

# LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

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## for February 1, 2006 PLANNING COMMISSION MEETING

**P.A.S.:** Comprehensive Plan Conformance No. 05017  
Northeast Community Park conservation easement

**PROPOSAL:**

Request to find the acquisition of a permanent conservation easement over approximately 0.24 acres for the purpose of the restriction of future development and to guarantee preservation of the stream channel and wildlife resources associated with an unnamed tributary to Deadman's Run, a tributary of Salt Creek, located adjacent to Northeast Community Park is in conformance with the 2025 Comprehensive Plan.

**LOCATION:** Northwest corner of Northeast Community Park, near N. 29<sup>th</sup> & Leighton

**LAND AREA:** 0.24 acres, more or less.

**CONCLUSION:**

Prior to the development of the park, a railroad spur operated by the Omaha, Lincoln, and Beatrice Railway ran through the center of what is now Northeast Community Park. In order for the park to be developed the rail spur was relocated west to its current location. The relocation of the railroad required a realignment of the tributary. Such a realignment required a Section 404 permit from the Army Corps of Engineers. A provision of granting this permit is that a conservation easement be retained over the relocated channel to guarantee the restriction of future development in that area. The area in which the channel was realigned is owned by the Omaha, Lincoln, and Beatrice Railway, who has agreed to the easement at the request of the Joint Antelope Valley Authority. This conservation easement is in conformance with the Comprehensive Plan and supports several goals of the Plan.

<b>RECOMMENDATION:</b>	<b>In conformance with the Comprehensive Plan.</b>
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**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

A part of Lots 1-3 Block 23, and a part of Lots 13 and 14 Block 20, Abbott & Irvines Addition, as well as a part of the vacated N. 29<sup>th</sup> Street and vacated Huntington Avenue, located in the NW 1/4 of section 18/10/7, Lancaster County, Nebraska.

**EXISTING ZONING:** I-1 Industrial

**EXISTING LAND USE:** Realigned channel of tributary to Deadman's Run adjacent to public park immediately to the east and a railroad spur immediately to the west.

**SURROUNDING LAND USE AND ZONING:**

North:	Railroad	I-1 Industrial
South:	NE Community Park	I-1 Industrial
East:	NE Community Park	I-1 Industrial
West:	Railroad	I-1 Industrial

**HISTORY:**

**COMPREHENSIVE PLAN SPECIFICATIONS:**

The 2025 Future Land Use Plan shows this area as Industrial and Green Space. (F 25)

**Green Space:** Areas predominantly used for active recreational use, such as parks, golf courses, soccer or ball fields, and trails. Green space areas may be either public or privately owned. While some isolated environmentally sensitive features may be within these areas, they are predominantly for active recreation, with some passive recreation uses also possible. (F 22)

Two **Emerging Regional Planning Issue** identified:

- Conservation and protection of environmental and natural systems. (F 4)
- Cooperative planning of water resource management. (F 4)

**Environmental Resource Features** represent an important part of today's urban and rural landscapes. Such features need to be valued and sustained as part of the overall planning process if they are to remain as vital parts of the natural heritage left for succeeding generations. (F 52)

**Floodplains:** This feature refers to land that is susceptible to flooding or that has flood prone soils. Floodplains provide multiple benefits to both the natural (flood storage, habitat, water quality) and built (recreation, public health and safety, economic) environments. (F 53)

Three **Core Resource Imperatives** were selected from the Environmental Resource Features as those that should receive the greatest consideration in the long range planning process. (F 54)

**Riparian, Floodplains, and Stream Corridors:** Streams and their adjoining corridors snake their way through much of Lancaster County. Throughout the region, surface water runoff flows into these stream corridors that typically consist of floodplains and riparian areas. These are instrumental in providing habitat and water infiltration benefits, along with serving as connectors to natural areas. (F 55)

The purpose of the **Greenprint Challenge** is to assure the long term health and integrity of the ecosystem upon which Lancaster County is superimposed, and to capture the community-wide quality of life and economic benefits that can be derived from the area's environmental resource features. (F 55)

The **Greenprint Challenge: Implementation Strategies** include:

- Investigate the possible use of easements (e.g., conservation, preservation, public access, etc.),...to manage land with environmental resource interest. (F 64)

**ANALYSIS:**

1. The Nebraska Conservation and Preservation Easement Act (NEB. REV. STAT. §§ 76-2,111 to 76-2,118) requires action on the acquisition of conservation easements to be referred to the local planning commission having jurisdiction over the properties for

approval prior to the acquisition. The Planning Commission must make a recommendation to the City Council “regarding the conformity of the proposed acquisition to comprehensive planning for the area,” (NEB. REV. STAT. §76-2,112). Planning Commission action regarding conformance to the Comprehensive Plan is final. The City Council will then either accept or deny the easement.

2. The purpose of this Comprehensive Plan Conformity report is to determine whether this permanent conservation easement is in conformance with the 2025 Comprehensive Plan.
3. The intent of the conservation easement is to protect the wildlife resources and the stream channel from future development with a 30-foot buffer strip on each side of the channel, as required by the Army Corps of Engineers (COE).
4. Staff finds that the COE requirements to protect wildlife resources and the stream channel are supportive of the established goals and policies of the Lincoln/Lancaster County Comprehensive Plan.
5. The City of Lincoln can accept the conservation easement after the Planning Commission determines the easement conforms to the Comprehensive Plan.

Prepared by:

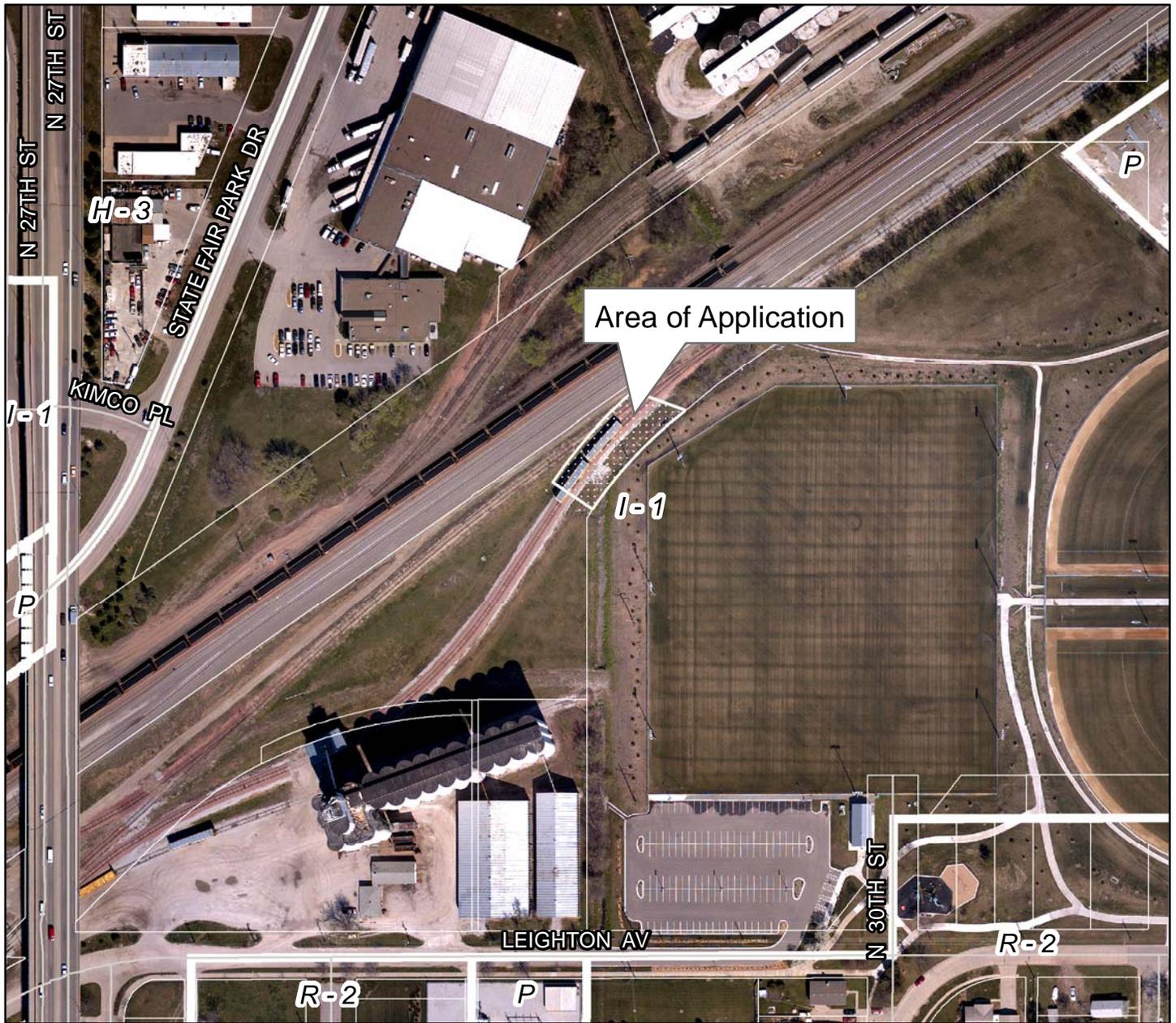
Joe Rexwinkle  
Planner

**Date:** January 18, 2006

**Applicant:** Joel Pedersen  
Law Department

**Contact:** Same as Applicant.

**Owner:** Omaha, Lincoln, & Beatrice Railway  
1815 Y Street  
Lincoln, NE 68508



2005 aerial

# Comp. Plan Conformance #05017 N 29th & Huntington Ave

## Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District

One Square Mile  
Sec. 18 T10N R07E

