

BRIEFING NOTES

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, March 25, 2009, 11:45 a.m.,
Room 113, County-City Building, 555 S. 10th Street,
Lincoln, Nebraska

MEMBERS IN ATTENDANCE: Leirion Gaylor Baird, Gene Carroll, Michael Cornelius,
Dick Esseks, Wendy Francis, Roger Larson, Jim
Partington, Lynn Sunderman and Tommy Taylor.

OTHERS IN ATTENDANCE: Steve Henrichsen, Mike DeKalb, Rashi Jain and Teresa
McKinstry of the Planning Department; other interested
parties.

STATED PURPOSE OF MEETING: Expanded Rural Home Businesses and
Rural Development Policies

Expanded Rural Home Businesses

Mike DeKalb stated that staff started looking into expanded rural home businesses about six months ago. There have been some instances where a home business did not fit the definition. The County Board asked Planning staff to take a look. The County Board meets once or twice a year with town clerks. Planning staff attended the meeting. Many villages attended and there was good discussion. The consensus was that rural business should be directed to the towns, but expanded home occupations need to be addressed. Staff has proposed that this be done by special permit. This gives the ability to review each permit and revoke it if it isn't working. There would be conditions attached to the permit such as the number of employees and allowed signage. The City Council and County Board should be consulted regarding the development of these permits. This could involve businesses moving to the county. The city could be affected.

Carroll believes that a home business in a rural area is a one man type shop. The County Board had previously mentioned a refuse removal business. We are trying to focus on the small business owner. He does not believe we want to have industrial in the county and jobs moving out of the city. He thinks the County Board might want a little more flexibility in this special permit than he does.

DeKalb stated that the current policy involves products that are made or grown at home. There is a gentleman in the county who does firearm construction and repair. Current regulations allow for 20 percent of the building to be used for the business. Signage is restricted and there can be no outside employees. The special permit would be the next step. It would be treated as a business.

Carroll noted there was a business violation in the county where the business moved across the county line into another county. He does not want to drive business away.

Esseks questioned the advantage to the business owner. Are the regulations and setbacks less restrictive? DeKalb replied that it is cheaper to run a business from your home. You already own the land and this is an opportunity for a start-up business to inexpensively expand, if successful. The biggest issue is cost.

Esseks thinks that rural Lancaster County has been attractive to homeowners. He can imagine a lot of neighbors assuming that a business would not be near them living in the county.

DeKalb found a lot of covenants that speak to no farm animals or businesses. If this was allowed by special permit it would give the neighbors a public hearing to review the details.

Partington commented that this is a difficult thing to legislate. If you look at some businesses, they started out buying land out in the country. These businesses bring money into Lincoln. The other side is smaller business people. He does not want to put a larger burden on people who might want to expand. The proposed special permit could apply to a truck driver who buys another truck and hires someone else to drive it. Taxes keep going up. When we start trying to impose regulations without thinking it through, we aren't doing any service to the county residents.

Larson stated that it is hard to make judgements. He has been in the county for thirty years. When he started to build his house, someone across the street built a greenhouse. They aren't in business anymore and it has been in the process of being torn down for many years.

DeKalb stated that there would be a process for revoking the special permit. The permit runs with the land.

Cornelius wondered if there is a profile of what types of businesses are trying to be addressed. This would not serve Lincoln or the small towns. He questioned who the winner would be.

Carroll believes there are a lot of businesses in the county now that we don't know about. The neighbors don't realize there might be toxic chemicals across the road from them. This improves the environment for everyone. We have to set parameters for the special permit. Building and Safety knows a lot of what is going on in the county.

Cornelius questioned if the businesses are under-regulated now. Carroll believes the County Board would like to see these things regulated.

Carroll stated that small towns are complaining that they are losing business. These are complaint driven. A neighbor might notice large trucks and many deliveries going to a neighbor.

DeKalb stated that Building and Safety would review and address the complaints. The primary benefactor is the person who wants to start a business. It would be much less expensive than starting in one of the towns. There have been complaints regarding businesses in the county and it could end up in court and take a long time to shut down. Violations would be on a complaint basis.

Francis stated that this is not designed to punish the acreage owner who might sharpen lawnmower blades. If that owner would want to hire an employee, that would be beyond the scope of a home based business. DeKalb agreed that she was correct.

Partington thinks that Carroll made the best argument in favor of this. It would give business owners the opportunity to be legal.

Esseks looked at the recommendations and thinks they look good. He wondered if a buffer between the business and adjacent residents might be appropriate. DeKalb stated that a minimum lot size has been suggested. Outside areas have a limit to the size and setbacks. The number of vehicles seems to be an issue with other jurisdictions. Issues such as noise and vibration are in the home based business regulations now. The Health Dept. wanted dust control addressed.

Esseks likes the idea of a 600 foot buffer. The other Commissioners agreed.

Larson wondered about existing home based businesses in the county. Carroll replied there would be no grandfathering. A business would need to come in and apply for a permit.

Francis commented she is having a hard time with paving out in the county. She can appreciate the fact that when there is traffic, dirt from the roads will fly. It gets dirty and muddy. That is part of living in the county.

DeKalb stated that rural areas are a different standard of living. 400 trips per day triggers a look a paving that road. There just isn't enough money to pay for all the paving. If a business would be using heavy equipment or trucks, they could possibly contribute to the paving cost.

Larson stated that a lot of people are not aware that someone could start a small business right next to them. This is important action and he agrees with Esseks's suggestion to have a buffer between the business and the neighboring properties.

Gaylor Baird would also like to see visual screening addressed.

DeKalb stated that screening could be an eight foot privacy fence or landscaping.

Partington believes screening is a reasonable condition of approval.

Gaylor Baird would like to see year round screening and not just a privacy fence.

Carroll urged Planning Commissioners to put together their questions and suggestions to be reviewed by staff.

Esseks would prefer to have the Planning Dept. solicit comments via email and the Commissioners can respond accordingly.

Rural Development Policies

DeKalb stated that Rural Development Policies have been talked about previously. Carroll has met with County Board members. Language for the Comprehensive Plan has been suggested in response to that.

Carroll stated that he was pleased with the outcome of the discussions with County Board.

County AG Cluster Bonus Addition

DeKalb stated that there is enough land for acreages in the county. An increase from a 20 percent bonus to a 25 percent bonus was suggested. Staff is suggesting 75 acres would get a bonus of five lots and anything above the 75 acres would be calculated at 25 percent.

Francis questioned if there would be any grandfathering. DeKalb stated that this would not affect anything currently existing in the county.

DeKalb stated that there is a farmstead exception if the remaining land is 20 acres minimum after you split off the house with a lot. There is a provision that the house must have been occupied for five years.

Carroll stated that this would give an opportunity for AG with a cluster to get one extra lot. He does not believe it is going to add up to numerous lots and he doesn't believe there are a lot of people who want to do this. This would add one lot to a short 80 acres. He thinks this adds better planning to the county and gives a landowner an option.

Gaylor Baird questioned water quality and quantity.

Carroll noted that today when someone applies for a Comprehensive Plan Amendment, a hydrology report is not required. This would add stronger language with regard to water.

DeKalb stated that Planning staff does not have the expertise to address water issues. The Health Dept. will look at these on a case by case basis.

Larson questioned who set the minimum requirement of five gallons per minute. DeKalb responded that is a Federal requirement.

Esseks would like to see public services expanded to include road maintenance, emergency medical services, Fire and Police.

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

Respectfully submitted,

Teresa McKinstry
Planning Department