

**LINCOLN /LANCASTER COUNTY PLANNING STAFF REPORT**  
**for December 14, 2011, Planning Commission Meeting**

- PROJECT #:** Comprehensive Plan Amendment #11002
- PROPOSAL:** Amend language on page 7.12 to specify that build through standards should only apply to areas within the Lincoln 3-mile jurisdiction.
- CONCLUSION:** Build through development is a useful tool in providing for the growth of the City of Lincoln into areas that have had low density residential development prior to full urbanization. This tool should be use in all the future growth tiers of Lincoln.

<b><u>RECOMMENDATION:</u></b>	Denial
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**GENERAL INFORMATION:**

- 1 Acreage development on the fringes of any city can pose difficulties when urbanization of the surrounding land begins. Without forethought, homes are sited on lots in a way that makes later subdivision difficult to impossible. The challenges of establishing street rights-of-way and easements for various utilities across parcels under multiple separate ownerships can lead to questions of who will bear the cost of constructing utilities and roads, and to significant cost to the City if condemnation for utility easements is required in order to cross the acreage area to reach other willing subdividers. Later, when City services are available, the homeowners find it difficult to afford to improve the roads or extend water and sewer lines through their neighborhood. The City's potential revenue to recoup the cost of infrastructure investments is limited by the inability to develop the land more efficiently.
- 2 Build through development includes drawings establishing future lot lines, building envelopes, utility easement and road rights-of-way. When the City reaches this development in the future, utilities can be established in these easements and land owners can begin subdividing their lots to more urban densities. Homes will have been built in the building envelopes that take into account these future lots, utilities and roadways. Landowners will have been informed of the future urbanization plans and will have signed agreements not to oppose these changes when the time comes, although they always maintain the option not to subdivide their land.
- 3 Build through regulations were established in the City of Lincoln Zoning and Subdivision Regulations in October of 2004 after a period of extensive analysis and input from elected and appointed officials, an Acreage Resource Group assembled in May of 2002, and consultant RDG - Shukert, hired to assist in drafting the requirements. The resulting amendments to the zoning and subdivision code were recommended 8 to 0 by the Planning Commission and received unanimous support by the City Council. Since that time there have

been 10 acreage developments that have been approved with build through standards.

4 Lincoln's zoning and subdivision jurisdiction reaches 3 miles beyond the City limits. Within this area build through requirements are in effect. However, the future growth areas of Lincoln, referred to as "Growth Tiers", do reach beyond this 3-mile jurisdiction and so are not within the control of the City of Lincoln but rather in Lancaster County's jurisdiction. Approximately 216 acres of Lincoln's Tier II (anticipated to develop after 2040) and almost 24,000 acres (37.3 square miles) of Tier III (anticipated to develop after 2060) are beyond the 3-mile jurisdiction.

5 Although build through regulations were not adopted by the County Board, language was included in the Comprehensive Plan to encourage the Board to take into account the Growth Tiers of the City of Lincoln and to allow them to require build through development when acreage developments were proposed in these Growth Tiers within the County jurisdiction. This was an option left to the judgement of the County Board.

6 The City of Lincoln continues to make significant investments in utility services that are designed and built to serve the ultimate urbanized area of the City. In some areas, particularly the Steven's Creek basin, these services may be in service sooner than others. Acreage development without build through provisions in these areas could pose a blockade to urbanization.

7 The requested change to the Comprehensive Plan language is:

New acreage development is not encouraged in the *"Map 1.3: Growth Tiers with Priority Areas"* for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development. Development in ~~these tiers~~ the three-mile ETJ should only be permitted under the "build-through" model that has been established, and without use of Sanitary Improvement Districts (SIDs). ~~For areas outside of the Lincoln three mile jurisdiction but inside a future Lincoln growth tier, the County should consider adopting and applying "build-through" standards.~~ The build-through model includes provisions that are included in the City of Lincoln' subdivision and zoning ordinances is intended to facilitate a later transition to urban densities when city services are extended, including:"

This change, in effect, confines the build-through tool to the Lincoln jurisdiction without even the consideration of its application by the County Board.

#### **ANALYSIS:**

1 Build through is a useful tool for planning the future urbanization of rural areas.

2 The City of Lincoln designs facilities such as sewer and water and roadways to serve the ultimate urbanized area, usually planned along drainage basins, such as Stevens Creek.

3 Drainage basins may extend beyond the 3-mile jurisdiction of Lincoln, which puts them beyond the regulatory control of the City.

4 The County is currently given the option to require build through standards in these areas, in a spirit of cooperation and support of the City's growth plans.

- 5 While the County does not require build through, the **option** of applying the standards to developments that are within the City's Growth Tiers should be maintained.

**CONCLUSION:**

The language maintaining the option of build through standard within the Growth Tiers, beyond the 3-mile jurisdiction of Lincoln, should be kept in the Plan. This language could be amended to more explicitly state that there is no need for build through standards to be adopted by the County and that the decision to apply the City's standards should be made on a case by case basis with some areas, such as Steven's Creek, being more likely to see urban development sooner rather than later.

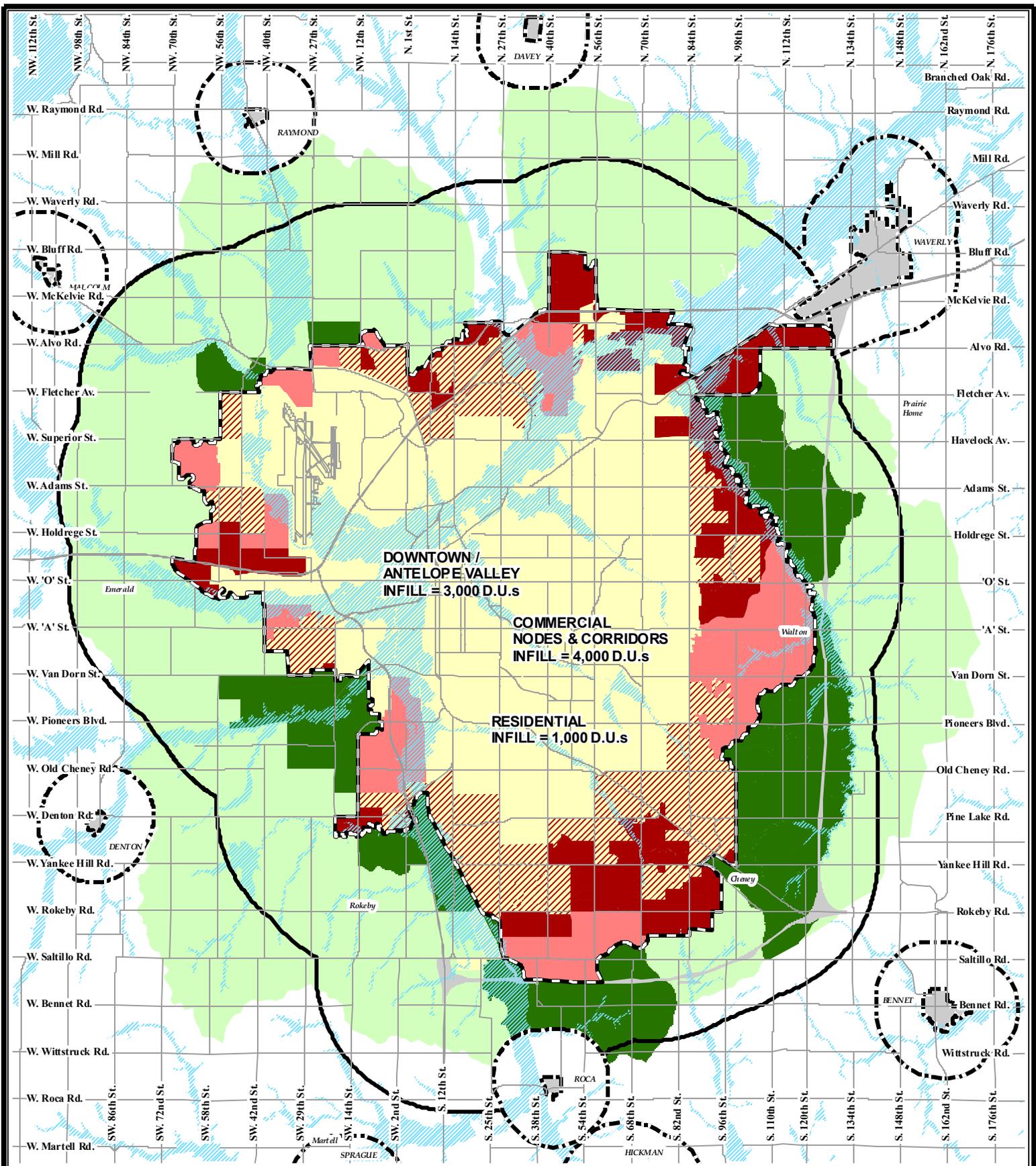
The Planning Department proposes the following language:

New acreage development is not encouraged in the "*Map 1.3: Growth Tiers with Priority Areas*" for Lincoln's three-mile extra territorial jurisdiction (ETJ), except for areas already platted, zoned, or designated for low density residential development. Development in these tiers should only be permitted under the "build-through" model that has been established, and without use of Sanitary Improvement Districts (SIDs). For areas outside of the Lincoln three mile jurisdiction but inside a future Lincoln growth tier, the County should consider ~~adopting and applying~~ "build-through" standards, on a case-by-case basis, when a proposed development is in a location that is more likely than others to have city services extended in the foreseeable future. The build-through model includes provisions that are intended to facilitate a later transition to urban densities when city services are extended, including:"

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# 2040 PRIORITY GROWTH AREAS

- Existing Lincoln City Limits and Approved Preliminary Plans (2011)
- Floodplain and Flood Prone Areas
- 2040 Future Service Limit
- Lincoln's 3-mile ETJ
- Tier I, Priority A (Developing)
- Tier I, Priority B (2025)
- Tier I, Priority C (2040)
- Tier II (2060)
- Tier III

