development in that area. This is not unusual as this would detract from their main street businesses. We have had a consistent policy of not encouraging commercial or industrial development outside the municipality.

Regarding the agricultural district, Krout stated that by saying they want to change the rule from 20 acres to 5 acres, they are basically saying that we should not have an agricultural district. This has a lot of implications in terms of agricultural preservation and costs of services. There was a cost of services report done 6-8 years ago, which said that taxpayers in Lincoln and other cities in the county are transferring city taxes that go to the county for services for roads and sheriff to the unincorporated area, which represents a transfer of $6.8 million per year at the time. The point is if there is not some control over acreages, we are back to the situation of 30 years ago where it is unpredictable and we cannot afford to maintain county roads. Technically, the answer that the County Board will get is that we can change the zoning without having to amend the Plan, but so much of the Plan is contrary to that. They told the County Board that this has big implications, and they would have to go through the Planning Commission for a recommendation.

Krout stated that they are shocked that these issues would be raised this late in the process. He doesn't believe that anything will be changed in the Comp Plan, but the County Board wants to discuss this issue to amend the Plan or change the county zoning code.

Lust stated that one of the other reasons for not having the increase in acreages is that it constrains the growth of the City. Krout stated that is true, but it is mitigated by the fact that the city has its own zoning jurisdiction. We have build-through regulations which lay out and show the expectations for bringing the infrastructure through. As long as this would remain a County issue, that is less of a concern, and he does not believe the City would not have an interest in making the same change. Esseks stated that we subsidize the county with police services and road upgrading and maintenance. There is a lot at stake here, and it could potentially be an enormous drain on our resources. The irony is that all of the County Commissioners are elected by Lincoln residents, and they are proposing something that could be detrimental to Lincoln residents.

Krout stated that we keep an eye on supply and demand for acreages. Most acreages are being developed in the agricultural zone, but we have more responsible ways to do it that maintains the low density which allows for a gravel road system. We do that by cluster

development. We also allow lot owners to subdivide a lot on a farmstead exemption. He believes landowners are taking advantage of all the opportunities available and that keeps the overall agricultural density under control at a level that doesn't end up with a paved road scenario.

Lust stated that she doesn't understand the reasoning for this request and how they can ignore the data about what a good location for an acreage is. Sunderman asked if they expect greater property values and greater taxes. Krout stated that he doesn't think it will be greater taxes. Maybe they think that some land may attract more city residents, but he doesn't think that will happen. If that is the case, we don't need to slow down the rate of homebuilding at the edge of Lincoln. To the extent that does happen, the City would miss sales tax, property tax, and wheel tax. He thinks it has more to do with the philosophy that zoning represents.

Gaylor Baird stated that they are not actually paying for it. There is a general lack of awareness about how the cost of infrastructure works, and there is really a marketing issue here with people understanding how the city is subsidizing the county. Krout stated that County board members who were here 8 years ago when the study was conducted will say the study is flawed. Esseks stated that this study is a good one. Krout stated that the study is very detailed with a viable result.

Cornelius asked if staff needs anything from the Commission at this time. Krout stated that this is just informative, and he doesn't know where it will lead. He will inform them of any further news.

The meeting was adjourned at 12:56 p.m.

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