

**CITY-COUNTY COMMON  
MINUTES  
Monday June 1, 2009**

**Present:** Bob Workman; Doug Emery; Bernie Heier; Larry Hudkins; Deb Schorr; Jon Camp; John Spatz; Eugene Carroll; Jayne Snyder and Adam Hornung

**Absent:** Ray Stevens and Jonathan Cook

**Others Present:** Greg Newport, Matt Glawatz, Marvin Krout, Mike DeKalb, Jean Preister, Brandon Garrett, and Rashi Jain.

With the absence of chair and vice-chair, County Board President, Bernie Heier opened the meeting at 8:30 a.m.

**1. Approval of Common Meeting Minutes of Monday April 6, 2009 and Tuesday, May 5, 2009**

Emery moved approval of the Common Meeting minutes of Monday, April 6, 2009 and Tuesday, May 5, 2009, seconded by Spatz. Motion passed 10 - 0

**2. Election of Common Chair**

Emery nominated Ray Stevens, Schorr seconded. Motion carried, vote was unanimous 10 - 0.

**Election of Common Vice-Chair**

Schorr nominated Doug Emery, seconded by Spats. Motion carried, vote was unanimous 10 - 0.

**3. New Correctional Facility Update**

Greg Newport and Matt Glawatz from Clark Enersen Partners gave a brief update on the new Lancaster County Adult Detention Facility which will be located at SW 40<sup>th</sup> & "O" Street. This site was selected due to it's ability to grow with the community. Newport referenced the green initiatives being incorporated into the facility in collaboration with the District Energy Corporation (DEC). The DEC will build an energy plant providing chilled and hot water to the facility as well as emergency power. The facility is being constructed separately and will serve the utility needs for the facility. To the South of the facility is the well field that will bring in the precooled and preheated water for the heat pumps. Beside the DEC energy plant, the Public Building Commission will construct a warehouse to replace their current facility. Camp inquired as to where the expansion would take place if necessary. Newport responded expansion would take place to the west of the new facility, and in the long term it has the flexibility to expand to the south if needed. Hudkins requested help from the City Council regarding the entrance from "O" Street to the Correctional Facility. Newport estimated there could be up to 10,000 vehicles entering and exiting the facility per year and an additional 4 - 5 semi truck deliveries per day. Discussion took place regarding the entrance from "O" versus an entrance from SW 40<sup>th</sup> Street. Newport interjected Clark Enersen was following guidelines set forth by Public Works regarding how many entrances are allowed and where.

**4. Comprehensive Plan Annual Review**

Marvin Krout, Lincoln Lancaster Planning Department Director introduced , Mike DeKalb, Jean Preister, Brandon Garrett, and Rashi Jain. DeKalb handed out the 2009 proposed Comprehensive Plan Amendments. See Exhibit A. On May 20, 2009,

the Planning Commission voted to recommend approval of amendments to the comprehensive plan as part of the annual review process. There are four separate amendments pertaining to:

- 1) City Services
- 2) Park Department
- 3) 000Sustainability
- 4) Rural Development Policies

Krout suggested the City Council and the County Board of Commissioners schedule a joint Comprehensive Plan Hearing. A public hearing was set for Tuesday, July 14, 2009 at 5:30 p.m. in the Chambers.

Camp moved and Schorr seconded to adjourn the meeting. Roll called, motion passed 10 -0

Meeting adjourned at 9:30 am.

Minette Genuchi  
Administrative Aide- Lancaster County Board of Commissioner

# Exhibit A

## **2009 COMPREHENSIVE PLAN ANNUAL REVIEW** **PLANNING COMMISSION RECOMMENDATION** **May 13, 2009 and May 20, 2009**

### **COMPREHENSIVE PLAN AMENDMENT NO. 09001** **Community Facilities - Public Safety - Law Enforcement** **to better indicate plans for future police facilities:**

Amend the 2030 Lincoln-Lancaster County Comprehensive Plan as follows:

1. Amend page 131 to read:

#### **LAW ENFORCEMENT**

The Lincoln Police Department and Lancaster County Sheriff's Office are anticipated to remain as the sole providers of law enforcement services to the city and county during the planning period. The Sheriff's Office will continue to provide contract law enforcement support to the various incorporated towns of the county. The overall increase in population in the city and county will increase the demand for police and sheriff services in the urban, small town, and rural areas.

The opening of the "Hall of Justice and Law Enforcement Center" in the year 2000 placed both operations within a single facility. This renovated facility at 575 South 10th Street in Lincoln is an example of the cooperation exhibited by the city and county in furthering the efficient delivery of governmental services to the community.

~~Substations/reporting stations serve as satellite locations in neighborhoods to increase law enforcement visibility in areas where the need is greatest. While future expansion, relocations, or facility rehabilitation to support law enforcement efforts could occur during the 25-year planning period, none are known at this time.~~ The Lincoln Police Department will experience a need for additional full service assembly stations and other facilities located within the community. The Capital Improvement Program will be used to plan and finance projects needed to meet growing needs.

**5/13/09: Planning Commission voted 7-0 to recommend approval (Carroll and Gaylor Baird absent).**

## **COMPREHENSIVE PLAN AMENDMENT NO. 09005**

### **to add Union Plaza as a Regional Park and to allow Community Parks to serve as Neighborhood Parks:**

1. Amend pages 134-135 as shown on the following pages:

#### **REGIONAL PARKS [Page 134]**

##### **DESCRIPTION**

Regional parks are large tracts of land that encompass special or unique facilities and features that are of interest to the diverse groups throughout the community. Sites offer opportunities for a variety of activities, a portion of which are generally centered around natural or environmental features. There is generally an emphasis on preserving natural landscape features as an important element of park design. Regional parks primarily provide opportunities for day use activities that may include community festival/gathering spaces, picnicking, hiking, sports, fishing, canoeing and boating, and environmental interpretation and appreciation. Fields and courts for organized sports activities may be secondary uses.

##### **STRATEGIES [Page 135]**

- ◆ Continue to enhance opportunities for interpretation of native landscapes and eco-systems indigenous to eastern Nebraska through acquisition of additional parcels for buffering and enhancement of visitor facilities at the Pioneers Park Nature Center.
- ◆ Explore opportunities to provide enhanced water recreation activities at Holmes Lake in Holmes Park.
- ◆ Develop Jensen Park as a regional park as the surrounding area is urbanized and funding is available. The land should remain in agricultural use in the interim.
- ◆ Continue to develop a cooperative relationship with the Nebraska Game and Parks Commission and the Lower Platte South Natural Resource District to provide recreation facilities within rural areas of the community.
- ◆ Identify and acquire a regional park site for the future development in the eastern portion of the Stevens Creek Basin.
- ◆ Develop Union Plaza as a regional park in conjunction with the Antelope Valley waterway and as public-private partnership funding is generated.

#### **COMMUNITY PARKS [Page 135]**

##### **DESCRIPTION**

Community parks are comprised of sites that are thirty to fifty acres and are readily accessible from arterial streets and commuter/recreation trails. Community parks may include fields and play courts for organized sports, a playground with an accessible fall surface, facilities for day use activities including a picnic shelter and restroom, seating, walking paths, off-street parking, swimming pools, and recreation centers. Community parks often include activity areas consistent with those located in neighborhood parks. As a result, community parks may serve as the neighborhood park for surrounding residential areas.

**OTHER LOCATION AND DESIGN CRITERIA [Page 135]**

- ◆ Locate community parks on a collector or arterial street to accommodate automobile access and parking. Park sites shall also be readily accessible by pedestrians and bicyclists from a commuter/recreation trail.
- ◆ Locate community parks adjacent to middle schools where possible.
- ◆ Community parks shall be adjacent to greenway linkages.
- ◆ Provide buffering between community park activities and adjacent residential areas to minimize traffic and noise impacts.
- ◆ Design standards for field and parking lot lighting should seek to minimize glare, light spill-over onto adjacent properties, and impacts on the dark night sky.
- ◆ Select sites for community parks that allow for multiple functions, such as storm water management or habitat conservation.
- ◆ Establish Youth Baseball/Softball complexes as part of community parks throughout the city. Partnerships should be formed with the youth baseball organizations and Lincoln Public Schools for maintenance of utilization strategies.
- ◆ Create pedestrian connections between surrounding residential development and neighborhood-related park features such as playgrounds and park shelters.

[Replace existing Community Parks diagram on Page 135 with the one below]



**5/13/09: Planning Commission voted 7-0 to recommend approval (Carroll and Gaylor Baird absent).**

**COMPREHENSIVE PLAN AMENDMENT NO. 09003**  
**to amend the Community Vision section to add the**  
**general topic of “sustainability”:**

Amend Page 8 by inserting the following language after [INTERACTION BETWEEN THE  
COMPREHENSIVE PLAN AND THE CITIZENS]:

**SUSTAINABILITY**

The Comprehensive Plan has long recognized the importance of building sustainable communities - communities that conserve and efficiently utilize our economic, social, and environmental resources so that the welfare of future generations is not sacrificed. This concept has grown in importance with increased understanding of the limits to energy supplies and community resources, the likelihood that energy costs will continue to increase in the future, and the climatic impacts of energy consumption. In a new century where these factors are likely to affect economic survival, we need to think about building communities that are resilient and adaptable to change. We should encourage economics that are sustainable, an attractive quality of life, and a healthy environment so that long-term benefits are derived for our community. Sustainability, as a part of the Community Vision, now requires added attention.

The community should be engaged in discussing how to more effectively approach this goal. Specific topics for discussion could include:

- ◆ Creating stronger incentives to encourage more projects and neighborhoods that incorporate best practices for mixing uses and reducing vehicle trips.
- ◆ Building a stronger relationship between city and rural communities and more security of our food supplies by encouraging more “local food.”
- ◆ Encouraging reduced energy consumption in new building construction and in retrofitting existing buildings.
- ◆ Encouraging more re-use, recycling, and conservation of natural resources, such as water, and other natural and man-made materials.
- ◆ Attracting new and expanding industries that serve the emerging market for more sustainable products and services.
- ◆ Modify existing policies and regulations that act as barriers to furthering sustainable principles.

**5/20/09: Planning Commission voted 8-0 to recommend approval (Carroll having resigned).**

**COMPREHENSIVE PLAN AMENDMENT NO. 09004**  
**to amend the Rural Area/Acreage Policy:**

Revised 5/19/2009 pursuant to changes requested by the Lancaster County Board and others:

1. **Make the changes shown in bold**

New acreage development generally is not encouraged in the Urban Growth Tiers for Lincoln’s **three-mile extra territorial jurisdiction**, 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 **Ssanitary limprovement Ddistricts. (SIDs)** This model includes provisions that are intended to facilitate a later transition to urban densities when city services are extended, including:

- a preliminary plan lot layout that accommodates first phase subdivisions on a portion of the land area with rural water and sewer systems, and shows how future urban infrastructure will be built through the land to permit further subdivision and annexation when appropriate.
- a development agreement that runs with the land and acknowledges that the acreage development is not entitled to extra buffering protection and waives the right to protest the creation of lawful assessment districts for sewer, water and paving in the future.

2. **Delete the language as shown (“editorial”)**

The current supply of properly zoned land in areas zoned AGR (low density residential) and on tracts approved for Community Unit Plans in the AG (Agricultural) district should meet the demand for homes on acreage lots for the next decade. An additional 20-year supply of acreage homesites is available on the future land use map of the Plan for acreages (“low density residential”) but not yet zoned, plus older nonconforming lots throughout the county. Furthermore, the future demand for acreages is likely to be dampened by the increasing cost of energy and an aging population.

3. **Delete and add language as shown** (County Board Vote: 3-2). (Addition of “availability of emergency services” recommended by staff)

All proposals for acreages on land not already designated on the future land use map for acreages should be considered as part of the annual review of the Comprehensive Plan. That way, proposals can be evaluated based on the latest information on acreage lot demand and supply, and compared to each other based on factors such as water quality and quantity, soil conditions, roads, **availability of emergency services**, agricultural productivity, land parcelization, pattern of existing acreages, and plans for future urban development.

4. **Delete the language as shown** (County Board Vote: 3-2)

\*Consider all proposals for new acreage developments in undesignated areas at one time, annually, as part of the Comprehensive Plan review.

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**\*\*As Revised and Recommended for Approval by Planning Commission: May 20, 2009\*\***

(Note: Revisions by Planning Commission bolded and underlined or bolded and stricken)

**GUIDING PRINCIPLES FOR RURAL AREAS**

~~Rural Lancaster County is\*~~ The Comprehensive Plan supports the preservation of land in the bulk of the county for agricultural and natural resource purposes. But it recognizes that some parts of the county are in transition from an area of predominantly agricultural uses to an area a mix 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 uses will continue. Lands previously designated in the Comprehensive Plan or zoned for low density residential development must be recognized:

Land in the county should be managed so that the historic segment of six percent of the county's population can continue to choose an acreage lifestyle, while minimizing conflicts between land uses. Rural development policies should be written plainly and followed consistently, to provide landowners and developers with clear expectations about their development options.

\* Future challenges may arise when a growing city or town needs to annex rural acreage areas, such as; acreage infrastructure systems that are not compatible with urban standards, the potential change in the lifestyle of rural acreage owners, financial implications of higher property taxes, and impact on acreage parents and children when the annexation leads to a change in school districts.

~~A variety of housing choices should apply to acreage residential development as well as urban 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.~~

~~Acknowledge the "Right to Farm" and preserve areas for agricultural productions throughout the county by designating specific areas in advance for rural residential so as to limit areas of potential conflict between farms and acreages.~~

~~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

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 generally should be directed to the incorporated municipalities of the county, and the areas beyond city and town boundaries in their extra-territorial jurisdiction should be preserved for future urban growth by designating them for agricultural use. However, each town should determine if and how much acreage development should be permitted within their jurisdiction. Some towns have established plans to permit acreages within some or all of their jurisdiction, and these are reflected on the future land use map for the county.

\* New acreage development generally is not encouraged in the Urban Growth Tiers for Lincoln's three-mile extra territorial jurisdiction, 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). This model includes provisions that are intended to facilitate a later transition to urban densities when city services are extended, including:  
- a preliminary plan lot layout that accommodates first phase subdivisions on a portion of the land area with rural water and sewer systems, and shows how future urban infrastructure will be built through the land to permit further subdivision and annexation when appropriate.  
- a development agreement that runs with the land and acknowledges that the acreage development is not entitled to extra buffering protection and waives the right to protest the creation of lawful assessment districts for sewer, water and paving in the future.

\* The current supply of properly zoned land in areas zoned AGR (low density residential) and on tracts approved for Community Unit Plans in the AG (Agricultural) district should meet the demand for homes on acreage lots for the next decade. An additional 20-year supply of acreage homesites is available on the future land use map of the Plan for acreages ("low density residential") but not yet zoned, plus older nonconforming lots throughout the county. Furthermore, the future demand for acreages is likely to be dampened by the increasing cost of energy and an aging population.

\* All proposals for acreages on land not already designated on the future land use map for acreages should be considered as part of the annual review of the Comprehensive Plan. That way, proposals can be evaluated based on the latest information on acreage lot demand and supply, and compared to each other based on factors such as water quality and quantity, soil conditions, roads, availability of emergency services, agricultural productivity, land parcelization, number pattern of existing acreages, and plans for future 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.

Individual towns determine whether Applications for acreage designation on the future land use map or rezoning to AGR, if planned for on-site wells, should be accompanied by information on water quality and quantity. If information becomes available that land already designated in the Plan for acreages is not suitable for acreage development, that designation should be permitted within their one mile jurisdiction. Some towns have established plans and zoning to permit acreages within their one mile area, such as Denton, Bennet, Firth and Malcolm.

These principles are embodied in the following Acreage Development Policy:  
Retain reconsidered as part of the annual review.

\* Areas 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) 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.

\* Grouping acreages together in specific areas will limit the areas of potential conflict between farms and acreages. It also may enable services to be provided more efficiently, by reducing the amount of paved routes, reducing the number and distance of school bus routes, and taking advantage of more effective rural water district service.

\* Clustering lots in one portion of a development site, 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.~~

~~As called for in the adopted Comprehensive Plan, an independent study to quantify the economic impacts of acreage development has been completed. The County and City shall on the remainder, should continue to be encouraged in agricultural-zoned areas. A considerable supply of acreage lots has been platted in recent years in this manner.~~

\* The County also should continue to pursue state enabling legislation to enable clustering lots by "transfer of development rights" between non-contiguous parcels of land. This would enable rural area developers to purchase the rights to develop more homesites on more suitable land from owners of less suitable land who wish to preserve their land for farming and open space. This transfer of rights could occur within short distances or from one portion of the county to another, such as from the northeast to the southeast part of the county, where rural water districts are established, more roads are paved, and towns are closer by. It is important, however, to note that the value of this tool, by which property owners "buy" and transfer rights to develop additional lots, will be negated if the owners simply are "given" those additional lots through rezoning.

\* Private nonprofit land trusts are operating successfully in other rural areas seeing pressure for development to preserve farmland. They accept donations, and in some cases have funds to pay in part for land to be conserved including land that is cropped or pastured as well as land that is held for its natural value as prairie or wetland or forest. The donation of these easements qualify as charitable deductions to federal income tax. Other states which are very interested in protecting farming close in to cities also have adopted tax credit programs to help encourage the donation of agricultural easements. City and county officials should encourage the expansion of an existing private trust or formation of a new one to encourage more of these donations.

\* City and county officials should continue to look at ways to contain public costs and coordinate public resource allocation, especially in the area of road construction. A variety of management techniques could be used, including the shared engineering and funding of road projects that aid urban expansion.

\* Many families are not well-informed of all the implications of country living before they make that lifestyle choice. This includes an understanding of the state's "Right to Farm" law, which protects farmers from nuisance claims when conducting normal agricultural practices, and adoption of rural land use policies that minimize future capital and operating costs.

#### Strategies for Rural Areas

Town plans should be acknowledged in a comparison of public services (e.g. road maintenance, emergency medical, fire protection, and police) in urban versus rural areas. Objective information on the pros and cons of "country living" should be provided to the public through continuing educational efforts by the County's extension service, handouts available to county departments and local realtors, and possibly, documents filed of record with new platted lots for disclosure to prospective buyers.

### **STRATEGIES FOR RURAL AREAS**

\* Continue to reflect adopted town plans on the future land use map for the county.

\* Continue to use GIS data and other sources, along with adopted county zoning criteria, to help determine which lands are most suitable for acreage development.

\* Require applicants seeking plan designation or rezoning for acreages, if planning to use on-site wells, to provide information on water quality and quantity.

**\* Consider all proposals for new acreage developments in undesignated areas at one time, annually, as part of 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. **review.**

\* Pursue state legislation to enable the County to establish a transfer of development rights program that helps encourage acreage development in more suitable locations.

\* Encourage an existing private land trust or a new one to pursue the donation of agricultural easements on prime farmland in the county.

\* Expand education for prospective homebuyers on the implications of country living.

**5/20/09: Planning Commission voted 8-0 to recommend approval, as revised (Carroll having resigned).**