

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Co. Change of Zone 213

DATE: March 3, 2003

PROPOSAL: A change of zone from AG Agriculture to AGR Agricultural Residential

LAND AREA: 21.10 Acres (gross), more or less

CONCLUSION: Without a rating standard in place and an evaluation of the fiscal impact of rural development, it is not possible to do a review and recommendation as stated in the 2025 Comprehensive Plan, therefor, this application should be deferred until the fiscal impact study is completed and the review performance standard is developed. However, if action is desirable at this time, the evidence to date indicates the application should be denied.

RECOMMENDATION:

Deferral
Denial if action is requested

GENERAL INFORMATION:

LEGAL DESCRIPTION: Lots 17,18 and 19 I.T. in the NW 1/4 of Section 12, T 11 N, R 5 E of the 6th P.M., Lancaster County NE.

LOCATION: Generally located at N.W. 70th Street and W. Mill Road.

APPLICANT: Lloyd and Terri Jakoubek
12800 N.W. 70th Street
Raymond, NE 68428
(402) 783 - 2663

OWNER: Lloyd and Terri Jakoubek

CONTACT: Lloyd and Terri Jakoubek
(402) 783 - 2663

EXISTING ZONING: AG Agriculture.

EXISTING LAND USE: One residence and outbuildings.

SURROUNDING LAND USE AND ZONING:

North: Ag land and scattered residences, zoned AG Agriculture.

South: Ag land, zoned AG Agriculture

East: Ag land, zoned AG Agriculture

West: Ag land, zoned AG Agriculture

ASSOCIATED APPLICATIONS: None

HISTORY: Changed from County AA Rural and Public Use to AG Agriculture in the **1979** Zoning Update. The existing lots 7, 18 and 19 where created by deed in 1973, 1987 and 1994 respectively.

COMPREHENSIVE PLAN SPECIFICATIONS: This area is shown as Agricultural on the Land Use Plan (pg F 23). This is outside the Lincoln growth tiers. The 2025 Comprehensive Plan states:

“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. (F70)

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. (F70)

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 amount of potential conflict points between farm operations and acreages. (F70)

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, soil conditions, roads, agricultural productivity, land parcelization, amount of existing acreages, and plans for 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. (F70)

Development of a performance standard “point 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 “points” can be accumulated to justify the development at the requested location.” (F 71)

UTILITIES: Not available. This area is outside the rural water districts.

TOPOGRAPHY: This is the crest of a hill, falling off to the north and east.

TRAFFIC ANALYSIS: N.W. 70th Street and West Mill Road are gravel county roads, West Mill to the west of NW 70th is a dirt road. There is pavement 1 and ½ miles north and one mile east (NW 56th is Highway 79). The abutting county roads are not shown for improvement in the County Engineers 1 and 6 year road program.

PUBLIC SERVICE: This area is served by the Malcolm School District # 148, the Raymond Rural Fire District, and is in the Norris Public Power District service area.

REGIONAL ISSUES: The location of acreage development and farming.

ENVIRONMENTAL CONCERNS: There is a Historic mill site about one mile northeast of this site. There is prairie in the area but none noted on this site. Wetlands are present at this general location. A state lake is about one mile northwest of this site. The soil rating is approximately 5.0 on a scale of 1 to 10, where 1-4 is prime soil. This is not prime agriculture soil. No feeding operations were noted in the area.

AESTHETIC CONSIDERATIONS: NA

ALTERNATIVE USES: Farming uses and one dwelling on the 20 acre parcel.

ANALYSIS:

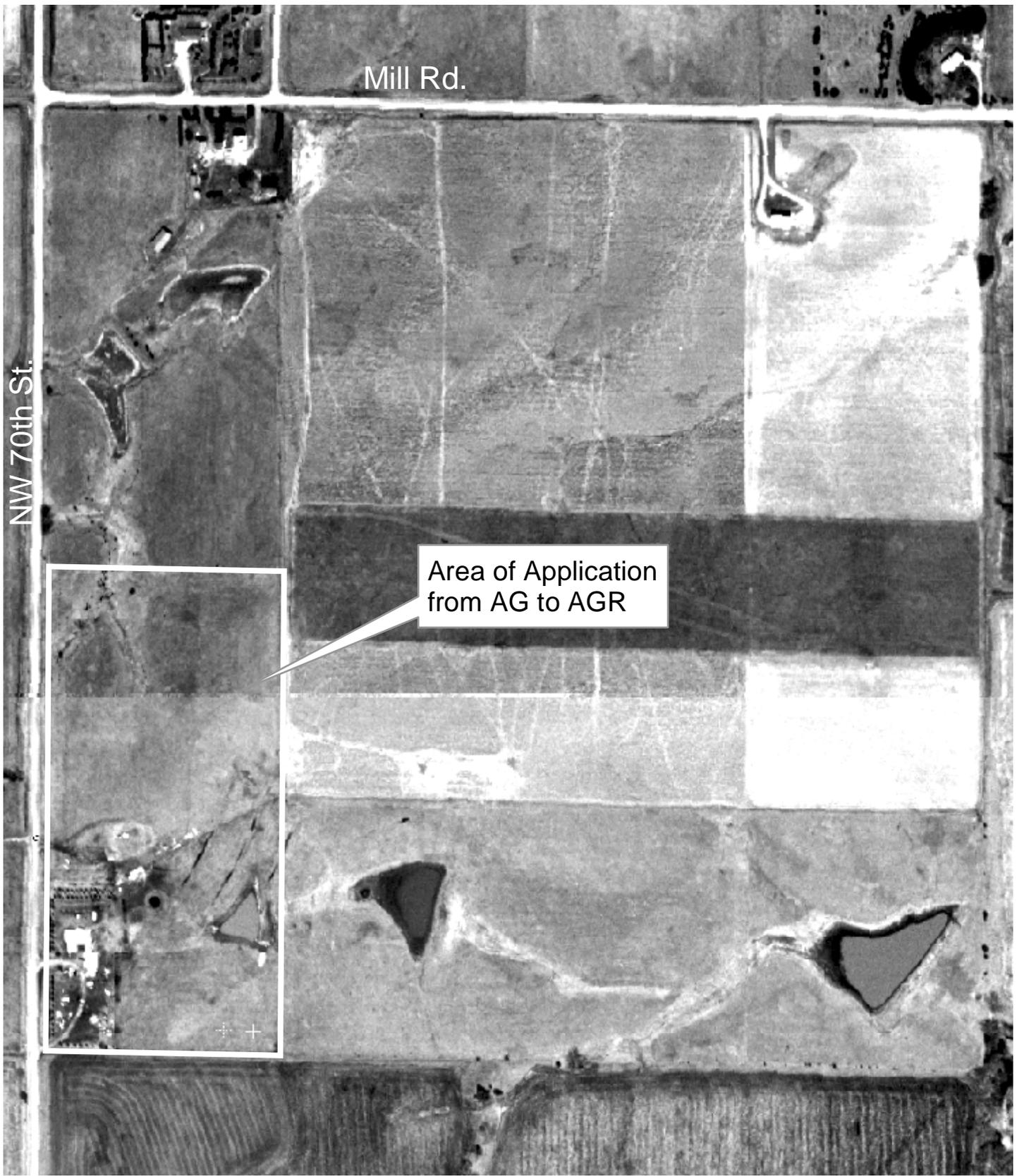
1. This proposal is for a change of zone from AG Agriculture to AGR Agriculture Residential on a 21.10 acre parcel to allow two buildable lots.
2. This change of zone is comprised of three existing parcels; 1) a 2.58 acre parcel created in 1973, which has a residence existing, 2) an 18.2 acre parcel created in 1987 and 3) a 0.3 acre parcel created in 1994 (without a subdivision permit). Two of the parcels are not “grand fathered” or buildable.
3. The 2025 Comprehensive Plan calls for a performance standard “point system” to review those applications for higher density that are not shown for acreage use. The performance standard point system has not been developed nor a rating system accepted for review of these types of applications.
4. The County Engineer recommends denial.
5. Development potential of this land would be one dwelling unit under the AG zoning and about seven dwellings under AGR zoning.

6. Some acreage review issues can be addressed in this report:

- a) Water/rural water,
Ground water information is lacking and this is an area known for potentially poor quantity and quality, this is not in a rural water district.
- b) Road access and paving,
NW 70th and W. Mill Road are county gravel roads. NW 56th and Raymond Road, one mile north and east, are paved.
- c) Soil rating,
The soil is not prime ag land of the county.
- d) Development of the area/land parcelization,
The land in this area is in mixed parcel sizes but is still in substantially larger parcels of 20, 40 and 80 acres in area.
- e) Existing acreages,
There is a scattering of acreage development in this immediate area.
- f) Conflicting farm uses,
There are no farm feeding operation or other conflicting farm uses noted in a field check.
- g) Environmental issues,
There are no known environmental issues with this land. There is no flood plain identified.
- h) Impact on other governmental entities,
This will increase demand for service on the Sheriff, Rural Fire, School and others. The level of impact is not known.
- i) Plans of other towns,
There are no towns in close proximity .

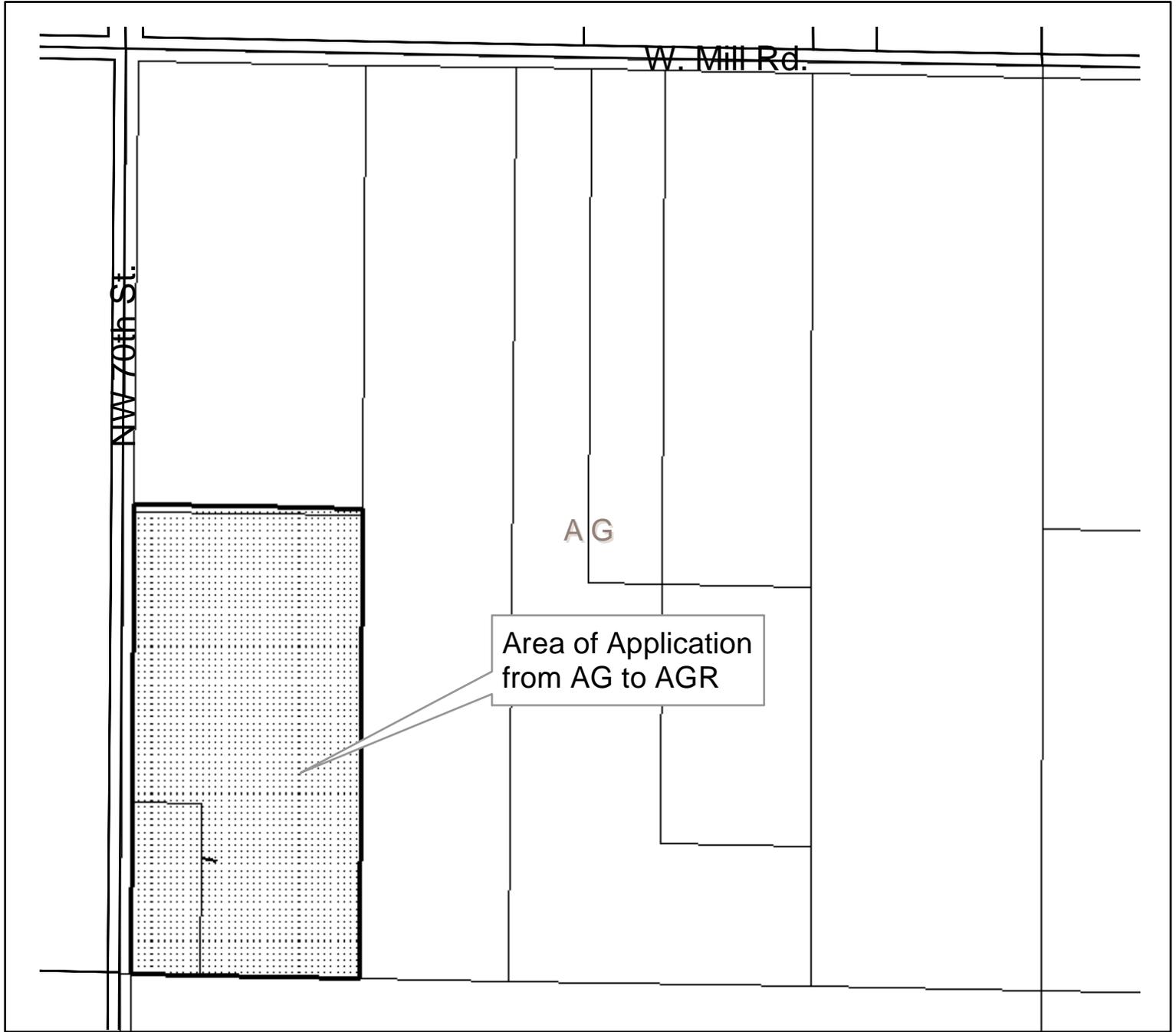
Prepared by:
Mike DeKalb, AICP

Planner



**County Change of Zone #213
NW 70th & Mill Rd.**

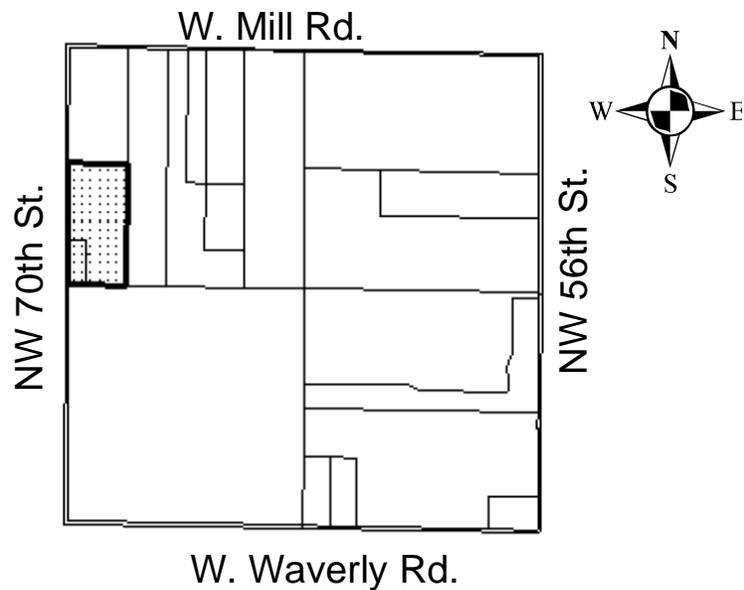
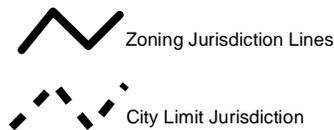


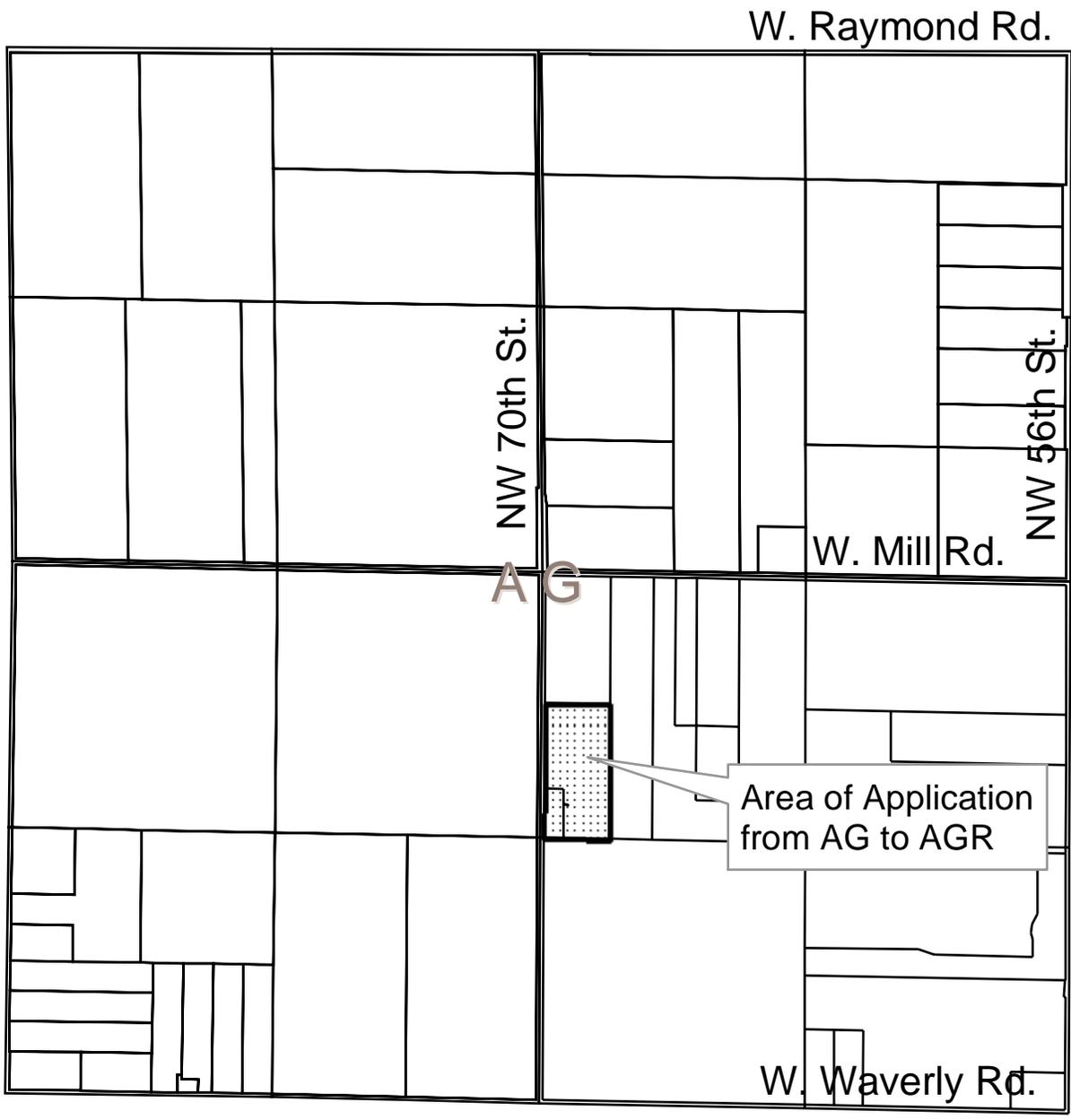


County Change of Zone #213 NW 70th & Mill Rd. Zoning:

- 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. 12 T11N R5E



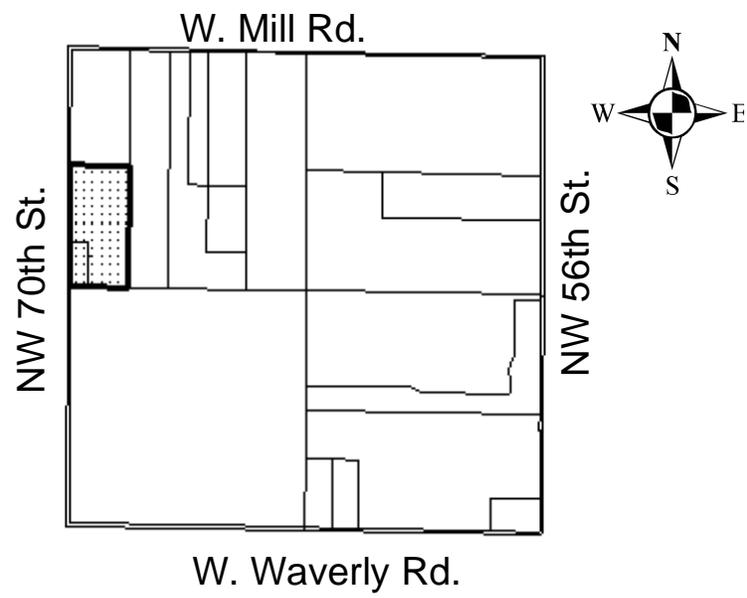
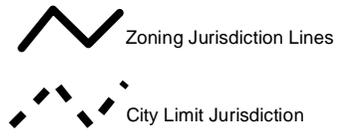


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**LINCOLN-LANCASTER COUNTY HEALTH DEPARTMENT
INTER-OFFICE COMMUNICATION**

TO: Mike DeKalb	DATE: March 3, 2003
DEPARTMENT: Planning	FROM: Chris Schroeder Ron Marquart, REHS
ATTENTION:	DEPARTMENT: Health
CARBONS TO: Bruce Dart, Director EH File EH Administration	SUBJECT: County CZ #213 12800 NW 70th

The Lincoln-Lancaster County Health Department (LLCHD) has reviewed the application for change of zone and conducted an on-site inspection. The following items are noted:

- There is an existing private well supplying the existing home on Lot 7 of this plat. Well construction appears to be satisfactory. Bacterial and nitrate water samples meet the requirements of a satisfactory drinking water supply. Nitrate is 0 ppm which is well below the 10 ppm limit.
- There is an existing onsite wastewater lagoon for the existing home on Lot 7. Sharpsburg soil is present in Lot 7 and the south half of Lot 18 on this plat. This soil may not yield an acceptable percolation rate for a standard septic system. If this soil produces a failing percolation rate, an alternative non-standard wastewater treatment system may be required. Slope on these lots may present limitations for sewage lagoon construction. Pawnee and Burchard Nodaway Complex soils located in the north half of Lot 18 will yield very slow to failing percolation rates for standard septic systems, have steep slopes limiting wastewater lagoon construction, and may contain perched water tables 1 to 5 feet below the ground surface. Alternative non-standard systems may be required in these soils. The most recent inspection by LLCHD of the water supply and wastewater treatment for the home on Lot 7 appears to be satisfactory.
- All wind and water erosion must be controlled during construction. The Lower Platte South Natural Resources District should be contacted for guidance in this matter.

- During the construction process, the land owner(s) will be responsible for controlling off-site dust emissions in accordance with Lincoln-Lancaster County Air Pollution Regulations and Standards Article 2 Section 32. Dust control measures shall include, but not limited to application of water to roads, driveways, parking lots on site, site frontage and any adjacent business or residential frontage. Planting and maintenance of ground cover will also be incorporated as necessary.

Lancaster

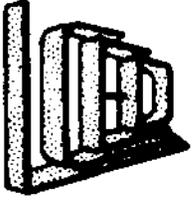
DON R. THOMAS - COUNTY ENGINEER

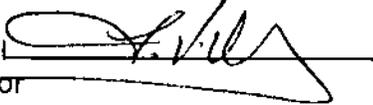
County

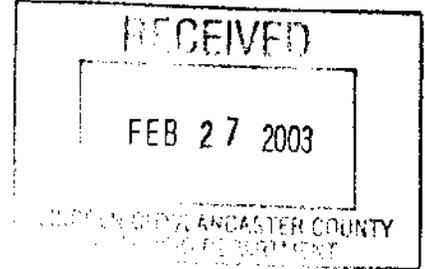
Engineering

Department

DEPUTY - LARRY V. WORRELL
COUNTY SURVEYOR



DATE: February 26, 2003
TO: Mike DeKalb
Planning Department
FROM: Larry V. Worrell 
County Surveyor
SUBJECT: COUNTY CHANGE OF ZONE #213



Upon review, this office finds this area to not be in the designated AGR, therefore, I would recommend **denial** of this application.

LWV/bml

Docs/Zone/#213.Mem