

FILED

BEFORE THE BOARD OF COUNTY COMMISSIONERS
OF LANCASTER COUNTY, NEBRASKA

JUL 19 2007

COUNTY CHANGE OF ZONE NO. 06065:)
TEXT AMENDMENT TO THE LANCASTER)
COUNTY ZONING RESOLUTION,)
TO ALLOW RACE TRACKS, DRAG STRIPS,)
AND MOTOR SPORTS FACILITIES BY)
SPECIAL PERMIT IN THE "AG")
AGRICULTURAL DISTRICT)

LANC. COUNTY CLERK

RESOLUTION NO. R-07-0061

WHEREAS, pursuant to Neb. Rev. Stat. § 23-114 et seq. (Reissue 1997), 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, the Director of Planning has requested a text amendment to Article 4, "AG" Agricultural District, Section 4.007, and Article 13, Special Permit, of the Lancaster County Zoning Resolution; and

WHEREAS, the proposed text amendment would add provisions to Article 4, "AG" Agricultural District, Section 4.007(bb), and Article 13, Special Permit, Section 13.016, to allow race tracks, drag strips, and motor sports facilities by special permit in the "AG" Agricultural District under certain conditions; and

WHEREAS, the Lincoln-Lancaster County Planning Department recommends approval of the proposed text amendment, concluding that said text amendment to the Zoning Resolution will provide for the opportunity to request a county special permit in the "AG" Agricultural District for a race track, drag strip, or motor sports facility under certain conditions;

WHEREAS, on October 25, 2006, after public hearing, the Lincoln-Lancaster Planning Commission recommended approval of said text amendment, with amendments to Sections 13.016(d) and (h); and

WHEREAS, on July 17, 2007, the Board of Commissioners of Lancaster County conducted a public hearing regarding said text amendment; and

WHEREAS, at said public hearing, the Lincoln-Lancaster Health Department recommended amendments to Sections 13.016(a), (d), and (i), and the addition of Section 13.016 (j), of said text amendment; and

WHEREAS, on July 17, 2007, the Board of Commissioners voted to approve said text amendment, including the Health Department's recommended changes to Sections 13.016(a), (d), and (i), and the addition of Section 13.016 (j), as provided in Attachment "A," attached hereto and incorporated by this reference .

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of Lancaster County, Nebraska that the application to amend Article 4, "AG" Agricultural District, Section 4.007, and Article 13, Special Permit, of the Lancaster County Zoning Resolution, as described in Attachment "A," is hereby 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 amendment.

DATED this 24 day of July, 2007, at the County-City Building, Lincoln, Nebraska.

APPROVED AS TO FORM

this 24 day of
July, 2007.

[Signature]
for GARY E. LACEY
County Attorney

BY THE BOARD OF COUNTY
COMMISSIONERS OF LANCASTER
COUNTY, NEBRASKA

[Signature]
[Signature]

Schore voted no

Hudkins absent

Weier absent

ATTACHMENT "A"

Proposed Text Amendment Language Change:

ARTICLE 4 "AG" AGRICULTURAL DISTRICT

4.007 Permitted Special Uses. Building or premises may be used for the following purposes in the "AG" Agricultural District if a special permit for such use has been obtained in conformance with the requirements of Article 13:

bb) Race track, drag strip, or motor sport facility;

ARTICLE 13 SPECIAL PERMIT

13.001 Special Permit. In addition to uses allowed under other districts, the County Board may by special permit after public hearing, authorize the location of any of the following buildings or uses in any district from which they are prohibited by this resolution, or as limited in this section, any may also permit an increase in the height of any such building and permit a lesser area than required aforesaid in this resolution. The County Board may also grant special permits for variances from the provisions of Article 11 of this resolution.

13.016 Permitted Special Uses: Race Tracks, Drag Strips, and Motor Sports Facilities in "AG" District;

Race tracks, drag strips, and motor sport facilities may be allowed by special permit in the AG zoning district in conformance with the following conditions:

- (a) The application shall be accompanied by the following information:
 - (1) A plot plan drawn to an accurate scale showing the layout of the entire site including the track, seating area, restrooms, parking lot, concession stands, lighting facilities, and other pertinent information.
 - (2) Proposed water and sewer systems.
 - (3) Drainage and grading plan.
 - (4) Description of the racing facility, including the type, number and average speed of motorized vehicles and time and frequency of operations.
 - (5) Landscaping and screening plan.
 - (6) Proposed measures to mitigate potential adverse environmental impacts, such as air quality, hazardous liquids and glare.
 - (7) Anticipated peak event attendance and parking needs.

- (8) Days and hours of operation.
 - (9) Description, type, and frequency of other anticipated events or uses incidental to the racing facility described above.
 - (10) Entrances, exits and traffic flow.
 - (11) The number of events the applicant proposes to hold each calendar year which will exceed the noise level set forth in Section 13.016(d).
 - (12) A professional sound assessment of the proposed race track, drag strip, or motor sports facility shall be submitted by the applicant to the Health Department for review and recommendation for approval or denial. The professional sound assessment may be done in one of two ways: computer modeling or Health Department approved on-site noise generation and monitoring. If the professional sound assessment predicts or identifies NPL levels that exceed the regulatory limits established in Section 13.016(d), a sound mitigation strategies plan shall be proposed by the applicant. Such sound mitigation strategies plan shall be signed by an accredited engineer with specialty or advanced knowledge in acoustics. The sound mitigation strategies plan shall be submitted to the Health Department for review and recommendation for approval or denial of the sound mitigation strategies plan. The Health Department shall take action to recommend approval or denial of the plan within 30 days of receipt.
- (b) The site shall contain at least seventy (70) acres in the AG District.
 - (c) The proposed water, sewer and drainage facilities shall be reviewed and recommended for approval or denial by the Lincoln Lancaster County Health Department.
 - (d) The operation of a race track, drag strip, or motor sports facility shall not create an A-weighted Noise Pollution Level (NPL) sound level (dBA) which exceeds the current condition NPL on the nearest receiving properties with occupied residences in existence on the date of approval of the special permit by more than 10 dB between the hours of 10:00 a.m. and 6:00 p.m., nor more than 6 dB between the hours of 6:00 p.m. and 10 p.m. In addition, the NPL level shall not exceed 81 dB, no matter what the baseline NPL level. The current condition NPL noise levels shall be established by conducting noise monitoring at the closest residence(s) in outside areas that will likely be actively used for the enjoyment of their property.
 - (1) Noise samples shall be acquired continuously for one hour using a one second sampling rate.
 - (2) The sound level meter shall be set to the "A" weighting and "fast" mode.

- (3) The sound level meter shall be calibrated to an approved standard before and after each measurement period.
 - (4) The current condition NPL shall be established by measuring both during what is believed to represent the peak noise conditions and during evening hours.
 - (5) Noise measurements shall be made with a sound level meter meeting the standards of the American National Standards Institute (ANSI S1.4-1983 as amended by S1.4A-1985, or the latest approved revision thereof), or its successor body, using a Type I or Type II meter.
 - (6) Noise monitoring shall be conducted by the Health Department.
 - (7) Noise measurements for enforcement purposes shall be conducted using the same protocol as provided in subsection (d)(1), (2), (3), (5), and (6) above. The formula for calculating the NPL shall be:

$$\text{NPL} = (\text{L50} + \text{L10} - \text{L90}) + [(\text{L10} - \text{L90})^2 / 60].$$
 - (8) Before a special use permit is issued for a race track, drag strip, or motor sports facility, a professional sound assessment of the proposed race track, drag strip, or motor sports facility shall be submitted by the applicant to the Health Department for review and recommendation for approval or denial. This may be done in one of two ways: computer modeling or Health Department approved on-site noise generation and monitoring. If this sound assessment predicts or identifies NPL levels that exceed the regulatory limits established herein, sound mitigation strategies shall be proposed by the applicant. Such sound mitigation strategies shall be signed by an accredited engineer with specialty or advanced knowledge in acoustics. The noise mitigation plan shall be submitted to the Health Department for review and recommendation for approval or denial. The Health Department shall take action to recommend approval or denial of the plan within 30 days of receipt.
 - (9) Prior to operation, the race track, drag strip, or motor sports facility shall install an approved continuous noise monitoring device at a location to be determined by the Health Department. Data collected from this monitor shall be made available to the Health Department. The Health Department shall be provided access to the race track, drag strip, or motor sports facility at any reasonable time to inspect, investigate complaints, or conduct noise monitoring.
- (e) The site shall not be located in areas for residential use, rural use/low density residential, schools, parks and open space, and the major ecological and environmental protection areas in accordance with the Comprehensive Plan.
 - (f) The boundary of the properly legally described in the application shall be located

at least one half mile (½) away from existing cemeteries, hospitals and churches, and residential areas, rural use/acreage areas, schools and parks and open space as designated by the Comprehensive Plan.

- (g) The site shall be readily accessible from a major street or paved road with adequate access for law enforcement and emergency vehicles.
- (h) The site shall be located within reasonable reach of existing fire protection facilities or fire protection may be provided on-site, and shall be approved by the fire protection district. A report thereon shall be obtained from the fire protection district or authority in which the site is located.
- (i) The site shall not operate between the hours of 10 P.M. to 10 A.M.
- (j) The operation of a race track, drag strip, or motor sports facility may exceed the noise sound level set forth in Section 13.016(d) for a certain number of events each calendar year upon approval by the County Board. At the time of application for the special permit, the applicant shall request the number of events it proposes to exceed the noise level set forth in Section 13.016(d) each calendar year. In the event the applicant wishes to amend the number of event exceptions in any given year, the applicant must request an amendment to the special permit. The County Board shall act on such request after holding a public hearing.

The County Board may amend any of the above conditions of the special permit, or impose additional conditions, upon a showing that such conditions are reasonably related to the interest of public health, safety, morals, and the general welfare.