

BEFORE THE BOARD OF COUNTY COMMISSIONERS  
OF LANCASTER COUNTY, NEBRASKA

COUNTY CHANGE OF ZONE NO. 09017: )  
TEXT AMENDMENT TO THE LANCASTER )  
COUNTY ZONING RESOLUTION, )  
REQUESTED BY THE DIRECTOR OF )  
PLANNING, TO ADD A DEFINITION FOR )  
"FLOODPRONE AREA" AND TO ADD )  
PROVISIONS FOR REGULATING LOCALLY- )  
ADOPTED "FLOODPRONE AREAS" IN THE )  
SAME WAY THAT FEMA FLOODPLAINS ARE )  
REGULATED AS PROVIDED IN )  
ATTACHMENT A )

RESOLUTION NO. R-09-0070

**RECEIVED**

SEP 10 2009

LANCASTER COUNTY  
CLERK

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 et seq. (Reissue 2007), the Board of County Commissioners is authorized to make amendments to the 1979 Zoning Resolution of Lancaster County, which are consistent with the County's Comprehensive Plan and after receipt of specific recommendations from the Lincoln/Lancaster County Planning Commission (Planning Commission); and

WHEREAS, at the request of the Director of Public Works and Utilities and the Lower Platte South Natural Resources District, the Director of Planning has requested a text amendment to Article 2, Section 2.052 of the Lancaster County Zoning Resolution to amend the Lancaster County Zoning Resolution to add a definition for "Floodprone Area", as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, at the request of the Director of Public Works and Utilities and the Lower Platte South Natural Resources District, the Director of Planning has requested text amendments to various sections of Article 11 of the Lancaster County Zoning Resolution to amend the Lancaster County Zoning Resolution to add provisions for regulating locally-adopted "Floodprone Areas" in the same way that The Federal Emergency Management Agency (FEMA)

floodplains are regulated, as provided in Attachment "A," attached hereto and incorporated by this reference; and

WHEREAS, the Lincoln-Lancaster County Planning Department has recommended approval of this amendment concluding that the proposed amendments will implement the recommendations of the Little Salt Creek Watershed Master Plan; are in conformance with the Comprehensive Plan; and will harmonize with the floodplain amendments already adopted by the Lincoln City Council in 2004; and

WHEREAS, on August 12, 2009, after public hearing, the Lincoln-Lancaster Planning Commission agreed with staff recommendation and voted 8 to 0 to recommend approval of said text amendments; and

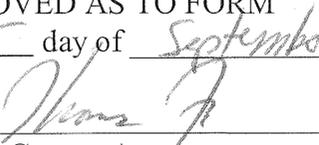
WHEREAS, on September 15, 2009, the Board of Commissioners of Lancaster County conducted a public hearing regarding said text amendment and voted to approve said amendments.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the amendments to Article 2 and Article 11 of the Lancaster County Zoning Resolution, as provided in Attachment "A," are hereby adopted and approved.

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

DATED this 15 day of September, 2009, at the County-City Building, Lincoln,  
Nebraska.

APPROVED AS TO FORM  
this 15 day of September, 2009.

  
\_\_\_\_\_  
Deputy County Attorney  
for GARY E. LACEY  
County Attorney

BY THE BOARD OF COUNTY  
COMMISSIONERS OF LANCASTER  
COUNTY, NEBRASKA

  
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## COUNTY BOARD FACTSHEET

TO : County Clerk  
 ATTENTION : Angela Zocholl  
 FROM : Marvin S. Krout, Director of Planning   
 RE : **County Change of Zone No. 09017**  
 (Text amendment to Lancaster County Zoning Resolution)  
 DATE : August 24, 2009

1. This text amendment to the County Zoning Resolution, the associated text amendment County Land Subdivision Resolution (County Miscellaneous No. 09006) and Comprehensive Plan Amendment No. 09006 were heard at the same time before the Planning Commission. The Public Works & Utilities, Watershed Management Division, will also be submitting a request for resolution approving the Little Salt Creek 100-year Floodprone Area and revised Floodway as the "best available information" for local flood regulation purposes.
2. Attached is the Planning staff report (p.2-10 and 14-15) and the minutes of the Planning Commission (p.11-13) on **County Change of Zone No. 09017**, requested by the Director of Public Works and Utilities and the General Manager of the Lower Platte South Natural Resources District, to amend the Lancaster County Zoning Resolution (Article 2) to add a definition for "Floodprone Area" and to add provisions for regulating locally-adopted "Floodprone Areas" in the same way that FEMA floodplains are regulated (Article 11). The proposed language is found on p.5-10.
3. The staff recommendation of approval is based upon the "Analysis" as set forth on p.3-4, concluding that the proposed amendments will implement the recommendations of the Little Salt Creek Watershed Master Plan; are in conformance with the Comprehensive Plan; and will harmonize with the floodplain amendments already adopted by the Lincoln City Council in 2004.
4. The applicant's testimony is found on p.11-12, and testimony in support by the Lower Platte South Natural Resources District is found on p.12.
5. There was no testimony in opposition.
6. On August 12, 2009, the Planning Commission agreed with the staff recommendation and voted 8-0 to recommend approval (Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman voting 'yes').

Please take the necessary steps to schedule this item on the County Board agenda. A hearing date of **Tuesday, September 15, 2009, 9:30 a.m.** is requested. The Commissioners have previously been briefed on this legislation.

If you need any further information, please let me know (441-6365).

cc: County Board  
 County Attorney  
 County Engineer  
 Kerry Eagan, County Commissioners  
 Gwen Thorpe, County Commissioners  
 Nicole Fleck-Tooze, Public Works & Utilities  
 Ed Kouma, Public Works & Utilities, Watershed Management  
 Glenn Johnson, Lower Platte South NRD

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# LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

for August 12, 2009 PLANNING COMMISSION MEETING

**PROJECT #:** County Change of Zone No. 09017 and County Misc. No 09006

Note: This is a combined staff report for related items. This report contains a single background and analysis section for all items.

**PROPOSAL:** Text amendment to the County Zoning and Subdivision Resolutions to add provisions for regulating locally-adopted Floodprone Areas and Floodways

**LOCATION:** Various chapters of the County Zoning and Subdivision Resolutions

**CONCLUSION:** These amendments will implement the recommendations of the Little Salt Creek Watershed Master Plan, be in conformance with the Comprehensive Plan and harmonize with floodplain amendments already adopted by the City of Lincoln in 2004.

**RECOMMENDATION:**

Approval of the attached text

**GENERAL INFORMATION:**

**LEGAL DESCRIPTION:**

Change of Zone 09017 amends sections of Article 2 Definitions and Article 11 Floodplain District Regulations of the County Zoning Resolution.

Miscellaneous 09006 amends sections of Chapter 2 Definitions and Chapter 6 Subdivision Within floodplain of the County Subdivision Resolution.

**ASSOCIATED APPLICATIONS:** Comprehensive Plan Amendment # 09006 to add the Little Salt Creek Watershed Master Plan to the Lincoln/Lancaster County Comprehensive Plan.

**COMPREHENSIVE PLAN SPECIFICATIONS:** Provisions of the 2030 Lincoln/Lancaster County Comprehensive Plan state:

**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. Pg 54

**Obtain reasonably constrained regulations** – Maintaining a balance between the natural and human built environment is always a delicate one. Planning policy and regulatory approaches employed in achieving the Plan's Vision and Greenprint Challenge should strive to be effective, tempered, pragmatic, circumscribed, and respectful of private property rights. Pg 56

Clean air, clean water, parks and open space, mature trees, signature habitats, and prime and productive farmlands are valuable assets. Conservation areas, floodplains, green spaces, and parks define, and help create linkages between, neighborhoods and surrounding population centers. The Comprehensive Plan takes into consideration the effects of natural events and characteristics not only upon localized development, but also upon the community as a whole, upon private ownership issues,

and upon recreational opportunities. The Plan thus commits Lincoln and Lancaster County to preserve unique and sensitive habitats and endorses creative integration of natural systems into developments.

*The following principles are based on this Environmental Stewardship statement and describe the desired end state:*

◆ Natural and environmentally sensitive areas are preserved and thrive. Wetlands, native prairies and stream (riparian) corridors are preserved to ensure the ecological health of the community.

Environmental Resources: Land and water masses which are of particular importance for maintenance and preservation, such as saline wetlands, native prairie, and some floodway and riparian corridors. Such areas may be either publicly or privately owned. Agricultural Stream Corridor: Land intended to remain in open space, predominately in agricultural use, but that may also include parks, recreation fields, or parking areas when near future commercial, industrial, or public uses. Such areas will be primarily privately owned, but may also include some public ownership or easements. These areas are mostly in the 100 year floodplain, outside of the existing Lincoln urban development. Pg 16

In April of 2003, the Mayor's Floodplain Task Force developed policy standards for floodplains that took into consideration the natural functions played by these areas. These policy recommendations have been incorporated into the watershed management strategies included in the Utilities section of the Comprehensive Plan. Many recommendations have also been incorporated into the zoning and subdivision codes.

#### *Environmental Resources*

Seek the routine use of "Best Management Practices" in implementing stormwater management policy so that the potential for sedimentation problems are minimized.

Further discussion of floodplain and stormwater management considerations and strategies is provided within the Utilities section. Pg 61

The City of Lincoln is in the process of developing an integrated watershed management program combining previously separate floodplain and stormwater management initiatives. This approach recognizes that floodplains, tributaries, and upland areas are all part of a comprehensive, integrated watershed system.

A comprehensive watershed management program will need to incorporate a range of strategies including land use planning, conservation efforts, appropriate standards for floodplains and stormwater, flood warning system development/expansion, stream stabilization, stormwater storage basins, and other structural flood control efforts.

#### *Utilities*

As part of the overall watershed management program, the City is also developing a Master Watershed Management Plan. This plan will provide information and computer models to aid in analyzing stormwater management alternatives. A Beal Slough Stormwater Master Plan has already been prepared and adopted by the City. Similar management plans for other basins will be created and implemented by the City. Such plans are formulated in cooperation with other local, state and federal agencies. Pg 78.

### **ANALYSIS:**

1. The Little Salt Creek Watershed Master Plan, a joint project of the City of Lincoln and the Lower Platte South NRD, in cooperation with Lancaster County, has been completed and proposed to be added to the list of subarea plans in the Comprehensive Plan. This basin extends to the northern county line and includes a substantial area within the jurisdiction of Lancaster County, as well as the area in the Lincoln three mile jurisdiction.
2. The Little Salt Creek Watershed Master Plan is the sixth master planning effort and provides updated and more accurate floodplain and floodway information in the Little Salt Creek Basin. The study recommends the adoption of regulations to apply best available information.

3. This amendment adds the definition of "Floodprone" to the County Zoning and Subdivision and then adds "floodprone" into the flood plain regulations of the zoning and subdivision resolutions.
4. The City of Lincoln has previously adopted zoning and subdivision provisions to apply best available information.
5. The Lancaster County Board has requested zoning and subdivision revisions be developed and brought forward for their consideration.

Prepared by:

Mike DeKalb  
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[mdekalb@lincoln.ne.gov](mailto:mdekalb@lincoln.ne.gov)  
Planner

**DATE:** July 23, 2009

**APPLICANT:** Greg MacLean, Director  
Public Works and Utilities Dept, Watershed Management Div  
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Lincoln, NE 68508  
and  
Glenn Johnson, General Manager  
Lower Platte South NRD

**CONTACT:** Ed Kouma  
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## PROPOSED LANGUAGE

### CHANGE OF ZONE 09017

#### ARTICLE 2 DEFINITIONS

2.052. Floodprone Area - Those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City of Lincoln, Lancaster County, or other government agency, or other acceptable source as approved by the County where this is the best available information.

#### ARTICLE 11 FLOOD REGULATIONS

These regulations are intended to minimize the potential loss of life, health and property due to inundation by flood waters by restricting development on all lands in the flood plain or floodprone area within the zoning jurisdiction of Lancaster County that are subject to a one percent (1%) or greater chance of flooding in any given year, as designated by the Federal Emergency Management Agency and as approved by the County Board.

11.001. The Board of County Commissioners of Lancaster County hereby adopts by reference the following documents, including subsequent amendments thereto, as the official documents to be used in applying the provisions of this article as they relate to the flood plain and floodprone area:

- a) FLOOD INSURANCE STUDY, (FIS) for Lancaster County, Nebraska, and Incorporated Areas, dated September 21, 2001 by the Federal Emergency Management Agency. (Resolution R-01-76, August 21, 2001)
- b) FLOOD INSURANCE RATE MAP (FIRM), for Lancaster County, Nebraska and Incorporated Areas dated effective September 21, 2001 by the Federal Emergency Management Agency. (Resolution R-01-76, August 21, 2001)
- c) FLOODPRONE AREAS and hydrologic and hydraulic studies as approved by the County Board.

11.003. Scope of Regulations. The provisions of this article shall apply to all lands within the zoning jurisdiction of the County of Lancaster which are identified on the Flood Insurance Rate Map as Special Flood Hazard areas, zones A, AE, AO, A99 and Floodways. The provisions of this article shall also apply to floodprone areas as approved by Lancaster County where this is the best available information. In all areas subject to the provisions of this article, no development shall be permitted except upon a permit to development granted by the Board of Commissioners or its duly designated representative under such safeguards and restrictions as it may reasonable impose for the promotion and maintenance of the general welfare, safety and health of the inhabitants of Lancaster County as specifically set out hereinafter. No development located within the areas subject to the provisions of this article shall be located, extended, converted or structurally altered without full compliance with the terms of this article and other applicable regulations. (Resolution R-01-76, August 21, 2001)

11.007. The duties of the Department of Building and Safety pursuant to this article shall include, but are not necessarily limited to, the following:

- a) Review all development permit applications to assure that the permit requirements of this resolution have been satisfied, and that sites are reasonably safe from flooding.
  - b) Review permit applications for proposed development to assure that all necessary permits have been obtained from those governmental agencies from which approval is required by Federal or State law, including section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334. (Resolution R-01-76, August 21, 2001)
  - c) Notify adjacent communities and the Nebraska Department of Natural Resources Flood Plain Management Section prior to any alterations or relocations of a watercourse and submit evidence of such notification to the Federal Emergency Management Agency.
  - d) Assure that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
  - e) Obtain and require certification by a registered professional engineer or licensed land surveyor of the actual elevation in NAVD 88 of the lowest floor of all new or substantially improved structures. The certification of the lowest floor shall be submitted to the Director of Building and Safety at the point of construction when the lowest floor of elevation may be established and prior to the erection of the walls of any building. Notwithstanding the above, documents submitted before March 1, 2000 may be submitted in either NGVD 1929 or NAVD 1988. (Resolution No. 4176, April 1, 1986) (Resolution No. R-00-18, February 22, 2000)
  - f) In cases in which floodproofing is utilized, obtain and require a certification from a registered professional engineer or architect that the floodproofed structure:
    - 1) is floodproofed to or above one foot above the regulatory flood level so that below that point the structure is watertight with walls substantially impermeable to the passage of water; (Resolution No. 3889, December 20, 1983)
    - 2) has structural components capable of resisting hydrostatic and hydronomic loads and effects of buoyancy.
  - g) If such data is not provided by the Federal Emergency Management Agency in its Flood Insurance Study, then obtain, review and reasonably utilize any base flood elevation and floodway data available from Federal, state or other sources as criteria for requiring that new construction, substantial improvements, and other development in the flood plain or floodprone area meet the standards of this article.
  - h) In Zone A (no base flood elevations determined), require that proposed developments (including proposals for manufactured home parks) greater than 5 acres include within such proposals base flood elevation data, except that this shall not apply where the use of the property is not being changed and where there are no physical changes on the site which have the potential to increase the flood hazard. (Resolution R-01-76, August 21, 2001)
- 11.011. Application. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished for that purpose. Every such application shall:
- a) Identify and describe the work to be covered by the permit for which application is made;
  - b) Describe the land on which the proposed work is to be done by lot, block, tract and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
  - c) Indicate the use or occupancy for which the proposed use is intended;
  - d) Be accompanied by plans and specifications for proposed construction;
  - e) Be accompanied by elevations in NAVD 1988 of the lowest floor (including basement), or in the case of floodproofed non-residential structures, the elevations to which they will be floodproofed. When utilizing NGVD 1929 based flood elevations from FEMA floodplain maps, 0.50 feet shall be added to NGVD 1929 to obtain NAVD 1988, unless a more accurate conversion factor using an established conversion program is demonstrated to the satisfaction of the Director of Building and Safety. Notwithstanding the above, documents submitted before March 1, 2000, may be submitted in either NGVD 1929 or in NAVD 1988. (12/30/99 - Res. #R-1)
  - f) Be accompanied in all cases in which floodproofing is utilized, by the proper certification as

required by Section 11.007(f);

g) Be signed by the permittee or his authorized agent, who may be required to submit evidence to indicate such authority;

h) Give such other information as reasonably may be required by the Director of Building and Safety.

11.013. Establishment of Zoning Districts. The mapped flood plain areas within the jurisdiction of this article are hereby divided into the two following districts: A floodway overlay district (FW) and a floodway fringe overlay district (FF), as identified in the official Flood Insurance Study and as distinguished on the FIRM as zones A, AE, AH, AO, A99 and Floodways within Special Flood Hazard Areas. The mapped floodprone areas within the jurisdiction of this article are hereby divided into a floodway overlay district (FW) and a floodway fringe overlay district (FF), as identified on floodprone area maps approved by the County. Within these districts all uses not meeting the standards of this article and those standards of the underlying zoning districts shall be prohibited. (Resolution R-01-76, August 21, 2001)

11.015. Standards Applicable to both FW and FF Districts. No permit for development shall be granted for new construction, substantial improvement and other improvements, including the placement of mobile homes within the identified flood plain or floodprone area unless the following conditions are satisfied:

a) In those areas where a floodway has not been designated, no development or substantial improvement may be permitted within the flood plain or floodprone area unless the applicant has demonstrated that the proposed development or substantial improvement, when combined with all other existing and reasonable anticipated developments or substantial improvements, will not increase the water surface elevation of the 100 year flood more than one foot at any location. The A zones shall be subject to all development provisions of this article. Until base flood elevations are determined by the Federal Emergency Management Agency, other flood elevation and floodway data currently available from a Federal, State or other source shall be utilized. (Resolution R-01-76, August 21, 2001)

b) All new construction, subdivision proposals, substantial improvements, fabricated buildings, placements of mobile homes and other developments shall require:

1) Design or anchorage to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy; (Resolution R-01-76, August 21, 2001)

2) New or replacement water supply systems and/or sanitary sewage systems designed to minimize or eliminate filtration of flood waters into the systems and discharges from the systems into the flood waters. On-site waste disposal systems shall be located so as to avoid impairment to them or contamination from them during flooding. (Resolution R-01-76, August 21, 2001)

3) New development and substantial improvements to use construction materials and utility equipment that are resistant to flood damage and use construction methods and practices that will minimize flood damage, consistent with economic practicability;

4) All utility and sanitary facilities including electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities shall be elevated to or above one foot above the regulatory flood elevation or designed so as to prevent water from entering or accumulating within the components during conditions of flooding; (Resolution No. 3889, December 20, 1983)

5) The storage or processing of materials that are, in time of flooding, buoyant, flammable, explosive, or could be injurious to human, animal or plant life is prohibited. Storage of other materials or equipment may be allowed if not subject to major damage by floods and are firmly anchored to prevent flotation, or if readily removable from the area within the time available after flood warning.

c) Filling, grading and excavation may be allowed in the designated floodplain or floodprone area under the following conditions:

1) Roadway bridges and other drainage facilities may have their superstructure submerged or partially submerged or partially submerged below the base flood level, provided that the facility has been designed to resist the hydrostatic and hydrodynamic loads as well as the effects of

buoyancy as certified by a registered professional engineer. (Resolution No. 4854, January 5, 1993)

2) Fill shall be protected against erosion and sediment by such measures as rep-rap, vegetative cover, bulkheading or sedimentation basin as approved by the Director of Building and Safety;

3) Any fill to be deposited in the floodplain or floodprone area must be shown by the applicant not to be a detriment to the general public as well as the surrounding land owners;

4) Fill materials shall be of a selected type, preferably granular and free-graining and placed in compacted layers. Fill selection and placement shall recognize the effects of saturation from flood waters on slope stability, uniform and differential settlement, and scour potentials;

5) Prior to placement of any fill or embankment materials, the area upon which fill is to be placed shall be cleared of debris, snags, stumps, brush, down timber, logs and other objects. All materials and debris from this clearing shall be removed from the proposed fill and disposed at approved locations outside the floodplain or floodprone area;

6) Fill slopes for granular material shall be no steeper than one vertical to two horizontal unless substantiating data justifying steeper slopes are submitted to the Director of Building and Safety;

7) Excavation in the flood plain or floodprone area shall be done so that the land surface is maintained in such a manner that surface waters do not collect and pond unless specifically approved by the Director of Building and Safety. (Resolution No. 3889, December 20, 1983)

11.029. Definition. Unless specifically defined below, words or phrases used in this article shall be interpreted so as to give them the same meaning as they have in common usage and so as to give this article its most reasonable application.

The following definitions shall apply to this article of the 1979 Zoning Resolution of Lancaster County and to no other articles of said Zoning Resolution:

1) Areas of special flood hazard (100-year flood plain) - The land within the county that is subject to a one percent (1%) or greater chance of flooding in any given year, as delineated on the official maps incorporated in Section 11.001(b). (Resolution R-01-76, August 21, 2001)

2) Base Flood - The flood having a one percent chance of being equaled or exceeded in any given year. (Resolution R-01-76, August 21, 2001)

3) Basement shall mean any enclosed area having its floor below grade level on all sides. (Resolution No. 4920, September 29, 1992)

4) Development - any man-made change to improved or unimproved real estate, including but not limited to buildings or other structure, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

5) Existing manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of this ordinance.

6) Expansion to an existing manufactured home park or subdivision - The preparation of additional sites by the construction of facilities for serving the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction streets, and either final site grading or the pouring of concrete pads).

7) Flood elevation determinations - A determination of the water surface elevations of the 100-year flood: that is, the level of flooding that has a one percent (1%) chance of occurrence in any given year.

8) Flood insurance rate map (FIRM) - The September 21, 2001 Flood Insurance Rate Map (FIRM) issued by FEMA and any revisions thereto. (Resolution R-01-76, August 21, 2001)

9) Flood insurance study - The official report published by FEMA in conjunction with the FIRM and containing background data such as base flood discharges and water surface elevations used to prepare the FIRM, as incorporated in Section 11.001(a). (Resolution R-01-76, August 21, 2001)

10) Floodprone Area - Those lands subject to a one percent or greater chance of flooding in any given year, as determined by hydrologic and hydraulic studies completed by the City of Lincoln, Lancaster

County, or other government agency, or other acceptable source as approved by the County where this is the best available information.

11) Floodproofing - Any combination of structural and nonstructural additions, changes or adjustments to structures, including utility and sanitary facilities, which would preclude the entry of water. Structural components shall have the capability of resisting hydrostatic and hydrodynamic loads and the effect of buoyancy.

12) Floodway (FW) - The channel of a river or other watercourse and the adjacent portion of the floodplain or floodprone area that must be reserved in order to discharge the 100-year flood without cumulatively increasing the water surface elevation more than one (1) foot at any point, assuming equal conveyance reduction outside the channel from the two sides of the floodplain or floodprone area.

13) Floodway fringe (FF) - The area of the floodplain or floodprone area, outside of the floodway, that on the average is likely to be flooded once every 100 years, i.e., that has a one percent (1%) or greater chance of flood occurrence in any given year.

14) Historic Structure - Any structure that is (a) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior, or by the Planning Director in consultation with the Nebraska State Historic Preservation Officer, as meeting the requirements for individual listing on the National Register; (b) Certified or preliminarily determined by the Secretary of the Interior, or by the Planning Director in consultation with the Nebraska State Historic Preservation Officer, as contributing to the historical significance of a registered historic district or a district preliminarily determined to qualify as a registered historic district. (Resolution R-01-76, August 21, 2001)

15) Lowest floor - means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistance enclosure, usable solely for parking of vehicles or building access in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this article.

16) Manufactured home - means a structure, transportable in one or more sections, which is built on a permanent chassis and is designated for used with or without a permanent foundation when connected to the required utilities. The term manufactured home does not include a "recreational vehicle".

17) Manufactured home park or subdivision - means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

18) NAVD 1988 - The North American Vertical Datum of 1988. (12/30/99 - Res. #R-1)

19) New construction - Structures for which the "start of construction" commenced on or after the effective date of this article.

20) New manufactured home park or subdivision - A manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of this ordinance.

21) NGVD 1928 - The National Geodetic Vertical Datum of 1929. (12/30/99 - Res. #R-1)

22) Overlay district - A district which acts in conjunction with the underlying zoning district or districts.

23) Qualified engineer - A registered professional engineer who, by reason of this training and experience, is considered knowledgeable in hydrology and hydraulics and their application to the flood insurance study and has demonstrated his competence to the satisfaction of the Director of Building and Safety.

24) Recreational vehicle - A vehicle which is:

- i) Built on a single chassis;
- ii) 400 square feet or less when measured at the largest horizontal projects.
- iii) Designed to be self-propelled or permanently towable by a light duty truck; and
- iv) Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use.

25) Regulatory flood elevation - Elevation is indicated in the official flood insurance study as the

elevation of the 100-year flood.

26) Separate development permit - The permit needed for any applicant to build in the areas of special flood hazard.

27) Start of construction - Either the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling, nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as part of the main structure. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor or other structural part of a building, whether or not that alteration affects the external dimension of the building.

28) Structure - A walled and roofed building, including a gas or liquid storage tank, that is principally above the ground, including but not limited to buildings, factories, sheds, cabins, manufactured homes and other similar buildings.

29) Substantial damage - Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal to or exceed 50 percent (50%) of the market value of the structure before the damage occurred.

30) Substantial improvement - Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either: a) before the improvement is started, or b) if the structure has been damaged and is being restored,, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor or other structural part of the building commences, whether or not that alteration affects the external dimension of the structure. The term does not, however, include any alterations to comply with the existing state or local health, sanitary, building or safety codes or regulations. (Resolution No. 4641, June 5, 1990)

31) Violation - The failure of a structure or other development to be fully compliant with the regulations of this chapter. (Resolution R-01-76, August 21, 2001)

**COMPREHENSIVE PLAN AMENDMENT NO. 09006,  
LITTLE SALT CREEK WATERSHED MASTER PLAN,  
COUNTY CHANGE OF ZONE NO. 09017 and  
COUNTY MISCELLANEOUS NO. 09006**

**PUBLIC HEARING BEFORE PLANNING COMMISSION:**

August 12, 2009

Members present: Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman.

Ex Parte Communications: None.

Staff recommendation: Approval.

Staff presentation: **Mike DeKalb of Planning staff** stated that the Comprehensive Plan Amendment amends three pieces of the Comprehensive Plan as well as updating the Land Use Maps. The two text amendments change the county zoning and subdivision regulations to incorporate "floodprone areas" so that the best available information can be applied in the regulations as the best available floodplain information.

Proponents

**1. Ed Kouma, Public Works & Utilities, Watershed Division,** stated that the Little Salt Creek Watershed Master Plan is the sixth in the series that have been done for the City. The purpose of the master plan is to create long term planning tools and improvement projects for water quality, flood management and stream stability to provide guidance for sustainable urban growth.

Floodplain mapping was done in the study and the floodprone areas were updated. The study shows the existing approved FEMA floodplain maps. Some of the areas, which are mostly at the extension of the tributaries, are now included as defined floodplains that were not previously defined. The items before the Planning Commission are to make the revisions to the county zoning and subdivision regulations to add provision for regulating locally adopted floodprone areas and floodways. This mirrors the regulations in the city jurisdiction.

Kouma went on to advise that the study identified problems throughout the basin. Eighteen stream stability projects were identified with recommendations as possible improvements to the basin to improve water quality and stream stability. The recommendations were for grade control at bridges and for silt-in basins. Other recommendations include stormwater BMP's and recommendations for future development which would include testing for dispersive soils. Approval of the study adopts floodprone areas as best available information.

There are other recommendations for bridges and culverts, natural resources, riparian corridor and water quality, but these were not recommended as projects.

Kouma suggested that the public process was key throughout the study. Two open houses were held, there were mailings and two committees were formed to assist the study team. The Web site has been maintained throughout the study – keyword “watershed”.

Adoption of the Master Plan is recommended. The request is to add the master plan to the list of approved subarea plans and watershed studies. The proposed future land use plan updates the agricultural stream corridor and environmental resources land uses to reflect the updated floodprone area and floodway information. This is consistent with updates that have been made in other watersheds.

Kouma pointed out that the majority of the watershed has agricultural land use designation. Two areas extend slightly into the industrial/commercial areas and urban residential land uses. Those areas are still zoned for agricultural use. The commercial area near Interstate 80 was already zoned so it was not updated with these changes.

**2. Paul Zillig, Assistant Manager of the Lower Platte South NRD**, testified in support, The NRD was a partner with the City in preparing this plan. The Board met in July and approved the plan and recommends the Planning Commission approval as well.

There was no testimony in opposition.

**COMPREHENSIVE PLAN AMENDMENT NO. 09006**  
**ACTION BY PLANNING COMMISSION:**

August 12, 2009

Larson moved approval, seconded by Gaylor Baird.

Sunderman commented that this is not the first watershed study the Planning Commission has been through. The issues have come forward previously and the Commission is fairly familiar with them.

Motion for approval carried 8-0: Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman voting ‘yes’. This is a recommendation to the Lancaster County Board and the Lincoln City Council.

**COUNTY CHANGE OF ZONE NO. 09017**  
**ACTION BY PLANNING COMMISSION:**

August 12, 2009

Francis moved approval, seconded by Cornelius and carried 8-0: Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman voting ‘yes’. This is a recommendation to the Lancaster County Board.

**COUNTY MISCELLANEOUS NO. 09006**  
**ACTION BY PLANNING COMMISSION:**

August 12, 2009

Cornelius moved approval, seconded by Francis and carried 8-0: Esseks, Taylor, Partington, Cornelius, Francis, Gaylor Baird, Larson and Sunderman voting 'yes'. This is a recommendation to the Lancaster County Board.



July 14, 2009

Marvin Krout, Planning Director  
Lincoln-Lancaster Co. Planning Dept.  
555 S. 10th Street, Ste 213  
Lincoln, NE 68508

Dear Marvin:

This is a request by the Public Works and Utilities Department and the Lower Platte South Natural Resources District (NRD) to place three items on the August 12, 2009 Planning Commission agenda:

1. An amendment to the Lincoln-Lancaster County Comprehensive Plan to add the Little Salt Watershed Master Plan to the list of sub-area plans in the Plan Implementation section and to the list of watershed studies in the Utilities section; and to amend the Lincoln Area and Lancaster County future land use maps to ensure the Agricultural Stream Corridor, Green Space, and Environmental Land Uses are consistent with the updated Floodprone Area and Floodway boundaries as appropriate.
2. At the direction of the County Board, proposed revisions to the County Zoning Regulations to add provisions for regulating locally-adopted Floodprone Areas and Floodways.
3. At the direction of the County Board, proposed revisions to the County Subdivision Regulations to add provisions for regulating locally-adopted Floodprone Areas and Floodways.

The Little Salt Creek Watershed Master Plan is a joint project of the City of Lincoln and NRD in cooperation with the County, and it represents the sixth master planning effort to date. Master Plans for Beal Slough, Cardwell Branch, Stevens Creek, Southeast Upper Salt Creek, and Deadmans Run have previously been adopted as subarea plans. The Little Salt Creek Watershed Master Plan was initiated in order to develop long-term planning tools and improvement projects to address water quality, flood management, and stream stability to provide guidance for sustainable urban growth in the watershed. The Master Plan consists of four major elements: 1) Floodplain Management Tools, 2) Capital Improvement Projects, 3) Stormwater Best Management Practices, and 4) Other Improvement Recommendations.

The enclosed Plan represents an extensive and inclusive public process to solicit input from a broad range of stakeholder groups, which included the involvement

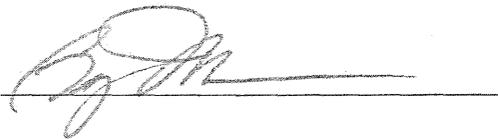
of a 16-member Citizen Advisory Committee and a 14-member Technical Advisory Committee, two open house public meetings, a series of five newsletters, and a project web site, all of which are detailed in the Master Plan.

The intent is to bring resolutions before the City Council and County Board in tandem with the above three items to adopt the Little Salt Creek Floodprone Area and Floodway as the best available information for local regulatory purposes. While the City has an ordinance in place as a basis for adopting updated Floodprone Area information, the County does not yet have regulatory provisions to recognize the updated information. Because such a large portion of the Little Salt Creek watershed is within the County's zoning jurisdiction, the County Board requested revisions to the County Zoning and Subdivision Regulations be brought before them for their consideration.

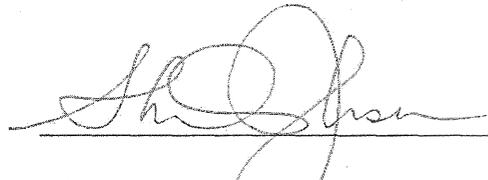
The entire Master Plan, together with information regarding the process for its development, can be found online at [lincoln.ne.gov](http://lincoln.ne.gov), keyword: "watershed."

Should you have any questions or need further information, please contact Ed Kouma in the Public Works and Utilities Department, [ekouma@lincoln.ne.gov](mailto:ekouma@lincoln.ne.gov) or 441-7018.

Sincerely,



Greg MacLean, Director  
Public Works & Utilities Dept.



Glenn Johnson, General Manager  
Lower Platte South NRD

cc: Nicole Fleck-Tooze, Ben Higgins, Ed Kouma - PW/U Dept.  
Mike DeKalb - Planning Dept.  
Doug Pillard - Co. Engineering  
Tom Fox - County Attorney's Office  
Lynn Johnson, J.J. Yost, Terry Genrich - Parks Dept.  
Paul Zillig - Lower Platte South NRD  
Mark Meyer - Intuition & Logic  
Milan Wall - Heartland Center for Leadership Development

Attachments: 1 bound copy of Watershed Master Plan with CD  
12 copies of Executive Summary with CD of full Master Plan