

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for December 14, 2011, PLANNING COMMISSION MEETING

PROJECT #: _____ Comprehensive Plan Amendment No. 11001

PROPOSAL:

Amend page 7.12 to add language encouraging more options for creation of small lots in the Agricultural District while maintaining the overall density of 1 dwelling per 20 acres.

LOCATION: Page 7.12 of the Neighborhoods and Housing chapter

LAND AREA: County jurisdiction

CONCLUSION:

With proper zoning and subdivision controls this proposal could result in further options for acreage development while maintaining a density appropriate for the agricultural district and protecting farm land.

RECOMMENDATION:

Approval

HISTORY:

LPlan 2040, the update of the Lincoln and Lancaster County Comprehensive Plan, is a public process that began in spring of 2010. The process involved input from elected and appointed officials, a 20 person advisory committee, City, County, State and Federal staff, business and special interest groups, and thousands of members of the public. In July of 2011 a draft of this plan was posted to the website and distributed to the public. In September of 2011 the Planning Commission approved an amended draft and forwarded it to the City Council and County Board for their consideration. A public hearing was held on October 18th with both City Council and County Board in attendance.

During the County Board's review, three amendments affecting the County' jurisdiction were suggestion by Board members which they were unable to act upon without review and action by the Planning Commission. These related to the ways that smaller lots can be subdivided and sold, "build-through" standards, and the land use designation at the Bennet Corner in the area of S. 162nd and Highway 2. The 2040 Plan was adopted without these amendments by the County Board on October 25 and by City Council on October 31., with the understanding that these three amendments would be sent to the Planning Commission subsequently as proposed Comprehensive Plan Amendments.

ANALYSIS:

1. This is a proposal by the County Board to amend the 2040 Comprehensive Plan to revise page 7.12 of the Neighborhoods and Housing chapter as follows:

“Areas within the Lincoln jurisdiction not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres). However, consideration should be given to new ways that smaller lots can be subdivided and sold, while still maintaining that overall density and maintaining good access management along the County’s section line roads.”

2. Allowing for additional ways to create 3 to 5 acre lots in the AG district and encourage clustered developments, while still limiting density and controlling access accomplishes the overall density goals for the agricultural district of 1 dwelling unit per 20 acres, preserves farmland, and provides options for housing types in the county.
3. Based on the County Board’s clarification that they are not intending to allow higher densities in the Agricultural (AG) district, and do intend to maintain the overall density of 32 dwelling units per square mile, the Planning Department recommends approval of the revised amendment to the Comprehensive Plan. While this item is strictly an amendment to the Comprehensive Plan, it is important given the community discussion about this kind of change to describe the types of revisions that might be appropriate in the future to the County’ Zoning and Subdivision Ordinances. The Planning Department is prepared to draft amendments to the County’s zoning and subdivision regulations that would allow for additional ways to create 3 to 5 acre lots in the AG district and encourage clustered developments, while still limiting density and controlling access, based on the following parameters:
 - a. In addition to the current provision which allows two 3-5 acres lots to be created without special zoning approval on 40 acres, with the remainder in an unbuildable outlot, the zoning resolution also could allow one lot of 3-5 acres to be created on 20 acres, or three 3-5 acre outlots on 60 acres, or four lots on 80 acres. These "mini-cluster" developments need not provide an internal road if they share a common driveway to the section-line road, and so could be done without a preliminary plat. This kind of development will require amending the minimum lot frontage so that 3 or 4 lots can have narrow "panhandle"-type frontage clustered at one location so they can each access from one common driveway in a dedicated road and utility easement. However, if just one 3-5 acre lot is platted on 20 acres, that lot should maintain the current 550 feet of lot frontage along the section-line road and have its driveway located at one or the other side of the lot with an easement ensuring that it can be shared with the abutting property in the future, in order to prevent the potential of driveways every 200-300 feet.
 - b. Increase the bonus provisions for a Community Unit Plan which involves the creation of an internal road, from 20% to 25%, which will yield 5 lots

instead of 4 on an 80 acre tract, and 10 lots instead of 9 on 160 acres. As part of an amendment to increase the size of the bonus, those provisions also could be simplified. But we would also propose that lot size in CUPs be limited to an average not exceeding 5 acres, so that 75% of the land is left for farming.

4. The Planning Department also continues to encourage state legislation to enable the Transfer of Development Rights. Transfer of development rights would allow those who wish to increase density on parcels that could support it (sufficient transportation infrastructure, water, etc...) to do so by buying those rights from landowners who have limitations for development (e.g. environmental restrictions such as floodplain or tiger beetle habitat, lack of water resources, undesirable distance from employment, prime farmland whose owners have no desire to sell off lots, etc...)

BACKGROUND INFORMATION

Summary:

- . The County's 3-decade-old policy restricting density in the AG zone stems from reaction to the effects of uncontrolled growth.
- . Local county residents have expressed a strong desire to preserve the quality of life in the rural areas.
- . There already are a number of ways that 3 – 5 acre lots can be created in the AG zone.
- . There is a plentiful supply of smaller lots available for development in both the AG and AGR zones.
- . Surrounding counties have enacted zoning for their rural areas that is as strict, or stricter than, Lancaster County, and data does not reflect a trend of Lancaster County residents moving to acreages in surrounding counties.
- . Permitting higher densities in the AG zoned areas would be detrimental to farm life and natural resources, and would create new costs and safety issues on county roads.
- . Acreages in Lancaster County pay less in taxes than the cost of the county services they require; a policy that encourages more acreages increases the burden on city tax payers to subsidize those services and cuts into the potential demand for new housing in Lincoln and other Lancaster County towns.

During the public hearing process on the adoption of the 2040 Comprehensive Plan, three additional amendments were suggested by the County Board members. One of these amendments was the addition of language, shown with underline, to the statement "Areas within the Lincoln jurisdiction not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile

(1 dwelling unit per 20 acres).” This addition limits what has been referred to as the “20 acre rule” to the City of Lincoln and its 3-mile extraterritorial jurisdiction, and implies a change to the County zoning resolution to reduce the minimum lot size in the Agricultural zoning district. County Board members suggested their interest in such a change at several meetings in September, 2011, and directed Planning to proceed with the process to make such an amendment on October 11, 2011. On October 25, the County Commissioners clarified their intent to maintain the overall density of 32 dwellings per square mile (1 dwelling per 20 acres), and the amendment was revised to read “Areas within the Lincoln jurisdiction not designated for acreages should remain agriculturally zoned and retain the current overall density of 32 dwellings per square mile (1 dwelling unit per 20 acres). However, consideration should be given to new ways that smaller lots can be subdivided and sold, while still maintaining that overall density and maintaining good access management along the County’s section line roads.”

The Planning Department prepared background information in response to the original amendment requested by the Board. Although “density” apparently is no longer an issue, we offer the following information to respond to some issues that were raised earlier by the Board, and to assist in any future discussions on density in rural areas. The remainder of this report briefly reviews the history of minimum lot sizes in the Agricultural (AG) district, public opinion on rural life, current provisions for residential development in the AG district, recent subdivision and zoning activity in that district, a brief summary of minimum lot size requirements in nearby counties and Lancaster County towns, and a review of US Census migration data for Lancaster County.

History:

Prior to 1979, Lancaster County’s AA zoning district had a minimum lot size of 1 acre. Individuals often subdivided land into 5 acre parcels by survey and deed without going through the county subdivision process, according to the state statutes at that time. This created parcels that met the zoning definition for lot size, and so were buildable lots, but underwent no formal review for conformance with subdivision regulations. In some areas this created rows of acreages along gravel roads with driveway access every few hundred feet. These multiple driveways cause safety concerns when vehicles enter roads and mix with both high speed vehicles and heavy farm machinery. Many lots were created with long panhandles reaching to the roads, often referred to as “flag lots”. Often times the flag lot may not even take access along their own property, but rely on easements across the property of others.

The County Engineer and County Board began to receive many comments from residents about the road issues. Gravel roads that experienced much higher levels of traffic required increased engineering, modification of grading profiles, and increased gravel and grading maintenance. As more and more acreages were built in certain areas (east Holdrege St.), residents began to demand the paving of their roadways. The lack of predictability as far as location of future acreage demand left the County Engineer unable to plan or budget for future paving needs. The County Engineer did not have the budget to pave miles of county road on a “demand” basis.

At about the time that the State of Nebraska revised statutes to raise the subdivision threshold to greater than 10 acres, Lancaster County began discussions of a change to

minimum lot size. In the 1979 revision of the county zoning resolution a minimum lot size of 20 acres was settled upon for the new AG (Agricultural) district. This was based, at least in part, upon the State definition of a farm being at least 20 acres and producing \$1000 in agricultural products. This also created a land use pattern that generates trips below the level at which the County Engineer would begin the process to improve the road.

At the same time the AGR (Agriculture Residential) district was created with a 1 acre minimum lot size (later raised to 3 acres based largely upon the Health department's determination of the area required for a safe and properly functioning well and septic system.) The future low density residential (AGR) areas were shown in the 1977 Comprehensive Plan along existing paved roads and near State recreation areas and lakes. Identifying future acreage areas allowed the County Engineer to anticipate the need for future paving. The future AGR areas have been shown in the Comp Plan ever since, although their location has changed over time.

Public Input on Preservation of Rural Life:

In April of 2010 a scientific survey of all Lancaster County was conducted by Sigma Corporation. This survey contacted 700 residents, in the county, evenly distributed throughout the county (as shown on the attached map.) In one set of questions, respondents were asked whether they felt a list of issues was extremely important, very important, somewhat important, or not really that important. Among the statements was the following: ***Preserve the quality of rural life and highly productive agricultural land in Lancaster County.***

Of 22 issues presented, this ranked the fifth highest issue with 60% of respondents saying this issue was either extremely or very important. When respondents are separated into 7 geographic regions, the response of those identified as being in Lancaster County (the rural area) responded to this question with a ***higher rank than any other geographic group responded to any other issue.*** When separated into those inside Lincoln city limits and those outside, those outside Lincoln again responded to this question with a ***higher rank than any other geographic group responded to any other issue.*** It seems clear that those who live in the rural areas of the county would prefer to maintain their quality of life as it is. See attached Tables 10 – 12 and the map from that report.

Residential Development in Lancaster County AG Zoning District

One of the reasons stated for reduction in lot size in the AG district is the cost of purchasing a 20 acre parcel and that this cost does not allow most people to buy a lot for a single family home. In fact, there are many ways to purchase a smaller lot in the AG district without the need to rezone to AGR. Some of these techniques, such as the "Farmstead Split", have been included in the zoning regulations for many years, while others, such as the "Two 3s per Forty" are newer and may not be as familiar to some people.

1. "***Farmstead Split***" allows an existing home to be subdivided onto 3 (in rare cases, 1) acres, with a remaining parcel of no less than 20 acres, provided:
Such Single family dwelling:

- (i) has existed on such land for more than five (5) years;
- (ii) is, or has been used as the primary residence associated with a farm; and,
- (iii) is in conformance with the other provisions of this resolution, the minimum housing code, and the minimum standards for water and sewage facilities and does not represent a hazard to the health and safety of occupants.

Note: It is possible for a land owner to split off a five yr old home from a large parcel, build another home on that larger parcel, then five years later split it off as well. This process could continue, at 5 year increments, as long as the remaining parcel was at least 20 acres.

2. Lots which were **lots of record before January 1st, 1979** but are less than 20 acres are buildable and adjustable.
3. "**Two 3s per Forty**" allows a 40 acre parcel to be subdivided creating two buildable lots of 3 acres or more, and one unbuildable outlot of not less than 30 acres.
4. A **mobile home** may be placed, temporarily, on the same property as a dwelling for **purposes of providing care** for a disabled person living either in the dwelling or in the mobile home. This is done by special permit, renewable annually.
5. A **Community Unit Plan (CUP)** may be utilized to create parcels less than 20 acres while retaining the overall density of one dwelling unit per 20 acres. The number of dwelling units is based on the size of the parcel (1 per 20 acres) and a 20% bonus may be obtained if land is preserved for farming, environmental preservation, or open space. These dwelling units may then be clustered on smaller lots, usually 3 to 5 acres, served with a public or private access road.

Several of these techniques are commonly used in other counties throughout the US; however, there may be other, more creative ways of providing options. It is possible to maintain the overall density in the unincorporated areas while still creating opportunities for those who would prefer to build on a 3 to 5 acre lot, without going through the process of a community unit plan or the expense of building a new road.

Recent Zoning Activity

County Change of Zone Requests, AG to AGR, 2001 to present

Although the analysis of any change of zone application begins with the Future Land Use plan, it is important to remember that other factors, such as access to paved roads, parcelization of surrounding properties, availability of water, availability of emergency services, and other characteristics that may make the site appropriate for acreage development are considered. In many cases (40% of applications that were not shown as future low density residential) requests that meet these factors are recommended by the Planning Department for approval regardless of the status of the future land use map.

Over the past ten years, there have been 51 applications for a change of zone from AG to AGR. Thirty-five of those were in areas shown on the future land use map as Agricultural, and 16 were on areas shown as Low Density Residential (Acreage). Fifty-seven percent of all applications were approved (15 in future Agricultural and 14 in future Low Density Residential areas), 6 were denied (4 on future Agricultural, 2 in future Low Density Residential) and 16 were withdrawn by the applicant before they were brought before the County Board. See Table 1 for details.

Availability of Land and Recent Building Activity:

There are several ways to evaluate the existing supply of land suitable for acreages in the County. The 2010 Community Indicators report, using data from the Building and Safety Department, indicates an average of 98 building permits per year have been drawn for the area outside of the City of Lincoln and other Lancaster County towns, which is the area in which these parcels exist.

Platted lots of 20 acres or less: Lancaster County has a total inventory of over 7,000 parcels of 20 acres or less located outside of Lincoln or any other Lancaster County town (does include areas within the 3-mile jurisdiction of Lincoln and the 1-mile jurisdiction of all small towns). Of those, 2,221 are unimproved, or have no dwellings on them (Table 3). Some of these may not be buildable lots, but many are platted or “lots of record” (grandfathered lots) which could be built upon. If *even half* of these lots are buildable, a ten year supply of lots exists today.

Approved developments: Many of the above mentioned lots are part of an approved and platted AG community unit plan, a “Two 3s per 40” subdivision, or a platted AGR subdivision. The current approved AG community unit plans and “Two 3s per 40” subdivisions include 308 platted, but unimproved parcels, while the AGR (acreage) zoned areas and those areas shown on the Future Land Use map as future acreage included 423 unimproved parcels for a total of 731 parcels that are currently ready for improvement (Table 4). This would seem to indicate approximately **7.4 years of supply is currently platted** in these developments.

According to data from the County Assessor’s office, between 69% and 75% of all new residential structures built in the unincorporated area were built in the Future Agricultural areas of the Comprehensive Plan Future Land Use map for the period between 2003 and 2010. This would seem to indicate that the AG zoning district accommodated, in one way or another, a majority of the new dwelling units constructed during this period (Table 2). A survey of the 2030 Lancaster County Future Land Use map using GIS analysis indicates 3,766 acres of unimproved land is within the “Yellow” areas of the map – those that are shown as future Low Density Residential, or acreages. Some of this land is already platted and ready for building, while the rest may still need to be platted. But if all this land were developed at a level of 5 gross acres per dwelling unit, this provides a potential total of **753 buildable lots in the “yellow” areas alone**. Recall, *only about 25% to 30% of total dwellings built over the past 8 years were built in these areas*.

These findings would seem to indicate that **by every measure there is an abundant supply of buildable lots already available and a potential supply that is more than adequate.**

Survey of Nearby Jurisdictions:

One concern that has been expressed is the flight from Lancaster County of those who have been unable to find affordable acreage sites to counties where the regulations are more lenient and site more easily obtained. Zoning regulations for surrounding counties and municipalities were reviewed for acreage requirements.

Surrounding Counties:

The zoning and subdivision codes for 10 nearby counties and Omaha were reviewed for minimum lot size, exceptions to this minimum (specifically for dwelling units) and other rural zoning districts. Most of the surrounding jurisdictions had a minimum lot size of 20 acres, with two having a minimum of 40 acres.

Further research into the code reveals different techniques for allowing dwelling units in the AG district. Most counties have provisions for grandfathered lots, and many allow “farmstead splits”. Several counties use a maximum density per quarter section to regulate dwelling units, often resulting in dramatically lower density than what is allowed in Lancaster County. Several have a special minimum lot size for single family residential, with a note that overall density must remain at a specified level. This is accomplished by placing an easement over the remainder of the parcel, or by platting it as an unbuildable outlot. Ex.: One 20 acre parcel is subdivided into a 3 acre residential lot and a 17 acre unbuildable outlot. CUPs are also fairly common, with some counties showing different allowed densities, or required open space, depending upon a rating system or the services supplied (community wastewater or wells). See Table 5 for details.

Saunders and Cass counties are often cited as being destinations for those who are unable to obtain acreage lots in Lancaster County. Interviews with zoning administrators in those counties revealed regulations that are similar to Lancaster with most of their jurisdictions zoned to limit overall density to 1 lot per 20 or 40 acres. Each county has some unique characteristics. Saunders County has a policy of zoning according to the Comprehensive Plan so that areas deemed appropriate for future acreages are zoned according to that future land use map. Cass County has a point system that is used by the Planning Director to administratively subdivide land that earns a minimum score into no more than 3 parcels. According to the zoning administrator this has been applied to older acreage areas that were created as ten acre parcels, prior to 1998, and are commonly subdivided into three ~3 acre parcels.

Lancaster County Municipalities:

Lincoln and 10 other Lancaster County towns were also reviewed and found to have minimums ranging from 4 to 40 acres, with one having a 4 acre minimum, three having a 10 acre minimum, two at 20 acres, five at 39 acres, and one at 40 acres. Small towns in Lancaster County vary widely, not only in their requirements, but in the age of their codes. The minimum lot size appears to be indicative of the willingness of the municipality to have acreage development within their one mile jurisdiction, or not. In at

least two cases, Hickman and Firth, the issue of growth after extensive acreage development on the periphery has been a topic of conversation in their recent planning processes. Lincoln and Lancaster County have, over the years, maintained the same minimum lot size in part to simplify the process of subdividing when land is in the “split jurisdiction”, straddling the 3-mile line of Lincoln and Lancaster County jurisdictions. See Table 6 for details.

Census and IRS Data on Migration:

Further data describing migration patterns between Lancaster County and other places was developed by the Lincoln and Lancaster County Planning Department and the Center for Public Affairs Research at UNO. The following is a summary of Table 7: Population.

- . ***Lancaster County is growing at a rate several times that of other surrounding counties***, the exception being Johnson County which saw a surge in population due to the state prison located outside Tecumseh.
- . Growth in Johnson, Saline, Saunders and Seward counties has been strongest in the towns. ***Only Cass showed faster growth in the rural areas with the towns decreasing in size.***
- . ***5 of the surrounding counties have seen declining rural populations***, with rural Saunders and Otoe growing at about half the annual rate of rural Lancaster, and rural Cass County growing at nearly three times the rate. (Cass and Saunders counties are heavily influenced by the Omaha Metro)
- . The annual growth rate of population in the unincorporated areas of Lancaster County is 0.46% compared to 2.05% of small towns and 1.37% of Lincoln. While 0.46% is a very low growth rate, it is ***higher than all of the surrounding counties*** with the exception of Cass (1.35%).

Table 8 titled County-to-County Migration Data for Lancaster County, Nebraska: 2000 to 2009 uses IRS data to report on the migration between Lancaster County and the 8 surrounding counties. This gives county-by-county detail, annual detail on the number of people moving in and out of Lancaster County, to and from the surrounding counties.

- . ***The net result of in and outmigration from the 8 surrounding counties over the past decade is a 344 person increase in Lancaster County's population.***
- . The first half of the decade showed more outmigration (loss of 273), and the second half showed more immigration (gain of 617).
- . Annual immigration to Lancaster County from the 8 bordering counties has exceeded outmigration for the past 5 years. In fact, outmigration from Lancaster to the surrounding 8 counties is at a ***ten year low***, and the last two years have shown the highest net immigration from surrounding counties to Lancaster County in the last ten. There are two likely reasons for this movement:
 - o Lancaster County acreage lots (3 – 5 acres) generally are more expensive than lots in surrounding counties, probably reflecting the convenience of closer proximity to the jobs and services available in Lincoln.

- o In the past 5 years, the increased cost of gasoline seems to have resulted in increased immigration to rural Lancaster County and reduced outmigration.

Issues:

Preservation of farmland: This is one of the ***core premises of land use planning in Lancaster County***. The agricultural base of Nebraska's economy is one of the cornerstones that has allowed Nebraska to weather the current economic crisis and helped keep Lancaster County from raising property taxes or cutting more services. The price of farmland will always be determined by the market, but the unregulated proliferation of acreage development will do nothing to ensure farmland will be available for future generations.

Provision of services: Homeowners in acreages areas can expect a level of service that is different than that provided in urban areas. Many services, such as water and sewer, are the responsibility of the individual property owner. Other services, such as law enforcement and fire protection, must be provided by limited personnel over large areas. Still other services, such as roads, are provided at a lower level of service, e.g. gravel roads rather than paved. Clustering acreage subdivisions in limited areas of the county can be beneficial in the provision of services such as emergency services, school bus transportation, and road level of service. Concentrating development on roads that are already paved limits the number of new roads that will exceed the 400 ADT threshold for additional engineering and consideration of paving; allowing de-concentration likely will result in more roads that will need paving. Although a road that experiences 400 trips per day may not immediately be paved, the increased traffic causes wear and tear on the road and can result in increased frequency of rock and gravel work, grading, and repairs after wet weather. It will almost assuredly add to the number of complaints received by the County Engineer and County Commissioners. Directing acreages to areas that already have paved roads available takes advantage of investments that have been made and provides the road conditions homeowners expect. The attached memo, dated October 20, 2011, from the County Engineer urges the County Board to consider the costs to all Lancaster County taxpayers in weakening the current land development policies.

The County Engineer also points out safety concerns when an increase in the number of driveways entering county section line roads. The concern for safety relates to the smaller lot frontage along the road that does not provide the flexibility to find a safe location to access the section line road. The smaller lots also increase the number of access points to the section line road thereby increasing the number of chances for conflicts. The adoption of the 20 acre rule was, at least partially intended to help prevent future conflicts from the increased number of access points like that along S-56th Street between Saltillo Road and Pine Lake road. The use of the community unit plan that allows clustering of acreages along an interior public or private roadway further provides the opportunity for a single access point to the road at a safe location. This provision has proved very beneficial in decreasing access points and increasing safety.

Cost of Rural Services: The Comprehensive Plan has been and continues to be supportive of providing housing choices, including the interest in living on acreage lots of

3-5 acres outside the city limits of Lincoln and the other municipalities. But since the 1979 changes to the city and county zoning codes and maps, the approach has been to more carefully manage the location of acreage subdivisions in a way that minimizes the cost of public services and the impact on natural resources.

Still, as the Comprehensive Plan adopted in 2002 was being developed, concerns were expressed about the financial burden that these acreage subdivisions were placing on other taxpayers in the county, and the 2002 Plan called for a study to assess the “rural cost of services.” That study was contracted and completed in 2003, and presented to the County Commissioners and others. Although some County Commissioners at that time expressed reservations about the validity of the study’s assumptions and conclusions, the study presented a financial picture that is difficult to dispute and consistent with similar studies done for other communities. The study indicated that:

- . Maintaining and improving county roads was the most costly service provided by County government, with the sheriff’s services coming second;
- . The road program in particular primarily benefitted properties in the unincorporated area;
- . Taxpayers in Lincoln and the other municipalities pay the overwhelming share of the cost of the road and sheriff services;
- . The net “transfer” of revenues and benefits from Lincoln and other municipal taxpayers to the unincorporated area for all county services amounted to \$6.9 million in 2002, with the road program alone representing \$5.5 million of that total.
- . The average value of homes in the unincorporated area was about two times the value of homes in Lincoln and the other cities that were “subsidizing” road and other services in the county, raising an additional question about the social equity of the transfer that was occurring.

In the period since the study was done, the County property tax revenue has increased from \$36.6 million to \$48.0 million (+31%), and the County road budget has increased from \$10.8 million to \$18.9 million (+75%). So the net transfer of revenues and benefits probably has increased proportionately.

Loss of Tax Revenues and Fees: To some extent a more active promotion of acreage lots by the County Board would be at the expense of lot development in Lincoln and the small towns. As pointed out by the Cost of Services study, there is a net transfer of tax revenues from urban taxpayers to provide rural services. Property taxes are not the only monies that are lost when residential development occurs outside any municipal district. Taxes charged on construction supplies for new homes are charged according to where the home is built, and so none are collected by any municipality. The same is true for vehicles. Wheel taxes also are not collected on vehicles from the unincorporated area, even though most of these residents work, shop, and recreate in the cities and so use the roads these fees are meant to support. Impact fees paid at the time of building permits, as well as utility fees paid over time, pay for improvements to utility services built for newly developed areas, and for the improvements made to treatment facilities – improvements that are planned and budget well ahead of time.

Natural Resources: A higher dwelling unit per section density will likely result in more prime agricultural land and natural resource land lost to development. The additional land speculation will make it more difficult for farmers to buy and expand their land for agriculture. Increased acreage development in the county will increase vehicle miles travelled in the county and reduce air quality.

10+ acre Parcels: A blanket reduction in lot size in the AG district would allow for parcels of 10+ acres to be created and sold without subdivision controls, per state statute. While it may sound like a great thing to be able to parcel off property without a subdivision, it does present some unique challenges. When a property comes in for subdivision it is reviewed by several different departments.

The need for any easements for utilities and dedication of road right-of-way is identified— saving utilities and the county engineer the cost of having to purchase these easements later and ensuring that interior parcels will have access to county roads and utility services.

The survey is checked and corrections noted – quite often the survey is not done correctly and there would be no-one to catch these errors if not reviewed.

The status of taxes is checked and lien holders are identified – this removes the possibility of a buyer being stuck with liens levied because of a sellers actions.

Parcels are checked for frontage and other zoning requirements – a lack of frontage on a road, or a lot configuration not meeting standards for required setbacks could make a lot unbuildable.

Without the subdivision process it is difficult to anticipate all of the problems that could arise, although discussions with those who were employed in the process in 1979 would present valuable input. Lack of a subdivision process has resulted in the past in issues of unclear ownership, “surprise” liens and other issues that can cause problems with bank financing.

Additionally, a 10 acre parcel would not meet the definition of a farmstead by state statute (at least 20 acres and producing at least \$1000 annually). As such it would not be eligible for a farmstead split later.

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TABLE 10
IMPORTANCE OF PLANNING OBJECTIVES/PRIORITIES
(n=700)

	Percent Response					Mean Rating
	Extremely Important	Very Important	Somewhat Important	Not Important	Don't Know	
Invest in clean energy	26%	42%	25%	6%	1%	2.89
Develop and maintain parks	23	41	30	6	-	2.83
Develop water conservation policies	20	43	29	6	1	2.78
Widen North-South roads	26	35	29	10	-	2.77
Preserve quality of rural life	21	39	32	7	1	2.75
Preserve natural resources	23	36	33	9	-	2.72
Develop highways/beltways	25	31	32	13	-	2.67
Development preserve character of neighborhoods	17	37	38	7	-	2.65
Small neighborhood retail	18	36	37	9	-	2.63
Green building standards	22	30	36	12	1	2.62
Better airline service	22	29	34	14	1	2.60
Widen East-West roads	20	30	34	15	1	2.55
Retail in older neighborhoods	13	35	42	10	1	2.51
Encourage carpooling and alternatives	16	32	38	15	-	2.49
Further develop trails/sidewalks	15	33	36	15	1	2.48
Encourage development Downtown	15	30	35	19	1	2.41
Protect and improve entrances to Lincoln	14	29	40	16	-	2.40
Develop County roads	9	28	48	15	1	2.31
Increase bus service	12	23	40	19	5	2.29
More compact growth	11	23	42	22	2	2.23
Spend funds for streets/utilities in new areas	7	23	47	22	1	2.14
Additional large retail centers	6	14	41	39	-	1.87

Scale: 4=extremely important, 3=very important, 2=somewhat important, 1=not important

Note: The dashed line indicates that a significant difference exists between the highest mean rating in the group above each dashed line and all mean scores beneath that line. The top item in each group separated by the dashed lines has a significantly higher importance rating than the top item in the next group. Items grouped between dashed lines have statistically equal mean ratings.

- Each of the 22 variables was rated as at least somewhat important by at least three-fifths of area residents (61% to 93%). Much greater importance was placed on widening North-South roads (61% "extremely" or "very" important) than on widening East-West roads (50%), or on developing County roads (37%).

TABLE 11
IMPORTANCE OF PLANNING OBJECTIVES/PRIORITIES
BY GEOGRAPHIC LOCATION
(Mean Ratings)

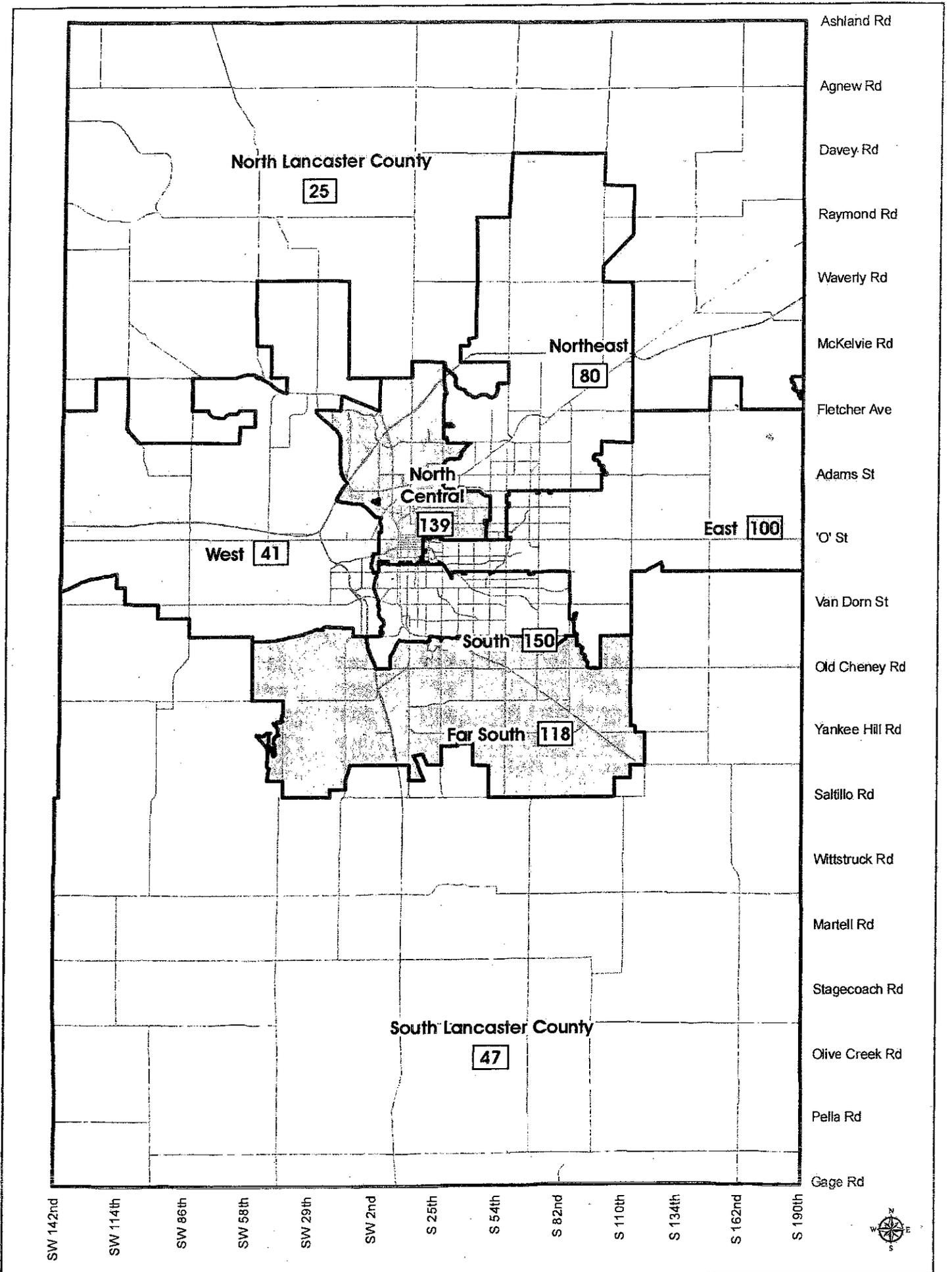
	Total (n=700)	Geographic Area						Lanc. County (n=38)
		North Central (n=143)	North East (n=83)	East (n=105)	South (n=150)	Far South (n=129)	West (n=52)	
Invest in clean energy	2.89	2.79	2.95	2.88	2.95	2.91	3.00	2.70
Develop and maintain parks	2.83	2.84	2.87	2.87	2.86	2.81	2.85	2.45 L
Develop water conservation policies	2.78	2.85	2.93	2.80	2.70	2.70	2.88	2.68
Widen North-South roads	2.77	2.68	2.78	2.65	2.63	3.07 H	2.75	3.00 H
<u>Preserve quality of rural life</u>	2.75	2.79	2.84	2.71	2.62	2.68	2.82	<u>3.13 H</u>
Preserve natural resources	2.72	2.76	2.88	2.59	2.84	2.55	2.73	2.74
Develop highways/beltways	2.67	2.53	2.63	2.50	2.60	2.97 H	2.85	2.87 H
Development preserve character of neighborhoods	2.65	2.64	2.67	2.77	2.80	2.48	2.63	2.26 L
Small neighborhood retail	2.63	2.66	2.71	2.57	2.71	2.48	2.71	2.53
Green building standards	2.62	2.60	2.77	2.63	2.56	2.70	2.65	2.26 L
Better airline service	2.60	2.45	2.65	2.69	2.53	2.84 H	2.37 L	2.64
Widen East-West roads	2.55	2.39	2.58	2.46	2.52	2.65	2.71	2.82 H
Retail in older neighborhoods	2.51	2.58	2.55	2.56	2.61	2.30 L	2.37	2.46
Encourage carpooling and alternatives	2.49	2.45	2.48	2.58	2.54	2.36	2.63	2.47
Further develop trails/sidewalks	2.48	2.40	2.48	2.47	2.63	2.48	2.48	2.19 L
Encourage development Downtown	2.41	2.40	2.40	2.35	2.46	2.45	2.31	2.37
Protect and improve entrances to Lincoln	2.40	2.39	2.52	2.33	2.46	2.41	2.44	2.11 L
Develop County roads	2.31	2.32	2.46	2.33	2.18	2.23	2.27	2.92 H
Increase bus service	2.29	2.35	2.45	2.32	2.32	2.11	2.31	2.16
More compact growth	2.23	2.25	2.21	2.32	2.14	2.12	2.50 H	2.27
Spend funds for streets/utilities in new areas	2.14	2.01	2.28	2.17	2.01	2.25	2.37 H	2.00
Additional large retail centers	1.87	1.88	1.99	1.77	1.71	1.95	2.10 H	1.79

Ratings that are .20 points or more higher (H) or lower (L) than the total are marked

**TABLE 12
IMPORTANCE OF PLANNING OBJECTIVES/PRIORITIES
BY RESPONDENT AGE AND RESIDENCE WITHIN CITY LIMITS
(Mean Ratings)**

	Total 2010 (n=700)	Respondent Age				Lincoln City Limits:	
		18-44 (n=169)	45-54 (n=200)	55-64 (n=188)	65+ (n=143)	Inside (n=628)	Outside (n=72)
Invest in clean energy	2.89	2.85	2.89	2.95	2.88	2.91	2.73
Develop and maintain parks	2.83	2.95	2.81	2.82	2.70	2.85	2.58 L
Develop water conservation policies	2.78	2.76	2.81	2.80	2.75	2.79	2.74
Widen North-South roads	2.77	2.91	2.73	2.77	2.66	2.76	2.89
<u>Preserve quality of rural life</u>	2.75	2.69	2.75	2.75	2.81	2.71	<u>3.10 H</u>
Preserve natural resources	2.72	2.73	2.84	2.70	2.59	2.73	2.64
Develop highways/beltways	2.67	2.83	2.70	2.57	2.59	2.67	2.75
Development preserve character of neighborhoods	2.65	2.59	2.67	2.68	2.63	2.68	2.38 L
Small neighborhood retail	2.63	2.72	2.68	2.66	2.41 L	2.64	2.56
Green building standards	2.62	2.61	2.62	2.69	2.54	2.64	2.43
Better airline service	2.60	2.50	2.49	2.68	2.77	2.60	2.63
Widen East-West roads	2.55	2.63	2.54	2.60	2.38	2.53	2.69
Retail in older neighborhoods	2.51	2.51	2.57	2.56	2.34	2.52	2.41
Encourage carpooling and alternatives	2.49	2.45	2.47	2.49	2.57	2.49	2.50
Further develop trails/sidewalks	2.48	2.62	2.57	2.49	2.17 L	2.49	2.34
Encourage development Downtown	2.41	2.59	2.42	2.31	2.29	2.41	2.35
Protect and improve entrances to Lincoln	2.40	2.25	2.48	2.44	2.44	2.41	2.31
Develop County roads	2.31	2.22	2.36	2.37	2.26	2.25	2.76 H
Increase bus service	2.29	2.20	2.29	2.33	2.36	2.32	2.08 L
More compact growth	2.23	2.20	2.23	2.30	2.15	2.21	2.37
Spend funds for streets/utilities in new areas	2.14	2.23	2.08	2.10	2.15	2.13	2.15
Additional large retail centers	1.87	1.95	1.82	1.87	1.83	1.87	1.83

Ratings that are .20 points or more higher (H) or lower (L) than the total are marked



TABLES and FIGURES:

TABLE 1: Change of Zone Requests, AG to AGR, 2001 to Present

CZ Applications 51 total	Comp Plan Designation AG	Staff Rec.	PC Rec.	Comp Plan Designation AGR	Staff Rec.	PC Rec.
Approved (57%)	15	A 6 (40%)	A 10 (67%)	14	A 14 (100%)	A 12 (86%)
		D 9 (60%)	D 5 (33%)		D 0 (0%)	D 2 (14%)
Denied (12%)	4	A 0 (0%)	A 0	2	A 2 (100%)	A 0
		D 4 (100%)	D 4 (100%)		D 0 (0%)	D 2 (100%)
Withdrawn (31%)	16	No Staff 2*	No PC 11*	0	A 0 (0%)	
		D 14 (87%)	D 5 (31%)		D 0 (0%)	
TOTAL	35 (69%)	A 6 (17%)		16 (31%)	A 16 (100%)	
		D 29 (57%)			D 0 (0%)	

GREEN represents Approval, RED represents Denial

**Some applications were withdrawn before staff had time to make a recommendation, or before the recommendation was ever forwarded to the Planning Commission.*

RURAL AREAS LOT INVENTORY

Updated 10/19/2011

All structure and parcel data for Tables 2 – 5 are from Lancaster County Assessor/Register of Deeds archived files based on year built, property class and/or parcel size.

Table 2: NEW RESIDENTIAL STRUCTURES

(Excludes all incorporated places)

YEAR	TOTAL	(1) COUNTY	% TOTAL	(2)	% TOTAL
				LOW DENSITY	
2010	77	57	74.0%	20	26.0%
2009	64	48	75.0%	16	25.0%
2008	88	62	70.5%	26	29.5%
2007	100	69	69.0%	31	31.0%
2006	135	95	70.4%	40	29.6%
2005	120	90	75.0%	30	25.0%
2004	174	130	74.7%	44	25.3%
2003	129	89	69.0%	40	31.0%

NOTES: (1) Excludes Lincoln city limits; 1 and 2 mile jurisdictions of incorporated places; and all areas designated 'Low Density Residential' in the 2030 Comprehensive Plan.

(2) Includes only those areas designated 'Low Density Residential' in the 2030 Comprehensive Plan within Lincoln's 3-mile jurisdiction or County jurisdiction.

Table 3: TOTAL PARCELS 20 ACRES OR LESS, IMPROVED VS. UNIMPROVED
(Excludes all incorporated places)

YEAR	(4)											
	Lincoln's 3 Mile ETJ			Other 1 & 2 Mile ETJs			Balance Of County			TOTAL		
	IMP	UNIMP	TOT	IMP	UNIMP	TOT	IMP	UNIMP	TOT	IMP	UNIMP	TOT
2010	2,754	1,085	3,839	591	268	859	2,104	868	2,972	5,449	2,221	7,670
2009	-	-	-	-	-	-	-	-	-	-	-	-
2008	2,662	1,152	3,814	570	325	895	1,954	850	2,804	5,186	2,327	7,513
2007	2,792	1,195	3,987	531	266	797	1,948	854	2,802	5,271	2,315	7,586
2006	2,649	1,166	3,815	468	307	775	1,850	869	2,719	4,967	2,342	7,309
2005	2,427	1,133	3,560	444	286	730	1,856	977	2,833	4,727	2,396	7,123
2004	2,392	1,143	3,535	431	282	713	1,800	933	2,733	4,623	2,358	6,981
2003	2,361	1,096	3,457	402	300	702	1,738	938	2,676	4,501	2,334	6,835

NOTES: (4) Excludes Lincoln city limits; Lincoln's 3-mile jurisdiction; and 1 and 2 mile jurisdictions of incorporated places.

Table 4: DEVELOPED AND UNDEVELOPED LOTS
(Excludes all incorporated places)

PROPERTY CLASS	AG CUPs / 2-3s Per 40		'Yellow' Areas / AGR	
	NO.	% TOT	NO.	% TOT
R-1: Residential Improved	262	41.5%	1,786	75.6%
R-2: Residential Unimproved	199	31.5%	366	15.5%
C-1: Commercial Improved	1	1.0%	7	0.3%
C-2: Commercial Unimproved	1	1.0%	7	0.3%
A-1: Ag Improved	25	4.0%	60	2.5%
A-2: Ag Unimproved	144	22.8%	137	5.8%
Total Parcels	632	100.0%	2,361	100.0%
Improved Platted Parcels	272	46.9%	1,430	77.2%
Unimproved Platted Parcels	308	53.1%	423	22.8%
Total Platted Parcels	580	100.0%	1,853	100.0%

TABLE 5: Minimum Lot Size in Agricultural, or Similar, Districts in Counties Surrounding Lancaster

County	District	Minimum Lot Size	Exceptions	Other
Butler	None		No zoning	No Comprehensive Plan (inmigration 136)
Cass	AG-1 Agricultural	40 ac	Clustering on 3 ac (maintain 1/40 density) Ag easement over remaining parcel	Transitional Ag (20 ac) clustering on 3 ac (maintain 1/20 density) may be reduced if central sewer or rural water (outmigration 234)
Douglas (Omaha)	Agricultural	20 Ac	Dwellings on less than 20 acres by conditional use permit which requires PC approval, but must maintain 1/20 ac density. Clustering, farmsteads and grandfathered lots	
Douglas County	Agricultural	20 Ac	20 ac/dwelling, farmstead splits	Rural Residential 1 (2ac) Rural Residential 2 (3 ac) with a sliding scale percentage of required open space
Gage	Agricultural	40 ac	One DU allowed on 3 ac but only 4 dwellings units allowed per ¼ section	Transitional Agriculture (5 DU per ¼ section), Agriculture Conservation (2 DU per ¼ section), Urban Reserve (3 ac) (inmigration 109)
Otoe	Open Space Ag District	20 ac	Grandfathered lots, farmstead splits	(outmigration 107)
Saline	Open Space Agriculture	20 ac	Grandfathered lots, farmstead splits	Use same definition of farm – 20 acres and \$1000 of product each year, (inmigration 712)
Sarpy	Agricultural Farming	20 ac	Grandfathered lots	Agricultural Development District (10 ac) AG Residential (5 ac)
Saunders	Agricultural District	20 ac	Grandfathered lots, clustering	Use same definition of farm – 20 acres and \$1000 of product each year. Transitional Agricultural (3 ac), Lakeside Residential (3 ac), Residential Estate (3 ac) (outmigration 129)
Seward	Agricultural Preservation	20 ac	New res. on 5, existing on 3 (farmstead split), no more than 2 DU per ¼ section, grandfathered lots	Transitional Ag (10 ac) but no more than 4 DU per ¼ section (essentially 1/40 ac) (outmigration 202)

TABLE 6: Minimum Lots Size in Agricultural, or Similar, District in Jurisdictions within Lancaster County

City or Village	District	Minimum Lot Size	Exceptions	Other
Bennett Davey	Agricultural	10 Ac		
	Exclusive	39 Ac		
Denton	Agricultural			
	Exclusive	10 Ac		Agriculture Rural (3 ac) with common sewer and water
Firth Hallam	Agricultural	4 Ac		
	Exclusive	39 Ac	Grandfathered lots	Agricultural Rural (3 ac)
Hickman	Agricultural			
	Transitional	40 Ac	Grandfathered lots	Residential Estates (20,000 sqft)
Lincoln	Agriculture			
	Agricultural	20 Ac	Grandfathered lots, farmstead splits, CUPs	Agricultural Residential (3 ac)
Malcolm Panama	Agricultural	10 Ac		
	Exclusive	39 Ac		Agricultural Rural (5 ac)
Raymond	Agricultural			
	Exclusive	20 Ac	Grandfathered lots	Agricultural Residential (3 ac)
Roca	Agriculture			
	Exclusive	39 Ac		Agriculture Rural (5 ac)
Sprague	Agriculture			
	Exclusive	39 Ac		Agriculture Rural (5 ac)
Waverly	Agriculture			
	Exclusive	20 Ac	10 Ac per housing unit	Rural Residential (10 ac)

TABLE 7: POPULATION

	2000 Population	2010 Population	Population Change	% Change	Annual Growth Rate	% of County Population in 2000	% of County Population in 2010
Lancaster County	250,291	285,407	35,116	14.03%	1.32%	100.00%	100.00%
A. Lincoln	225,581	258,379	32,798	14.54%	1.37%	90.13%	90.53%
B. Unincorporated	18,208	19,061	853	4.68%	0.46%	7.27%	6.68%
C. Small Towns	6,502	7,967	1,465	22.53%	2.05%	2.60%	2.79%
Bennet	570	719	149	26.14%	2.35%	0.23%	0.25%
Davey	153	154	1	0.65%	0.07%	0.06%	0.05%
Denton	189	190	1	0.53%	0.05%	0.08%	0.07%
Firth	564	590	26	4.61%	0.45%	0.23%	0.21%
Hallam	276	213	-63	-22.83%	-2.56%	0.11%	0.07%
Hickman	1,084	1,657	573	52.86%	4.33%	0.43%	0.58%
Malcolm	413	382	-31	-7.51%	-0.78%	0.17%	0.13%
Panama	253	256	3	1.19%	0.12%	0.10%	0.09%
Raymond	186	167	-19	-10.22%	-1.07%	0.07%	0.06%
Roca	220	220	0	0.00%	0.00%	0.09%	0.08%
Sprague	146	142	-4	-2.74%	-0.28%	0.06%	0.05%
Waverly	2,448	3,277	829	33.86%	2.96%	0.98%	1.15%
Butler County	8,767	8,395	-372	-4.24%	-0.43%	100.00%	100.00%
A. Towns	4,909	4,900	-9	-0.18%	-0.02%	55.99%	58.37%
B. Unincorporated	3,858	3,495	-363	-9.41%	-0.98%	44.01%	41.63%
Cass County	24,334	25,241	907	3.73%	0.37%	100.00%	100.00%
A. Towns	13,680	13,061	-619	-4.52%	-0.46%	56.22%	51.75%
B. Unincorporated	10,654	12,180	1,526	14.32%	1.35%	43.78%	48.25%
Gage County	22,993	22,311	-682	-2.97%	-0.30%	100.00%	100.00%
A. Towns	16,763	16,474	-289	-1.72%	-0.17%	72.90%	73.84%
B. Unincorporated	6,230	5,837	-393	-6.31%	-0.65%	27.10%	26.16%
Johnson County	4,488	5,217	729	16.24%	1.52%	100.00%	100.00%
A. Towns+Prison*	2,706	3,565	859	31.74%	2.80%	60.29%	68.33%
B. Unincorporated	1,782	1,652	-130	-7.30%	-0.75%	39.71%	31.67%
Otoe County	15,396	15,740	344	2.23%	0.22%	111.22%	110.85%
A. Towns	10,936	11,164	228	2.08%	0.21%	79.00%	78.62%
B. Unincorporated	4,460	4,576	116	2.60%	0.26%	32.22%	32.23%
Saline County	13,843	14,200	357	2.58%	0.25%	100.00%	100.00%
A. Towns	10,701	11,376	675	6.31%	0.61%	77.30%	80.11%
B. Unincorporated	3,142	2,824	-318	-10.12%	-1.06%	22.70%	19.89%
Saunders County	19,830	20,780	950	4.79%	0.47%	100.00%	100.00%
A. Towns	11,504	12,225	721	6.27%	0.61%	58.01%	58.83%
B. Unincorporated	8,326	8,555	229	2.75%	0.27%	41.99%	41.17%
Seward County	16,496	16,750	254	1.54%	0.15%	100.00%	100.00%
A. Towns	10,988	11,521	533	4.85%	0.47%	66.61%	68.78%
B. Unincorporated	5,508	5,229	-279	-5.07%	-0.52%	33.39%	31.22%
Neighbor Counties	126,147	128,634	2,487	1.97%	0.20%	100.00%	100.00%
A. Towns	82,187	84,286	2,099	2.55%	0.25%	65.15%	65.52%
B. Unincorporated	43,960	44,348	388	0.88%	0.09%	34.85%	34.48%

Source: 2010 Census

*Note: Johnson County's prison population was 0 in 2000 and 955 in 2010. For the purposes of this table to separate unincorporated areas, the prison has been added to the "Towns" total for Johnson County.

County-to-County Migration Data for Lancaster County, Nebraska: 2000 to 2009

Source: IRS County-to-County Migration Flow Files

Compiled and Prepared by: David Drozd, UNO Center for Public Affairs Research

Inmigration to Lancaster	Butler	Cass	Gage	Johnson	Otoe	Saline	Saunders	Seward	Totals
2000	131	229	249	43	192	263	218	235	1,560
2001	104	235	248	50	192	253	181	275	1,538
2002	83	266	256	49	155	269	239	296	1,613
2003	110	241	206	43	157	201	190	315	1,463
2004	107	239	275	41	191	207	202	286	1,548
2005	94	289	284	62	199	263	197	331	1,719
2006	74	243	277	56	231	336	265	305	1,787
2007	61	215	334	69	214	265	209	335	1,702
2008	65	237	322	89	220	282	253	326	1,794
2009	62	200	251	63	186	240	260	331	1,593

Outmigration from Lancaster	Butler	Cass	Gage	Johnson	Otoe	Saline	Saunders	Seward	Totals
2000	116	289	268	37	171	220	235	340	1,676
2001	85	235	311	30	224	199	192	313	1,589
2002	79	279	296	50	174	180	211	240	1,509
2003	84	271	211	49	167	199	214	336	1,531
2004	80	282	312	62	184	166	229	375	1,690
2005	56	336	222	59	259	154	258	357	1,701
2006	76	281	313	54	238	188	242	335	1,727
2007	59	219	222	61	246	170	256	336	1,569
2008	50	207	227	47	218	193	284	351	1,577
2009	70	229	211	57	163	198	222	254	1,404

Net migration for Lancaster	Butler	Cass	Gage	Johnson	Otoe	Saline	Saunders	Seward	Totals
2000	15	-60	-19	6	21	43	-17	-105	-116
2001	19	0	-63	20	-32	54	-11	-38	-51
2002	4	-13	-40	-1	-19	89	28	56	104
2003	26	-30	-5	-6	-10	2	-24	-21	-68
2004	27	-43	-37	-21	7	41	-27	-89	-142
2005	38	-47	62	3	-60	109	-61	-26	18
2006	-2	-38	-36	2	-7	148	23	-30	60
2007	2	-4	112	8	-32	95	-47	-1	133
2008	15	30	95	42	2	89	-31	-25	217
2009	-8	-29	40	6	23	42	38	77	189