

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

COMPREHENSIVE PLAN AMENDMENT NO.)
09004, BY THE DIRECTOR OF PLANNING,) RESOLUTION NO. R-09-0046
PURSUANT TO THE 2009 COMPREHENSIVE)
PLAN ANNUAL REVIEW, TO AMEND)
THE 2030 LINCOLN-LANCASTER COUNTY)
COMPREHENSIVE PLAN BY AMENDING)
THE RURAL AREA/ ACREAGE)
POLICY AS PROVIDED IN EXHIBIT "A")

WHEREAS, the Director of Planning, pursuant to the 2009 Comprehensive Plan Annual Review, wishes to amend the 2030 Lincoln-Lancaster County Comprehensive Plan by amending the Rural Area /Acreage policy; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommends approval of said Comprehensive Plan Amendment concluding that the proposed amendments are in conformance with the 2030 Lincoln-Lancaster County Comprehensive Plan; and

WHEREAS, on May 20, 2009, the Lincoln-Lancaster Planning Commission held a public hearing regarding said amendments; and

WHEREAS, on May 20, 2008⁹, the Lincoln-Lancaster County Planning Commission agreed with the staff recommendation, as revise, and voted to recommend approval of revised Comprehensive Plan Amendment No. 09004; and

WHEREAS, on July 14, 2009, the Board of Commissioners of Lancaster County conducted a public hearing regarding said amendments; and

WHEREAS, on ~~June~~^{July} 14, 2009, the Board of Commissioners of Lancaster County voted to approve said amendments as per the staff recommendation and as revised by the Lincoln-Lancaster County Planning Commission.,.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster

County, Nebraska that the 2030 Lincoln-Lancaster County Comprehensive Plan be amended as provided in Exhibit "A", attached hereto and incorporated by this reference.

BE IT FURTHER RESOLVED, that any other references in said plan which may be affected by the above specified amendments be, and they hereby are, amended to conform to such specific amendment.

DATED this 14 day of July, 2009, at the County-City Building,
Lincoln, Nebraska.

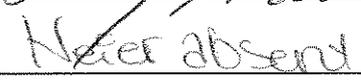
APPROVED AS TO FORM
this 14 day of
July, 2009.

Deputy County Attorney
for GARY E. LACEY
County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA







CPA # 09004: Rural Area policies, Amending Pgs 69-71 and 73

****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:

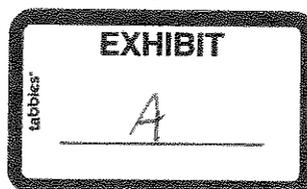
Land in the county should be managed so that the historic segment of six percent of the county's population can continue to choose an acreage lifestyle, while minimizing conflicts between land uses. Rural development policies should be written plainly and followed consistently, to provide landowners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

Q:\pc\cpa\2030 Plan\2009\CPA09004 PC Recommendation