

MEETING RECORD

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, October 11, 2017, 1:00 p.m., Hearing Room 112 on the first floor of the County-City Building, 555 S. 10th Street, Lincoln, Nebraska

MEMBERS IN ATTENDANCE Tom Beckius, Tracy Corr, Tracy Edgerton, Deane Finnegan, Maja V. Harris, Chris Hove, Christy Joy, Dennis Scheer and Sandra Washington. David Cary, Steve Henrichsen, Paul Barnes, Andrew Thierolf, George Wesselhoft, Geri Rorabaugh and Amy Huffman of the Planning Department; media and other interested citizens.

STATED PURPOSE OF MEETING: Regular Planning Commission meeting

Chair Scheer called the meeting to order and acknowledged the posting of the Open Meetings Act in the room.

Scheer requested a motion approving the minutes for the regular meeting held September 27, 2017. Motion for approval made by Edgerton, seconded by Harris and carried 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

CONSENT AGENDA

PUBLIC HEARING & ADMINISTRATIVE ACTION

BEFORE PLANNING COMMISSION:

October 11, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer and Washington.

The Consent Agenda consisted of the following items: **ANNEXATION NO. 17014** and **SPECIAL PERMIT NO. 17035**.

Hove moved approval of the Consent Agenda, seconded by Washington and carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

Note: This is FINAL ACTION on Special Permit No. 17035 unless appealed to the City Clerk's Office within 14 days. This is a recommendation to the City Council on Annexation No. 17014.

ANNEXATION NO. 17015, FOR A CITY-INITIATED ANNEXATION OF APPROXIMATELY 152 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED BETWEEN 1ST AND 14TH STREETS, ON BOTH SIDES OF FLETCHER AVENUE:

October 11, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer and Washington.

Staff recommendation: Approval.

Washington disclosed that she asked Planner, Andrew Thierolf, general questions about the annexation process and also spoke with the County Assessor and the Appeals Board about the ramifications of annexation.

Joy disclosed she also discussed the annexation process with Thierolf.

Staff Presentation: Paul Barnes of the Planning Department came forward to provide background for City-initiated annexations. In the mid-1990s, City Council asked the Planning Department to put together a process for conducting annexation studies. The community has been growing at a consistent rate of around 1.2%-1.3% annually. Today, that amounts to between 3,000 and 4,000 people each year. To accommodate the accompanying development of housing and employment centers at the edges of town, annexation is required. Since the annexation study process was developed in the 1990s, several annexation packages have come forward, the last one in 2008.

The annexation policy is rooted in State Statute 15-104 which grants local governing bodies annexation rights based on class of city. Lincoln is considered a "primary" class city and as such, the City Council may, annex contiguous lands at any time, in any direction, in ways that are deemed proper.

At the local level, most annexations are requested by developers. There are several factors that make consideration of City-initiated annexations appropriate. First is to provide equity for all tax payers. There are over 280,000 citizens and everyone within the City limits is paying local property taxes. Some of the edge developments that are adjacent or contiguous to City limits benefit from City services, such as use of streets, trails, and parks, among other things, without paying the same taxes. Another important reason is to provide clarity of services, especially emergency services. A final reason is to allow for the orderly and efficient growth of the community in ways that make sense for the community and its investments, while ensuring the City is not "leap-frogging" or leaving gaps of County jurisdiction within its limits.

These concepts became specific language adopted in several plans and reaffirmed most recently in the 2016 Comprehensive Plan Update. The guideline states that the "City should annex land in Priority B that is contiguous to the City and generally urban in character, as well as land that is engulfed by the City. Land that is remote or otherwise removed from the limits of the City of Lincoln will not be annexed."

Relevant to the proposed annexations before this body today is text regarding annexation of acreage developments. Staff acknowledges the importance of the character and way of life in acreage developments; even with annexation, those qualities should remain unchanged. Zoning will stay the same unless requested by a property owner. We also recognize that there are costs in going from a County jurisdiction to a City jurisdiction. Part of the annexation process includes having open conversation in public meetings and in written materials to help to explain some of these changes. With acreage areas, additional steps should be taken to have an open process.

There were four public meetings held in late August. Presentation and written material has been available on a website created specifically for the annexation study and package. Staff recognizes community concerns about changes that will occur upon annexation.

The methodology and criteria devised by putting together elements of State Statute, the Comprehensive Plan, and the annexation policy are very clear. Areas that are in Tier I, Priorities A and B; land that is engulfed by city limits, land that is contiguous to city limits and in urban zoning; or land that is contiguous to city limits, in agricultural zoning, where basic infrastructure is in place or planned and urban in character, are all appropriate areas for consideration. After going through this process and analyzing land surrounding the city limits, there were thousands of areas that met at least one of the criteria. Eight subareas were identified that meet more than one of the criteria.

Andrew Thierolf of the Planning Department focused in on the area between 1st and 14th Streets along Fletcher Avenue. It is comprised of 152 acres including 24 dwelling units, 2 churches, and a tree farm. A portion I-80 is within this area and is an example of where we see a jump from City to County, and back to City jurisdiction, all along a short length of road. The same applies to Fletcher. Annexation would address the odd jumps in jurisdiction. The area is a clear notch in the existing city limits and is almost surrounded. Fallbrook is to the west, The Links, and Stonebridge Creek comprise the urban development located on three sides. With this area, there are 20 homes that have driveways onto existing City streets. There are fire hydrants in 14th Street and in portions of Fletcher.

A primary question that arises with proposed annexations is from citizens who want to know what benefits they are getting by being annexed. The answer is that they are already experiencing those benefits. In this case, the residents use City streets, parks and trails just as much as anyone in all of the surrounding developments who are paying for these benefits. Equity is a big factor in this area. When it comes to infrastructure, Staff considers whether basic infrastructure is available. That does not mean that local sewer and water lines are literally in front of each property. In a new development, the City pays for the large trunk lines. The local lines are not paid for by the City, but by the developer, who passes that cost on to the property owner as part of the lot costs. Annexed areas would pay for the local sewer and water lines to go in front of their houses through an assessment district, which is a completely separate process that goes before the Board of Equalization. One new benefit an annexed area can expect is access to City emergency services.

Pat Borer, Assistant Fire Chief, Lincoln Fire & Rescue, said there are many different ways to measure effectiveness of fire departments. The Insurance Service Organization is an independent organization that rates the ability of agencies in communities to suppress fires. LFR was just rerated to Class 2. It is a ten point scale with '1' being the very best. It is a 0-100 scale and LFR is at 85. The current trajectory includes new fire stations and some internal changes which will likely lead to a rating of Class 1. We are among the best fire departments in the country. Another way to measure service quality is EMS capability. For out-of-hospital cardiac arrests, LFR had survival rates over 72%. This is not measured internally, but with a nation-wide measurement tool. Lincoln was the very best in the country. Response time is another important factor in considering effectiveness in fire suppression. The response time continuum begins with the alarm process. Next is how long it takes for fire fighters to get to

the vehicle and to start moving. Lincoln firefighters are housed in the stations 24 hours per day, all year. The next component is travel time. You will see information about where stations are located, but the point is that if fire fighters live in the station, that aspect of response time is very quick.

There was no public testimony on this item.

Staff Questions:

Finnegan stated they have experienced a house fire and have needed to use EMS. Their response time was around three minutes. She asked for assurance that the proposed annexation areas can be reached. Borer said that if there is a station next door to your house, it is less effective if no one is there. That is why distribution is important. LFR responded to 25,000 calls last year, so there are percentages that the station closest to the emergency call will already be out on another call, so then it becomes necessary to rely on the next closest station. Lincoln has decent distribution that will be improved in the near future with the addition of new stations.

Washington asked for more information about how the future stations will impact annexation areas. Borer said there are currently 14 stations and in two years, there will be 16.

Hove asked how far this location is from a station and if that will improve with any of the new stations. Borer said Station 14 is the closest and is within 2 miles. Travel time is calculated around 2 minutes per mile. Since the proposed annexation is within 2 miles of the existing station, the response time would be roughly four minutes. Hove asked if there are currently fire hydrants in the area. Borer said that hydrants are distributed along Fletcher.

Corr asked how far apart fire hydrants should be. Borer said 300 feet. Corr noted that would be about one per block.

Corr asked if the annexations done at the last Planning Commission hearing had access to fire hydrants. Thierolf said the 56th and Fletcher area was close. The annexation in the southwest was the back half of a residential lot. The final subarea had hydrants in the area. Borer said hydrants are the best source of water. The 2nd best method is to be able to relay water by placing fire engines at intermediate distances to boost the water pressure to push it down the line until it reaches the destination. All of the engines carry at least 750 feet of 5-inch hose. For every call, three engines and two trucks are sent for a standard call, so that is over 2,000 feet. A tanker that carries water is the next option. It can only bring what it carries. There is also a way to use water from a pond or reservoir. Fire fighters are trained regularly on how to relay water.

Edgerton asked if the hydrants for this particular annexation are located in such a way to adequately reach all of the properties. Borer said they were measured and there are some distances just over 2,000 feet, so the answer is yes.

Corr asked about the location of the tree farm. Thierolf said it is the parcel located in the southeast corner of the proposed area.

Corr noted the unpaved portion of N. 7th Street. She wondered what would happen when it is time to pave that. Thierolf said it is a local street so it will remain gravel. It would not get paved until the area to the north gets subdivided and then it might be paved as part of that project by the developer.

Corr asked for clarification about how many public meetings were held. Thierolf said there were four total meetings, one for each quadrant.

Hove asked if the proposed area is supported by sewer and water currently. Thierolf said no, services would not be provided outside of City limits. Barnes added that they could extend and attach to the lines via the assessment process. Hove asked what the timeline for that process is. Thierolf said that is a property owner-initiated process that goes before the Board of Equalization and City Council.

Washington wondered why this area was withdrawn from the annexation package of 2008. Thierolf said the area proposed for annexation was much larger. This time around, the focus was on areas that could obviously get water and sewer very easily. The area just to the north that was included in previously proposed area is near the edge of the sewerable area.

Edgerton asked if there are some in this area that want water and sewer services. Thierolf said they have heard from a few. The water in the church is bad and there are others in the area with wells that are not good. Corr wondered what they did for drinkable water. Thierolf confirmed they buy drinking water.

Edgerton wondered at what point the City decides that it needs to add hydrants. Barnes said the hydrants for a district that does not have water today would be included through the assessment district process. Borer added that he works with the Public Works Department when they design new water mains and hydrants are planned at that time. Edgerton asked when the hydrants along Fletcher were added. Thierolf said they would have been added when the water main was installed. Beckius asked who paid for the hydrants, for example, in the Links area. Thierolf said the developer. Washington asked when hydrants might be added along Fletcher between 7th and 14th. Thierolf said that would happen when the residents request a water assessment district. Scheer asked for confirmation that the assessment cannot happen unless and until the area is annexed. Thierolf said that is correct.

Harris asked what critical mass is necessary to create an assessment district. Thierolf said it varies depending on the service requested. There is no minimum for filing. For roads, at least 50% of neighbors must agree. Harris asked if it is possible for homeowners to protest an assessment district. Barnes said the process is open to the public. Findings are presented at the Board of Equalization hearing and ultimately the City Council makes decisions, so it is a fully public process.

In conclusion, Thierolf noted that the area directly to the east along Fletcher will have hydrants installed as part of their development. Corr asked if that is why that area is not included in the annexation. Thierolf clarified that the area he mentioned is already annexed.

There was no public testimony on this item.

ANNEXATION NO. 17015

ACTION BY PLANNING COMMISSION:

October 11, 2017

Corr moved for Approval, seconded by Beckius.

Washington said that after the last hearing, she wanted more information on the background on the annexation process. Her concerns had to do with Greenbelt status on the tree farm. Those property owners are not present in opposition. She feels much more comfortable with approving this subarea because it meets the criteria as laid out by staff and will provide safety benefits and clarity for responders, especially along the I-80 corridor. This is also a clear case in terms of tax equity.

Scheer expressed his appreciation to staff for the additional background information.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

Note: This is a recommendation to the City Council.

ANNEXATION NO. 17016, FOR A CITY-INITIATED ANNEXATION OF APPROXIMATELY 203 ACRES, MORE OR LESS, ON PROPERTY GENERALLY LOCATED AT 84th and 95th STREETS, SOUTH OF HOLDREGE STREET:

October 11, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer and Washington.

Staff recommendation: Approval.

Hove stated he received a call and letter from Dan Hinnah asking about the annexation process. The information was shared with Planning staff and his fellow Commissioners.

Harris stated Daniel Howe stopped by her home to chat, but not specifically about the application. A follow-up letter was emailed to her and forwarded to become part of the public record.

Finnegan noted Mr. Howe also stopped by her home. She confirmed that she had read his letter.

Joy disclosed that she called the Waverly School District to ask about the process of getting a child into their district if they are not located within their district.

Staff Presentation: Paul Barnes of the Planning Department stated the background information for this annexation is the same as the last application and all of the same methodology and criteria apply to this proposed area. Equity for all taxpayers is a priority. This particular area has areas of development within city limits contiguous on three sides. Access is taken onto a gap of County road that goes through City jurisdiction to the east and west. There is also the same gap in jurisdiction for emergency services within this subdivision. The

Comprehensive Plan has supported development and growth along the eastern edge of the city for many years and this area is within the future service limit. With Waterford Estates to the east, it is known that services can be provided. Comments were received from property owners, many having to do with fire response times. Bringing this back to the criteria that the community has adopted as standards for annexation, this subdivision is contiguous on three sides, is urban in character, and is appropriate for consideration for annexation.

Andrew Thierolf of the Planning Department said this area includes 203 acres, 29 dwellings, and a church. One main comment received from residents is that they will not get any benefit from this annexation, but in the opinion of staff, they already receive many City benefits. Residents of this subdivision literally cannot leave the area without using City streets and they likely use other streets, parks, trails, and other city services at the same level as all of the developed properties surrounding them. Touching on infrastructure, there are well developed sewer and water networks in place and there are even stubs built right up to the local streets. The lines in other areas were paid for by residents when they purchased their lots. Again, if residents of this proposed area wanted those services, they would have to make a request via the assessment district process which cannot be done prior to annexation.

One unique aspect of this area is that a build-through acreage was approved in 1989. Back then, there was a lot of discussion about when this area would be annexed. The solution, at the time, was to show the build-through. "Ghost lots" were approved so the area could be more easily subdivided in the future. The issue of infrastructure also came up and a note was added to the plan saying the owners of each lot shall agree to the cost involved in abandoning any existing well or septic systems, the cost of future public water and sewer main extensions to serve their lots, as well as the future paving of roadways. That is City policy anyway, but back in 1989 when this was being approved, it was so clear that the area would be annexed in the coming decades, that the note was added to make sure residents were aware of these responsibilities. That does not mean the area has to be subdivided, it was just clear from day one that the area was planned to be within the City because it was known the City would grow in this direction.

Pat Borer, Assistant Fire Chief, Lincoln Fire & Rescue, stated that there are a number of hydrants surrounding this area and all properties within the proposed annexation area can be reached.

Hove asked what the longest distance was from the hydrants. Borer said the longest distance was from a hydrant on Avon to N. 93rd Street. That was just over 2,000 feet, so again, the entire area could be covered by the number of trucks routinely sent to fire calls. It should be noted that there have been other areas around the City where additional provisions were made to equipment when it is known there are areas without hydrants.

Hove asked the location of the nearest station. Borer said at Cotner and Vine, or at 84th and South Streets. A station is being proposed at 85th and Leighton. Beckius asked the timing of that proposed station. Borer said it depends on negotiations, but roughly two years from now.

Finnegan asked if response times are good, overall. Borer responded that they are, adding that with the current number of stations, they do not have the distribution they would like. Nonetheless, they can get to this area within around five minutes if it is 2.7 miles away, as was indicated in one letter from a citizen.

Beckius thanked staff for the contextual background on the build through. He asked for more information about an adjoining subdivision. Thierolf said Meadowlane is across 84th Street and dates back to the 1960s, so this area has been adjacent to City limits for quite a while. The developer of the proposed area would have thought out whether this area should be within the City or not, and which services to provide. At that time, the network of services was not as well developed as it is today.

Edgerton asked why the area just to the north is not included in the proposed annexation area. Thierolf said there are currently no public streets and there is a ridgeline, so it is more complicated to get sewer there. It is absolutely possible to get sewer there, but for this annexation package, staff wanted to focus on areas that are more obviously ready to be incorporated.

Edgerton asked if there are other areas in town that have acreages of this size within city limits. Thierolf said yes, there are 450 lots within city limits today that are an acre or above; 95 of those are 3 acres or above.

Washington wondered how many of the "ghost lots" were shown. Thierolf said each was roughly split into three new lots, but he is not sure of a number. Washington noted that they were still large lots. Thierolf agreed.

Harris referenced a comment from a concerned citizen that LPS will not provide bus service. She asked if that was accurate. Thierolf said that based on his conversations, the area is not the required distance, so this area will not be covered by bus service. Harris followed up with a question regarding the ability of students to choose to stay in the Waverly school district and their eligibility to take a Waverly bus. Thierolf said staff would not be involved in that conversation so he is unsure whether there is a way to request that.

Harris said the staff report indicated that annexed property owners will be required to pay levee and bonds to their current school district while within that district. In other words, they would not pay for LPS related levees unless issued after annexation. She wondered where that falls on the equity scale since the residents are effectively within two school districts. Thierolf responded that they will be paying on bonds they voted on. Washington added that it is unknown at this time what the weight of the bonds will be on the property owners. Thierolf said he does not know the specific numbers but they are comparable to LPS. Edgerton wondered if comments from Waverly were included in the agency report. Thierolf said they were contacted separately and he is unsure if they are present at the hearing today. Finnegan asked how residents would be affected if their child remained in the Waverly district. Thierolf said the taxes and bonding would not change unless there were any new LPS bonds.

Corr wondered about the difference in the estimated property tax increase, noting that it is 21% for this area, whereas it was 11% on the last annexation subarea. Thierolf said that difference is due the fact that the last area was already part of the LPS district and this area is not.

Edgerton commented that the location of the current Southeast Rural Fire Station at 84th and Holdrege Streets is within the city limits. Scheer wondered if that station would stay within city limits if the area is annexed, or if it would move east. Borer said he cannot speculate on that. The rural fire district has been asked if they would like to undertake a joint venture within the area but verbally and formally indicated they were not interested, adding that no reason was given. Edgerton asked if they are a volunteer unit. Borer said yes.

Harris asked for comment regarding a story from 10/11 News about a major fire near 112th and Holdrege Streets. Borer said that LFR and Southeast Rural Fire worked together on that. A mutual aid agreement exists between the City and the 17 rural fire districts. The rural districts have excellent off-road equipment that LFR does not have, so for example, if there is a grassfire within city limits, LFR might call a rural district to help in the response. Thierolf added that the area in the article is more remote than the proposed annexation area; there are hydrants surrounding this area, so it is a different situation.

Edgerton asked if LFR feels confident that they can serve the proposed area. Borer referred back to the fact that LFR is rated nearly at the top by an independent agency when it comes to fire suppression. There is verifiable data related to the performance of LFR and he has confidence in their ability to respond. Edgerton asked if adding this area compromises their ability to respond in a timely way. Borer said no.

Beckius commented that in some other acreage developments, old well and septic systems are failing. He wondered how many other areas have chosen to install water and hydrants. Borer said Firethorn had no hydrants. LFR even made special provisions to be able to serve the entire area without hydrants. Today, they have hydrants installed throughout. Another development at 70th and Highway 2 has hydrants, but they are not up to current code so LFR cannot use them. In that area, they would tap into a City hydrant farther away. Thierolf said that most areas ultimately request the City services.

Opponents:

1. **Jeanelle Lust, 3800 Vermaas Place**, came forward as legal representative for Dan and Nancy Hinnah, 9500 Eastview Road. Mr. Hinnah provided written comments. No one in the area disputes the fact that at some point, this area will be annexed. Much has been said by staff, particularly LFR staff, about things that will happen in the distant future. This area is already served by a rural fire district located right next to the area. They are able to stay on top of small fires before they get out of control, and can work without having to daisy chain trucks together. It makes more sense to wait until the new stations are built before annexation takes place. The area directly to the north could be included once the services are adequate. A final point is that property owners would pay the cost over time of water and sewer services, so there is an upfront cost to the City which should be factored in, given that it is a 20 year payback period.

Beckius asked if the Hinnahs would be agreeable to annexation once the new fire station is built. Lust responded that her clients understand that annexation is inevitable. Their point is that it can wait until services are in place.

Washington asked how close they are to the rural station. Lust said the station is at 84th and Holdrege. Washington noted that they are volunteers, so no one is there to respond immediately when the alarm rings. Lust said that is correct.

2. Allen Wellman, 8801 Holdrege Street, came forward in opposition. His wife, Joann, is also present. He purchased his large parcel in the 1980s and built his home in 1994. He has no plans for development and does not want to be annexed. He has been classified as a farm, according to the USDA, and operates an active hay farm, which he has done since 1994. The farm is located one block from the rural fire station, and has its own well and septic system. A concern is the quality of Holdrege Street, which carries a tremendous amount of traffic and should be widened first. There are no benefits to annexation. He has been offered what he considers to be a paltry sum for land in the past and is not confident in the word of the City; project proposals come and go and seem to take far longer than projected. The City installed an area of grass in the right-of-way that he maintains. He and his wife do not believe the assessor or the City should have the right to determine the best use of their property.

Finnegan asked if he was made aware that annexation would happen. Wellman said he was aware that it could happen. When Stevens Creek was extended, that opened up a whole different package for the east side of Lincoln so now there are developers purchasing up land. Finnegan asked if he would be supportive in two years if the new fire station was in place. Wellman said that more investment needs to be made in all infrastructure on this side of town first.

3. Ted Wolfram, 1040 N. 92nd Street, stated that he and his wife moved from Texas 20 months ago and found this acreage located between his two children. They are a self-sufficient property with their own well and septic systems. They considered safety when they bought the property and were comforted by the close proximity of the rural fire station. He experienced being annexed in Houston, but in that case, he was in favor because all infrastructure was in place first. Lincoln Fire and Rescue is excellent but it would be best to wait until the new station is in place. He thanked LFR for taking ample time to answer questions.

Beckius asked if the concern is over response time, but not necessarily a lack of water to serve the area. Wolfram said the distance is one concern. Some of the response time number are below thresholds they are trying to establish. It is important to consider how many engines are available at any given time during a 24-hour period.

Finnegan asked if they were aware of potential annexation when the property was purchased. Wolfram said no, but they were focused on being near family. The only thing they checked was availability of emergency services.

Beckius asked if Wolfram knew the average response time of the rural fire district. Wolfram said he did not.

4. Janet Chung, 9501 Eastview Road, stated she submitted a letter on behalf of Sunrise Estates, signed by all homeowners in the association. Annexation has been a big topic of concern. People worry that there are not hydrants so if there is a large fire, tankers can only carry a limited amount, and water will not be sufficient. This is of particular concern since these are larger, acreage lots and there is also a horse property with hay. Three engines would need to daisy-chain to reach the most distant property in the proposed annexation area, and that is if the trucks are available. At this point, the Association requests that annexation wait until the fire stations are built and fully manned.

Finnegan asked how many engines the rural fire district has. Chung said they have two engines and a tanker less than a mile from the neighborhood. Finnegan wondered if there has ever been a situation where the trucks were out on another call. Chung said that in her experience, they have always had great response time. She does not know what would happen if the rural trucks were out on another call.

Finnegan asked if residents knew they could be annexed. Chung said they all thought it was possible. They always call the City in late July to report at their annual meeting, and this year, they reported there would be no annexation, but two weeks later, notification letters were received.

Finnegan asked if they would be fine being annexed if the fire station were built. Chung said yes, and mentioned an article that stated the City was denied a grant due to the fact they would have to hire 30 additional fire fighters to qualify.

Beckius said he is interested in the fact that annexation is discussed by the neighborhood on an annual basis. He asked if there has ever been discussion about the potential for adding improvements, should annexation occur. Chung responded that it has been an area of large concern due to the high cost, which is calculated based on property frontage. No one can provide the actual cost unless the assessment is requested. Beckius suggested that an engineer could be hired to make a calculation. Chung said they have not taken that step and are reluctant to spend a lot of money on something that may not have a return.

Beckius asked for confirmation that, in general, people would be more comfortable with the addition of the fire station before annexation. Chung said yes. The concerns about infrastructure are also important because they are unsure of how improvements would be paid for. Discussions about the topic were more active during the potential annexation in 2008, but at this point, neighbors believed annexation would not occur until the 2020 timeframe, so details were not being discussed.

Beckius asked if Chung knew the response time of the rural fire district. She said she did not.

Edgerton asked for more details about the 11 acre horse area. Chung said it used to be used for horses and there is one structure on it. It is owned by the association.

Harris asked if the fact that the rural fire district can call on LFR if they need assistance alleviates any concerns. Chung said it helps, but they know that LFR has a lot to take care of within the city and there are no hydrants in their subdivision. Once a fire spreads, time is of the essence. Harris followed up by asking whether, since limited water supply was of concern, if there has been any thought given to the idea that the maximum amount of water would be provided with City hydrants. Chung said she has never asked the rural district if they have ever run out of water and had to call LFR for assistance.

5. Phillip Steffen, 9201 E. Avon Lane, stated that he was under the impression this area might not be considered for annexation until 2020. The LFR annual report sites their own concerns with resource distribution problems and not enough stations. Response times are declining due to geographic expansion. This is of great concern to residents. It was also reported in August of this year that the City intends to hire police and fire staff. This annexation should be delayed until this is resolved. He does not know the rural response time, but would likely be more in favor of annexation after the stations are built. He was aware that the area might be annexed, but as he stated, it was not expected until 2020. In response to Commissioner Beckius' question, he said that he would be more comfortable if infrastructure was in place first. With five kids, safety is his main priority.

6. Norm Harley, 9400 E. Avon Lane, stated that as a former rural EMT and firefighter, he understand the ramifications of fighting grassfires. He feels the cart is before the horse with this annexation and everyone would feel more comfortable if a new fire station and more infrastructure was in place. It takes time to daisy chain trucks together. The mutual aid agreement is useful in a mass casualty situation, but not necessarily for smaller fires. LFR currently serves so many square miles so it is important to think about the point at which quality might deteriorate. In terms of equity, cars within City limits also use the County maintained section of road, so it

works both ways.

7. **David Halvorsen, 1440 Linwood Lane**, said that one difference with this proposed annexation area is that 100% of residents are opposed to the annexation. He agrees with all comments and concerns made so far. The financial ramification of annexation should be considered. There will be a 33% valuation increase. If water and sewer are to be added, that can be estimated at around \$40/foot. With his frontage, that would be roughly \$25,000. That would put him in a position of no longer being able to afford living there, and he thinks it would be the same for some other neighbors. In addition to those expenses, wells and septic systems would need to be taken out of service which is yet another cost. If all of those costs are piled on, properties will go down in value by the same amount. Think about how all of those costs would affect you personally. He concluded by noting that on an emergency call to his home, rural emergency responders arrived before City ambulances.

Finnegan asked Mr. Halvorsen if he was against annexation, in general. He answered that it is essential that the fire station should be there and operating. The idea of the double taxation in two districts should be illegal when only one district is being used.

8. **Leo Kreifels, 241 Anthony Lane**, stated he does not live in this area, but has questions because his area will be considered for annexation on October 25th. He wonders if there is any coordination with the Waverly district and how annexation will affect their district and bus services.

9. **Dennis Schuette, 9401 Avon Lane**, said he also has concerns about emergency services. LFR is a very good department, but they have trouble meeting their own ideal timelines as it is. In addition to the hookup time, it takes even more time to relay water through a 5-inch hose. The County currently maintains part of the road by spreading gravel at the bottom of Linwood. Since the street is not an arterial, residents will not get the benefits of street services. It is misguided to take money away from the Waverly school district. He has three students in high school and the teacher/student ratio is much better. Participation is also higher, despite having fewer activities to choose from. He is aware that annexation will take place, but hopes it will be in the future when services are in place.

Staff Rebuttal and Questions:

Barnes stated all of the proposed annexation areas have been brought forward based on the City's annexation policy, which is rooted in State Statute. The equity of all taxpayers, not just certain ones, must be considered. Clarity of services and orderly and efficient growth are all necessary. This particular area meets the criteria of being located in Tier I, Priority B land. Though it is not engulfed, it is contiguous to city limits on three sides. Water and sewer are stubbed up to the subdivision and are

ready for the property owner-initiated assessments. The area is urban in character.

The two main areas of comments were related to emergency services and utilities. Assistant Chief Borer demonstrated very well that limitation of water and hydrants within the subdivision is a non-issue because they have the ability to provide service, even as currently located. The area is served well if we consider the location of stations throughout the community; there are other areas that are farther away from stations. Additionally, LFR has provided good data in their reports, whereas there is no data is available for the rural districts.

Robert Simmering is on hand if there are further questions about creating assessment districts and costs. That process is separate and cannot even be requested in an area outside of city limits.

Comments were made about the area directly to the north as it relates to equity. With this package, staff wanted to bring forward the most clear cut and obvious set of proposals. Because there were questions about how lines would be laid and the lack of public right-of-way, the north area was excluded. That said, staff will continue doing these annexations. There are many areas that require further thought and analysis.

Staff initiated contact with Waverly on multiple occasions and when the annexation package became a formal request, we included them in our application review process, so there has been more than one attempt made to reach to the Waverly district. It is also important to note that for many years in the Comprehensive Plan, future service limits have been defined. It is possible a discussion between Waverly and LPS would be good at this juncture given that the plan for Lincoln's growth to the east has been in place for quite some time.

Borer said that everyone one agrees that response times are important. The Southeast Rural Fire District is great, but the City does have an advantage in that their measure of response time begins almost immediately. No one is housed in the rural stations, so it is unknown at what point their response time begins. One citizen mentioned effective response force. There are three primary tasks associated with this: getting water on the fire, venting the structure, and search and rescue. To do this effectively, it takes 16-19 people. Even if a rural volunteer lives close to the station, he or she will be unable to perform all of these critical tasks simultaneously until other volunteers arrive at the scene. They are a good department and do their best, but we know exactly what our response time is. When it comes to distance from stations, there are parts of the city farther away than this area will be. It is not ideal, and it is something the department seeks to improve upon, but adequate service is provided.

Corr asked how long it takes to daisy chain multiple trucks. Borer said he does not know the exact time, but to form a three engine chain, the first truck stops at the hydrant and moves forward to lay out all of the hose, the second truck connects and does the same thing. It does take time. Corr noted that it takes time, but it supplies water with the same capacity as running directly from a hydrant. Borer agreed. Corr asked how many trucks are sent out when dispatched. Borer said that three engines and two trucks are sent, and they all have the hose and are heading towards the address at the same time.

Harris wondered if the information about the rural department's response time is available. Borer said it takes quite a bit of staff to put together the data, so he is unsure how they measure these types of things. Harris commented that much of this conversation has been based on information that cannot be obtained.

Harris went on to ask if there is anything time sensitive to this particular application, or if there would be any advantage to delaying action in order to get more information. Barnes responded that it would come down to obtaining information from the rural fire district and it is unknown if anyone is collecting that data. The information Chief Borer provided is based on a year's worth of data over time. A 2-week delay would not accomplish much and it is best to keep these annexation moving forward due to timing for tax purposes. If this goes on to City Council, the City portion of taxes would not be paid until 2019. The longer this gets delayed, the longer that gets put off.

David Cary, Director of Planning, came forward to say that the information presented by Staff is adequate for the decision being made today. Our own Fire and Rescue Department has the data to show that they can serve this area, so from a staff perspective, that answers that particular question.

Harris asked how response time in this area compares with response time in the other annexation areas already approved by this body at the last hearing. Cary said Waterford Estates, located farther east than this subdivision, was annexed about 10 years ago. It has been developing and people are living within the exact same service area. Harris asked if the annexation of Waterford was developer-initiated. Cary said yes.

Harris said she understands the differences between developer and City-initiated annexations based on existing policies. She wondered about response time only within City-initiated annexations and how they compare to this area. Cary said LFR takes part in the review process. Harris asked if this area is at a disadvantage to the other areas that were approved. Borer said no. His comments on plans have generally been that the department supports City growth. There are other areas at a greater

distance.

Washington said the areas approved for annexation at the last regular Planning Commission hearing were 3 miles, 3 miles, and 1 mile from their nearest stations, so both a little farther and a little closer. Scheer said this area is 2.7 miles.

Corr reiterated that just because an area is annexed does not mean they have to form an assessment district to pay for services. Thierolf agreed that is correct, and noted there are developments that were annexed that still do not have City services.

Scheer wondered if there is anything missing in terms of the basic infrastructure that surrounds this subarea. Thierolf said nothing is missing.

Joy asked for clarification whether the area needs to be annexed prior to requesting services, including fire hydrants. Thierolf said that is the case. Washington said she shared that question since many neighbors express a desire for services to be in place prior to annexation. She wondered if there were any cases in which services would be provided first. Thierolf said Lincoln has a concurrency policy so services would not be available before annexation. Corr noted that there is potential for a partial subsidy. Thierolf said that is something that could be worked out by the Board of Equalization. It is true that the City may subsidize to offset some of the burden.

Washington wondered if hydrants were put in on the south side of Holdrege, if they would not be expected for the lots adjacent to the north. Thierolf said there are already hydrants in Holdrege. He clarified that he does not know with certainty that the City would subsidize this area, only that it is a possibility. Washington followed up by asking who pays the upfront costs. Thierolf said the City pays upfront, but that money is paid back over time.

Corr asked about a citizen comment regarding maintenance of grass that was installed by the City. Thierolf said that is the same as having to maintain City right-of-way, though he acknowledged that with such a large parcel, there would be more to maintain.

ANNEXATION NO. 17016

ACTION BY PLANNING COMMISSION:

October 11, 2017

Corr moved for Approval, seconded by Beckius.

Finnegan said annexation is never easy; usually no one likes it. This is a difficult decision, but the criteria have been clearly laid out and met and the word of Assistant Chief Borer can be trusted.

Washington stated she will support this annexation primarily for the equity issue. She added

that she also supports this for the sake of consistency in decision making; the areas approved at the last meeting met the same criteria and some of the same concerns were expressed, but this body made the decision to recommend approval based on adequate information.

Beckius said he will support this annexation. He very much appreciates the testimony from residents. His primary concern was safety and the potential for a decreased level in service but he is not convinced that will happen. The Comprehensive Plan illustrates what an annexation should look like, and those criteria have been met. This process should keep moving to the next level.

Hove stated he is generally supportive of annexation, but in this case, there is a matter of poor timing and he will not support the motion. Not all of the facts are known about the fire service issue and in two years there will be a station, which will likely eliminate many of the concerns so that 100% of the residents will not be opposed to being annexed.

Harris said she will support the motion. She asked about delaying out of courtesy to people who took time out today so they may have some response times to compare. To do that would place too much of a burden on a department and might come back with inconclusive information. She will revert back to what she said at the last meeting. There is a specific policy in place and the criteria are laid out. This area checks all of the boxes and does not seem to put residents at a disadvantage in response times, overall. The question of equity must be looked at in a general sense. Equity is a perspective; some may say that excluding the area to the north is inequitable, or that Waverly is being treated inequitably. Because of that, for her, this area comes down to the orderly growth argument. The city must grow in the ways that make the most sense.

Joy thanked residents for their testimony. This is a challenging area with complex issues. She will support the motion and appreciates the methodology that is in place. Compared with other cities around the United States, the orderly growth in Lincoln has created a nice city. She echoes the thoughts of Harris.

Corr said that for her, the location of the stations is less important than the fact that the area is surrounded by hydrants. This area has been spoiled because they are located so close to their rural station so it has the appearance of the fastest possible response time, but in actuality, that information is unknown. The hydrants are there and the trucks can reach all of the properties. The City cannot wait until all services are in place to annex and there must be some give and take. She is farther away from her fire station than this subdivision, and she is in the middle of town. She doesn't have children, but still pays LPS taxes. This area is appropriate for annexation. It may seem unfair, but that is the way these things work.

Scheer thanked the public for their testimony, adding that it contributes to the decision-making process. He echoes the thought of his fellow commissioners when it comes to the merits of annexing this subarea.

Motion carried, 8-1: Beckius, Corr, Edgerton, Finnegan, Harris, Joy, Washington and Scheer voting 'yes; Hove voting 'no'.

Note: This is a recommendation to the City Council.

COMPREHENSIVE PLAN NO. 17016, TO REVIEW THE PROPOSED LANCASTER COUNTY ROAD AND BRIDGE CONSTRUCTION PROGRAM, FY2018 AND 2019-2023, AS TO CONFORMANCE WITH THE 2040 LANCASTER COUNTY COMPREHENSIVE PLAN: October 11, 2017

Members present: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Scheer and Washington.

Staff recommendation: Conformance with the Comprehensive Plan.

There were no ex parte communications disclosed on this item.

Staff Presentation: Paul Barnes of the Planning Department stated in the 1950s, the County Board of Commissioners passed a resolution that required the Road and Bridge Program to come before the Planning Commission for review as to conformance with the Comprehensive Plan. This covers Fiscal Year 2018 and 2019-2023. Staff did their review and the program was determined to be in conformance.

Pam Dingman, County Engineer, began by summarizing current conditions. There are currently many bridges that are structurally deficient or scour critical. Nine bridges are closed. There are 83 structures that she refers to as "combo structures" that include things like a small bridges with a box culvert added, usually around the 1960s. The total current needs amount to about \$51 million. When it comes to roadways, 79 miles of asphalt need overlay, 28 miles need new pavement, according to traffic counts. There are four subdivisions that need asphalt. The County has also been taking over roads in recreation areas. There are 38 miles of gravel and 35 miles of paved. There was never a plan for maintenance for when these roads were taken over. The total current needs for roadways is \$50 million. With the current funding of \$8.7 million, it would take over 12 years to meet all of these needs.

Many projects were completed in 2017. A long stretch of Adams Street, from 103rd to 148th is being paved. If the weather holds, that will be completed in 2017. There has been overlay and bridge maintenance done on several bridges including H-66 at 112th Street south of Alvo. That bridge also had work done last year. Bridge D-88 was given to the County by the Defense Department. The bridge was sturdily built to convey missiles, but was badly damaged in the 2015 flood. Bridge H-120 was purchased in 1932 from the State and lots of money has been spent stabilizing it. Adjacent residents were told this bridge could close.

In the 1950s, engineers embarked on a plan to reduce bridges. There were 700 at that time and many were converted into box culverts. Three WPA-era bridges will be replaced. There are several structures that are too short to be considered bridges by the state. It was discovered that many of these were in critical condition. Detailed analysis was conducted with the Department of Transportation and the University of Nebraska and work was done to keep things open. The cost of replacing a bridge on 148th Street will be very burdensome but with over 5,000 cars per day traveling on it, it really needs to be done. Emergency restoration was done on one box culvert when it was discovered the walls behind it were hollow. This was fixed by exposing the storm pipe and adding the riprap embankment with a layer of soil over rock and a

thick layer of grass, which holds better.

For 2018, a partnership was made with the Department of Roads for the north part of Branched Oak. Lancaster County has the most recreational roads of any county, with over 40 miles. They are not really State roads since the County maintains them. Traditionally, they were willing to share the cost at 80/20. The best that could be negotiated is 60/40. Some need a 2-inch mill overlay. There is some environmental sensitivity in the area. Money was set aside for Raymond Road, but it conflicted with State projects, so that had to wait. They agreed that if anything happens while traffic is detoured on Raymond over a bridge with a sufficiency scale of 27, they will pay for it. As soon as they are done, overlay will begin on that stretch of road. 98th Street from Old Cheney to A Street is the only road that was graded to meet an inter-local agreement regarding transition from urban to rural roadways. The County has never actually paved one of these transitional roads. The traffic counts on the gravel are around 700 cars a day and gravel tends to fall apart at around 300 cars per day. There are several other asphalt overlay projects programmed for next year and Saltillo Road is close to being confirmed as qualifying as a safety project. Many bridges damaged in the 2015 floods will be replaced. They have complex issues.

The Fiscal Years 2019-2023 projects include a continuation of projects on Saltillo including shoulders from Highway 77 to 58th Street. Some of that is within City limits so the intent is to get the best contiguous project. More bridge projects are included in the programming, including some that have been planned since the 1990s. Coordination with the South Beltway also begins. The Hickman area is paved on 68th Street, but 54th from Roca to Hickman is not paved. 82nd Street is also not paved. When the 68th Street interchange is under construction, there will be no direct paved path into Hickman so it will be important to find a way to do 54th Street, which has lots of traffic now. There are a high number of accidents in these areas. Some projects will involve coordination with Hickman.

Fatality rates are the same now as they were in the 1950s and it is due to distracted driving. A final project includes public outreach and education on this topic.

Washington asked if there is a different funding source for the safety project on Saltillo. Dingman said she and the City have been meeting with the State for a couple of years to apply for the project, which has its own requirements. Traffic accidents are assigned a dollar amount. Then an analysis is done to identify what improvements would alleviate those accidents. Saltillo easily qualified based on the cost to benefit ratio.

Proponents:

Lonnie Burklund, Engineering Services, City of Lincoln, came forward to convey from the Public Works side that they have also reviewed this County 1 and 6 programming and are fully supportive of it and its projects. There have been several positive conversations on some fringe City-County road projects, such as 98th Street. There are many exciting projects ahead.

Staff Questions:

Edgerton asked how the review as to Conformance connects with funding. Dingman said it helps to meet several requirements that are set by the State. There is a local resolution that asks that it come before the Planning Board. It will also go to the County for Public Hearing on November 7th and the public is invited to participate.

Cary noted that the 1 and 6 is similar to the CIP from the City side of things in that we are required to take action on both for conformity with the Comprehensive Plan. It ultimately becomes part of those budgets, though the actual budget question is not what is being asked of this body. However, if, for example, no money was allocated for bridge repair, this body could have a robust discussion about the inadequacy of that proposal, and it would be on record.

Edgerton thanked staff for the clarification and recommendation. This is a very detailed and technical report so it is challenging to understand the role of the Commission in this piece of growth and development.

COMPREHENSIVE PLAN CONFORMANCE NO. 17016
ACTION BY PLANNING COMMISSION:

October 11, 2017

Edgerton moved for Approval, seconded by Beckius.

Corr said she appreciates the work that the County Engineer does with the limited budget they are granted.

Edgerton reiterated her appreciation for the clarity the presentation provided.

Hove commented that he absolutely agrees that the distracted driving issue should be addressed and he hopes that will also happen at a legislative level.

Motion carried, 9-0: Beckius, Corr, Edgerton, Finnegan, Harris, Hove, Joy, Washington, and Scheer voting 'yes'.

Note: This is a recommendation to the County Board.

There being no further business to come before the Commission, the meeting was adjourned at 4:29 p.m.

Note: These minutes will not be formally approved by the Planning Commission until their next regular meeting on Wednesday, October 25, 2017.