

# PLANNING COMMISSION RECORD

## Briefing Session

**NAME OF GROUP:** PLANNING COMMISSION

**DATE, TIME AND PLACE OF MEETING:** Wednesday, October 15, 2003, 12:00 Noon, Room 113, First Floor, County-City Building, 555 S. 10th Street, Lincoln, Nebraska

**MEMBERS IN ATTENDANCE:** Jon Carlson, Steve Duvall, Gerry Krieser, Dan Marvin, Cecil Steward, Mary Bills-Strand and Tommy Taylor; (Roger Larson absent). Marvin Krout, Kent Morgan, Mike DeKalb and Teresa McKinstry of the Planning Dept.; and other interested parties.

**STATED PURPOSE** Staff briefing on the **Performance Scoring and Related Acreage Strategies**

Marvin Krout stated that today's briefing is about performance scoring and related acreage strategies. Performance scoring is about coming up with a rating system to judge the suitability of land for acreages. He will give some information on demand and supply. He will be discussing a new technique called Transfer of Development Rights, which staff suggests be used in a limited manner.

The first thing to remember is this is not just a city or county issue. There are many other towns that have their own jurisdiction. Staff's job is to visit with the other towns in our county and discuss some strategies. We would like to see the other jurisdictions adopt some uniform rules, but we know that will not always be possible. There are some specific directions for policies in the Comprehensive Plan. The Comprehensive Plan talks about a 6% acreage share of housing, 32 units per square mile in AG areas, no new acreages in Tier 1, and "Build-through standards" for Tier 2 and Tier 3. Build-through site analysis should have 10-20% of the site subdivided into one-three acre lots and each acreage lot should be set up for at least three future building sites with a "ghost plat." The idea is to create building lines that show what could be built on the three-acre parcel. The design standards and improvements continue to be discussed among staff. The outlot and the acreages would have a master plan that would be submitted with the community unit plan. Easements should be dedicated where they are needed. Development agreements and deed restrictions would also be submitted as part of the approval that would notify the future owners of lots that they would be subject to future annexation, that future lots in the subdivision could be subdivided and that there could be assessment districts. There could

be a possible agreement for future development of an outlot to help fund improvements in the acreage at time of annexation. One way to help offset the cost of improvements could be to have the owner of the outlot help pay for the infrastructure. These concepts probably need more refinement. Build-through requirements would allow for a potential bonus.

Carlson wondered how we track the developer of the outlot. Mr. Krout replied that one would be to set up an escrow. The problem is, it could be 25 years or longer. A lot of owners over a period of time could put money into an outlot. Another concept is a set of agreements and restrictions if you have 80 or more acres. The developer is responsible for some previously arranged percentage of the cost for improvements for resubdivision for the acreages. This would be a subdivision agreement between the developer and the city.

Bills-Strand wondered what would determine the assessments on a 40-acre piece of land with 3-4 houses on it. Mike DeKalb responded that typically the front footage is used. A smaller lot would pay less than a larger lot. Mr. Krout noted that in Wichita, they used an agreement where a lot owner agrees not to protest being approved for assessments but, they are allowed to protest the amount of the assessment.

Marvin wondered why an impact fee wouldn't be used. Mr. Krout replied that impact fees are for main roads and main water lines. They do not cover the internal infrastructure of a subdivision. Mr. Krout stated that perhaps it could be set up so when the outlot develops, some of the developer's infrastructure costs help offset the costs of the subdivision.

Steward inquired if any of the rural acreage studies looked at differentials of property tax on outlots, farm buildings versus the 3 acre lots that are developed. Mr. DeKalb replied that it was not specifically addressed in the study.

Mr. Krout stated that one study looked at the amount of taxes being paid in the county, acreages and costs. In looking at the supply of land for acreages, there is a lot of undeveloped land that is shown as AGR. There is a potential supply of almost 4,000 lots if you look at AGR shown in the Comprehensive Plan. The "Initial Suitability" criteria were briefly summarized. He presented a map which shows what land is most desirable if you follow the "Initial Suitability" criteria. He presented another map which shows where land is zoned and shown for acreages. This performance based scoring system should focus on identifying a very limited number of additional parcels for AGR and what would be the appropriate reward for AG clusters that minimize county costs and conserve significant resources. This leads to a system of proposed policies. The Comprehensive Plan says no more zoning of AGR in Tier 1. Tier 2 and Tier 3 would allow AGR in limited areas. The rest of the areas would allow AGR with the cluster system and Build-through standards. We don't believe we will see developed land in Tier 4 until the end of next century. This area would allow more density. Perhaps there could be some sliding scale system of bonuses; conservation easement bonus, high resource value bonus, etc. A new option could be created for AG cluster which would allow subdividers to increase lot yields by dedicating a conservation easement on off-site land with high resource value and using part of the outlot in calculating lot yield for the cluster. The off site land could be contiguous or

within 2-3 miles. This is called a "Transfer of Development Rights".

Mr. Krout stated that he would briefly address the Cost of Rural Services study and what it means. The study basically concluded that the citizens of Lincoln are putting 6.6 million dollars into the county budget which is being used to support county services. A large part of this pays for the county road system. If the fee is limited to unpaved roads, it will encourage more development of lots on paved roads. If you have an impact fee, it won't make up all the deficits, but it will reduce it. You could theoretically charge up to \$7,000, but more study should be done to justify it.

The next steps are an open house and more public input. The City Council does not feel this needs to go through another advisory committee. Mr. Krout got the impression from City Council that the standards staff has proposed would be enough to take some items off of Planning Commission's pending list and use these as interim regulations.

Marvin questioned how compensation is done when the county gives the city a road when it is annexed. Is there some kind of compensation? Mr. Krout replied that was not addressed.

Steward wondered if the Planning Commission will have another opportunity to be briefed on this. Mr. Krout suggested 12:30 - 1:00 on November 12, 2003. The Commissioners all agreed.

Steward believes the values set on performance will be challenging. He was initially struck at how permissive the map appears to be. He thanked staff for the information.

The meeting was adjourned at 12:55 p.m.

Respectfully submitted,

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Planning Department