MEETING RECORD

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, November 19, 2008, 11:45 a.m. Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Gene Carroll, Michael Cornelius, Dick Esseks, Wendy Francis, Leirion Gaylor Baird, Roger Larson, Jim Partington, Lynn Sunderman and Tommy Taylor.
OTHERS IN ATTENDANCE:	Marvin Krout, Mike DeKalb and Michele Abendroth of the Planning Department; and other interested parties.
STATED PURPOSE OF MEETING:	**Rural Development Policies**

The meeting was called to order at 11:53 a.m. The Nebraska Open Meetings Act was acknowledged.

Krout explained the purpose of the meeting today is to revisit the rural development policies. Recently, Commissioners took part in a workshop during which they drafted language on the rural development policy. It seemed that after the AGR zoning case near Bennet at the last Planning Commission meeting, there may have been some miscommunication between staff and the Commission. Krout noted that in the Bennet corner case, it seemed that since the property is in a rural water district and is adjacent to an arterial road to be paved, that made it acceptable. Staff is concerned about this setting a precedent and what it means in terms of future cases. So he felt that before they meet with the County Board, staff wanted to ensure that the draft language meets the intent of the Commission.

Krout stated that there should be a relationship between the supply of acreage lots available before more land is zoned for AGR. They also talked about tying this change of policy with an increase in the bonus for CUPs in the AG district. It seemed to be contrary to the general idea of the future use of transfer of development rights (TDR) as a major tool for county zoning. Every time the Planning Commission or County Board grants zoning, it destroys the incentive for anyone to use the TDR mechanism. The question is if we are going to have a more liberal policy with AGR zoning, then do we continue to pursue the TDR tool in the legislature?

DeKalb stated that planning is all about managing growth. He noted that since January 1, 1998 there have been 43 applications for a change of zone to AGR. Of those, 33 were approved, 7 were denied and 3 pending. Eleven of these had rural water available and were within 1/4 mile of a paved road, and 9 were approved, 1 was denied and 1 is pending.

DeKalb then provided a map showing the rural water district boundary, the paved roads, parcels within 1/4 mile and adjacent to paved roads, existing fire stations, and approved, denied and pending change of zone applications to AGR since 1998. Staff then calculated by jurisdiction the acres, square miles and number of parcels that are currently zoned AG, have rural water available and are within 1/4 mile of a paved county road or highway that totaled to 63.7 square miles. At a ratio of 200 lots/dwellings per square mile in a typical AGR CUP, that would amount to a potential 12,740 acreage dwellings.

Esseks stated that this is a brilliant approach to land use planning. We are narrowing down significantly the area where we must have careful analysis and balancing of cost and benefits. He questioned what else can be done to further refine the policy. He believes that there should be no new AGR within 3 miles of Lincoln's jurisdiction. He feels that there must be a public benefit reason, such as fiscal impact or public safety, to limit AGR. He is looking for a few more criteria to narrow AGR.

Partington stated that 6% of the county lives in rural areas, and he believes market forces will work to keep that percentage the same.

Francis asked what drives paving a county road and what is the expectation for city services. She feels that people who purchase acreages should be aware of the services they will receive. DeKalb stated that the County Engineer's policy is that if there are more than 400 trips per day, they must consider paving the road. Francis then asked if there is a way to assess those people using the county roads. DeKalb stated that county roads are paved out of property taxes.

Larson asked if the only factor for paving is based on traffic count. DeKalb stated that the primary factors are traffic count and budget. Larson noted that it seems that we should be moving toward user based fees, such as a county wheel tax.

Carroll stated that there must be definitive criteria to approve or deny AGR. He feels that the Commission followed the criteria that is in place on the Bennet case.

Partington stated that he believes we are getting too legalistic. He also noted that TDR is not in existence yet.

Esseks stated that one criteria could be to limit AGR to roads that have direct connectivity to Lincoln or to employment centers.

Krout stated that the paved road issue is a little more complicated. The County Engineer is now going back and making improvements to Denton Road because of the increase in traffic levels on that road. Also, the cost of maintaining a paved road is higher than maintaining a gravel road.

DeKalb noted that with AGR, you are adding more density. In TDR, it is a no net gain or loss.

Esseks stated that one of the advantages of concentrating rural development is road maintenance. This is a way to be more effective in our land use and planning.

Partington asked about the cost to the City and County for existing acreage developments and if TDR would change that cost. Krout stated that a study in 2003 showed that there is a net subsidy of $5 million per year from City taxpayers to County residents by using the overall County tax base primarily for sheriff services and road maintenance. TDR may help to a limited extent by transferring the rights into an area that is more logically served, but it would not have a big impact.

Carroll stated that the question on the table is if the Commissioners are comfortable with the principles that have been outlined, and he believes they are. Krout stated that there may be a difference in interpretation of policy. Partington believes that if the intention is to prohibit acreage development, the Planning Department should request the appropriate legislative body to do so. Krout noted that there are areas identified in the Comprehensive Plan as appropriate or not appropriate for low density residential. But the Planning Commission has stated that they want to make case by case decisions which sets precedence for future cases. Carroll stated that the difference is legislation versus a policy in the Comp Plan, which is a guiding document. He believes that the policy must be looked at and decided on how it fits with each case.

The meeting was adjourned at 12:58 p.m.

Respectfully submitted,

Michele Abendroth
Planning Department