BRIEFING NOTES

NAME OF GROUP:	PLANNING COMMISSION
DATE, TIME AND PLACE OF MEETING:	Wednesday, March 7, 2012, 12:00 p.m., Room 113, County-City Building, 555 S. 10th Street, Lincoln, Nebraska
MEMBERS IN ATTENDANCE:	Greg Butcher, Michael Cornelius, Dick Esseks, Wendy Francis, Leirion Gaylor Baird, Chris Hove, Jim Partington, Lynn Sunderman and Ken Weber. Jeanelle Lust absent.
OTHERS IN ATTENDANCE:	Marvin Krout, Steve Henrichsen, Sara Hartzell and Michele Abendroth of the Planning Department.
STATED PURPOSE OF MEETING:	Agricultural Preservation Lots

The meeting was called to order at 12:01 p.m. The Nebraska Open Meetings Act was acknowledged.

Hartzell began by stating that she is going to brief the Commission on the progress on the AG district changes from the amendment by the County Board to add language to the Comprehensive Plan to look at ways to create small lots in the AG district.

One of the issues is that in the case of an 80 acre CUP, when calculating the CUP 20% bonuses for preserving land, it does not give you a bonus. It comes out to 4.98, and there is a policy to not round up, so there is not a bonus on 80 acres. Likewise, on 160 acres, you only get 1 bonus lot. The bonus lots are helpful to developers. Increasing the bonus from 20% to 25% gives us that bonus lot on the 80 acres. There is also a lot of repetition in the language that has been simplified. There were also some density reductions in the R district. There is some language for when you do a CUP that is 5 acres, there is a reduction in the number of dwelling units. This language has been removed. Henrichsen stated that this was done to discourage smaller CUPs in the City. They also removed the bonus for meeting energy conservation standards as these were never actually written or adopted.

Hartzell stated that the other piece staff looked at is the ability to have acreage parcels in the AG district through a different method than what is done with a CUP. There were several priorities they kept in mind while going through this process. They wanted to make sure that they met the County Board's direction to maintain the overall 1 per 20 acre density, to keep our access control on the county roads that there are not multiple driveways on the county roads and the implied direction to help preserve our agricultural land. Other goals were to be flexible in meeting the needs of all the different owners. They also wanted to make sure this is administrative so the people do not need Planning Commission or County Board approval, so they are looking a final plat process. When they decided that 75% is going to be an unbuildable lot, they wanted a way to track this and know it is to be reserved. They also wanted to provide for future development so that owners are able to use the single driveway to provide access to any future development.

Language changes have been drafted and are being reviewed by several different departments. They want to make sure that all the different issues are considered. The changes to the zoning resolution include reformatting several sections to make it easier to find information and setting conditions for AG Preservation Lots. This states that you have to maintain 1 dwelling unit per 20 acres; there is a maximum of 4 lots created; 3-5 acre lots or preservation of 75% in outlots; a single shared driveway with a 60' public access easement; and developments with less than 550' frontage on a county section line road may have the frontage reduced.

Hartzell noted that the subdivision resolution will look at how we go through the subdivision process and the ability to do waivers. There were two issues in the county code. They have a provision for filing a final plat when it conforms to the preliminary plat or when it conforms to an expired preliminary plat that still meets the requirements. There is no provision for filing a final plat when there is no preliminary plat. Staff is proposing a procedure to allow final plats that meet specific requirements to be done without a preliminary plat under specific conditions. The requirements would be based on the requirements for County Administrative Subdivision Permit. This process originally was included to provide relief for those who were doing relatively small subdivisions so they did not have to go through the preliminary plat process. With the change to the administrative approval for final plats over the past several years, there is no longer any need for County Administrative Subdivision Permit. When you get the permit, it gives you permission to create those parcels. There is a lot of misunderstanding as it is a complicated process and is hard to understand. The owner assumes that the parcel has been created when the permit is approved, but they still have to do the final step which is to file the deed. Another problem is when there is an easement, that is not part of the administrative subdivision and needs to be filed separately. Another problem is dedication of right of way. The right of way cannot be dedicated with the permit, it must be dedicated separately. The applicant must go to the county engineer and have it signed. This is a difficult process that needs to be changed.

There are several other proposed changes to the design standards. First is the way that these lots are set up; for instance, establishing the ability to have public access and utility easements of 60 feet for all shared driveways with AG Preservation subdivisions. The proposed changes would allow the Planning Director to waive lot width to depth ratio. Another change is to allow frontage to be calculated along a public access easement for AG Preservation Lots and to allow access to be taken from a public access easement for AG Preservation Lots.

Esseks asked if there are any public health or safety consequences of having frontage defined by something that does not yet exist. Hartzell stated that the Health Department's only concern is that there be three acres and that they are able to maintain sewer and water. We must have access that is accessible to emergency response vehicles and having a public access easement would make it accessible by anyone. Esseks asked if the existing provisions for additional lots continue. Hartzell stated that it is an addition. Esseks asked how many lots there are on 80 acres. Hartzell stated that you can have 4 lots. Henrichsen stated that these provisions would be eliminating some of the previous text.

Hartzell provided several graphic examples of how to subdivide 80 acres into acreages.

In one of the examples showing a farmstead split, Hartzell explained that using the current provisions, the farmer can build a new house, and then he can split that off every five years until the remainder of the land is 20 acres. Henrichsen stated that we are not removing the farmstead split. Esseks questioned if we can get rid of that loophole as this is no longer agricultural preservation. Henrichsen stated that if a person has an 80 acre parcel is wanting to sell the parcel to someone and the house to another person, that is what the farmstead split was created for. Esseks asked if a farmer can put in three lots and then do another split in five years. Hartzell stated that he could not, because this stops him as the large parcel remaining is an unbuildable outlot.

Gaylor Baird asked if more than one access to the acreages could be granted in situations where the acreages have frontage on two roads. Hartzell noted that one of the priorities is to have one access point. Krout stated that there will be continued discussion on this issue.

Esseks noted that many of the outlets become so small that that they are not farmable. He is concerned about this, and it is important to have contiguous farmable acres. He is going to propose language to address this issue.

The meeting was adjourned at 12:50 p.m.

---

*Q:\PC\MINUTES\2012\pc030712_ag lots*_mma.doc