

BRIEFING NOTES

Advanced public notice of the Planning Commission briefing was posted on the County-City bulletin board and the Planning Department's website.

NAME OF GROUP: PLANNING COMMISSION

DATE, TIME AND PLACE OF MEETING: Wednesday, October 5, 2022, 12:00 noon, City Council Chambers, County-City Building, 555 South 10th Street, Lincoln, Nebraska.

MEMBERS IN ATTENDANCE: Lorenzo Ball, Dick Campbell, Maribel Cruz, Tracy Edgerton, Cristy Joy and Rich Rodenburg; (Tracy Corr, Gloria Eddins and Cindy Ryman Yost absent)

OTHERS IN ATTENDANCE: David Cary, Andrew Thierolf, Brian Will and Teresa McKinstry of the Planning Department;

STATED PURPOSE: Briefing on “70th Street and Pine Lake Road – 84th Street and Yankee Hill Road Proposed 2022 Annexation”

Chair Edgerton called the meeting to order and acknowledged the posting of the Open Meetings Act in the back of the room.

David Cary stated this item will be on the October 19, 2022 Planning Commission agenda. There was an open house regarding this topic on August 30, 2022. The turnout was very good. He can guarantee there will be people here for the public hearing. There are many reasons to go forward with the public hearing.

Andrew Thierolf stated that staff wanted to ensure that plenty of information was available before the public hearing. The annexation process formally started almost one year ago. Notification letters were sent out in October 2021 and July 2022. There was a public open house on August 30, 2022. November or December of this year will be the City Council hearing. This would mean that the annexation would be effective for the 2023 tax year and that would be paid in 2024. Last time staff did an annexation, we heard people didn't have time to prepare for it. That is why staff started this process a year ago. [As part of the typical annexation process, a](#) property owner might be working with a developer and request annexation. Some areas along the city's edge are already developed and will not request annexation. If someone is completely surrounded by the city or on most sides, the city initiates the annexation request. Regarding

benefits, he believes there is equity for city taxpayers in terms of paying for city services. If you are surrounded by the city, you use city streets and services. Some other benefits are clarification of service areas. Within this area, the residents are served by Southeast Rural Fire and the County Sheriff. There is also improved emergency response for annexed properties. This will most likely be a big discussion point at the public hearing. There is the ability for annexed property to request utilities. This allows for orderly and efficient growth. Staff's most recent annexation package was in 2017. Eight separate areas were annexed at that time. As part of an annexation study done at that time, this area was identified. State statute 15-104 says the City Council may annex [adjacent areas](#) by ordinance at any time. The city annexation policy is a little more restrained. It goes back decades [and is currently Policy 80 of the Comprehensive Plan](#). It says we should regularly evaluate property for potential annexation. There is criteria that staff uses. It says it should be identified as Tier 1, Priority A or B in the Comprehensive Plan, contiguous to the city and generally urban in character. This piece meets all those conditions. The policy also says that all land engulfed by the city must be annexed. He showed a map of the proposed annexation area. This area has been completely surrounded by the city for a few years now. He pointed out an area that is in the annexation process now. There has been a lot of recent city infrastructure added here. Pine Lake Rd. has been improved in this area. There is a joint fire and police station that was built a few years ago. The city limits extend almost two miles to the south of this area. There are a few other spots that are almost surrounded by city limits. There is perhaps an annexation package coming next year. Regarding the impact on annexed properties, zoning would not change upon annexation. All of the area is in AG agricultural zoning. All the streets would remain. They aren't built to urban standards, but they would remain as is. Wells can remain, but require an annual permit. Septic systems can remain in most cases. If you are within 300 feet of a city sewer line, you need to connect. There are three or four properties here that qualify for that. If the septic system fails and they are more than 300 feet from a city sewer line, they can request an assessment district for city sewer or they can install a new system. Water has no 300 foot requirement. If your well fails, then you would need to connect. Being annexed, you have the ability to request city water, sewer, streets and items such as streetlights through an assessment district. You can petition the Board of Assessment to establish an assessment district. These would be installed and the owners pay for the assessment over twenty years. One person could request an assessment district, but if the line goes by other property owners, the other owners could be assessed as well. Staff suggested at the open house that neighbors work together.

Cary stated that the Board of Assessment includes the Planning Director, Finance Dept. Director and Director of Lincoln Transportation and Utilities (LTU). The group is given advice from the City Attorney. When the Board receives these requests, we look at the pros and cons. We decide generally in favor if there is a consensus. There is a process that has to be approved by the City Council. The benefit of an assessment district is that the property owners don't have to foot the bill all at once. It is paid for over twenty years.

Ball asked if the Board works with the residents or if the decision is made completely by the Committee. Cary responded that the Committee would receive an application from a potential resident. Often times, we let them know we believe they need to talk with their neighbors. We consider if there is a public health situation.

Rodenburg asked if someone from the assessment district will be at the Planning Commission hearing. Thierolf answered that Bob Simmering from LTU will be attending the public hearing. Cary thinks initially when an area is under review for annexation, residents start looking at their options. Thierolf added that over time, someone's septic might fail. It could cost \$20,000.00. Instead, they can-could pay for an assessment district over time that will be to have city sewer as a permanent fixture. He had an information pamphlet that was passed out at the open house and will have some available at the public hearing.

Thierolf continued that there is an impact for Lincoln Fire and Rescue (LFR), Lincoln Police and Lincoln Public Schools (LPS). Most of this area is already in the LPS District. These properties will now fall under the jurisdiction of LFR and Police.

Campbell asked who handles assessments that need to be paid for the Southeast Rural Fire District, for example. Thierolf stated that staff has a formula that is used for calculations on annexation for any potential reimbursement.

Rodenburg knows that some people have kids who currently go to Norris School and want to have a new child go to Norris as well, but you are now in LPS district. He wondered how this is handled. Thierolf stated there is a process for Norris and Waverly to consider a transfer from LPS.

Thierolf continued that there is a property tax increase of approximately \$300.00 for every \$100,000.00 in assessed valuation. Wheel tax is \$74.00. Greenbelt status is a unique situation. If you are outside city limits now, you can get a greenbelt status from the State. Once you are in city limits, you lose that status.

Rodenburg asked how many people will that affect. Thierolf believes six parcels.

Thierolf continued that at the open house, we heard about other concerns. These are city wide ordinances. There are animal licensing rules and restrictions on chickens and large animals. There are different regulations. No roosters are allowed in the city. He know there is one property owner with horses and one with alpacas. There is no discharging of firearms in the city. Fireworks are only allowed on July 3 and 4 as opposed to the county which has no restrictions. You can't have barbed wire and electric fences at ground level in Lincoln. There are some different weed abatement rules. He heard a lot about burning. That isn't allowed in city limits. The final item was swimming pools. You need to have a fence around a pool in city limits. Open house comments were why now and what changed. This area was originally proposed for annexation in 2008. At

that time, it was surrounded by the city on three sides. Since then, they are now completely surrounded. There has been all kinds of new development and infrastructure in this area. Property owners are all benefitting because they can't leave their house without traveling on city streets, access to city parks and trails, etc. As part of being annexed, they will have improved emergency response. LFR always becomes a hot topic because these areas typically don't have fire hydrants. It is important to note that the area is currently served by Southeast Rural Fire. LFR has a station right next to this area. Southeast has a station nearby, but they are all volunteer so it takes longer to arrive on scene. In areas with no hydrants, LFR will have first response. They will have a small amount of water with them. Beyond that, they have a mutual aid agreement with Southeast Rural Fire. LFR is rated very high for their response times. Under no circumstance, will fire response be worse than it is today.

Campbell believes that will impact someone's home insurance rates. Thierolf agreed. The Insurance Service Office (ISO) rating will impact their rate.

Rodenburg asked about fire hydrants. Thierolf stated that this area is surrounded by hydrants. The standard amount of hose on an LFR fire engine is 1,750 feet. Most of this area can be reached by existing hydrants and LFR hoses. Technically, Southeast Rural Fire is not supposed to connect to city hydrants. A lot of these homes have hydrants next to them today, but can't be accessed because they aren't in the city.

Thierolf continued that the best fire response for this area is to have hydrants throughout the area. This is only possible with annexation and a water assessment district. Approximately 80 percent of LFR calls are for ambulance response. LFR is an award winning fire department with a highly rated emergency response. This could save someone's life. Folks are interested in assessment district costs. An assessment district for utilities is roughly \$40 per frontage foot, \$80 for both sewer and water, assessed over 20 years. In speaking with assessment districts, it is important to remember that Lincoln residents typically pay for their local infrastructure. Anyone who buys in Lincoln, part of the cost is for water and sewer. If you bought an acreage lot years ago, the water and sewer wasn't included in the cost. It was asked if this will cause redevelopment. We expect most of these acreages to remain. In recent years, there has been redevelopment interest in the area [so some redevelopment is likely](#). Annexation does not change the future land use designation for properties of the zoning. He showed the future land use designation. The Comprehensive Plan shows existing low density residential areas within the future service limit. He understands that people chose to live outside Lincoln. Staff wants to emphasize that this area has been shown within Lincoln's growth area for decades and has always been close to the city limits. Growth now surrounding this area is not a surprise. Annexation does not force change to acreage subdivision. There is a project website:

<https://www.lincoln.ne.gov/City/Departments/Planning-Department/Development-Review/Annexations>. This was provided at the open house.

Edgerton understands there are currently 77 dwelling units in the annexation area. Thierolf responded, yes. He thinks that some might not be occupied.

Campbell stated that if you look at Pine Lake Rd. between Old Cheney Rd. along S. 56th St., those acreages were much the same as here. Now, there might be one or two that hasn't developed into other uses. Over time, this proposed area will become much more urban. The annexation will actively spur some to look at that option. Thierolf agreed that as residents move away, development could occur.

Rodenburg asked if these are all three acre lots. Thierolf believes they are all at least three acres. Rodenburg inquired about the process to divide an acreage to one acre plots. Thierolf noted you would need to request urban zoning and get city utilities. They are along the edges. He believes this area could be redeveloped fairly easily. We would recommend they talk to their neighbors first.

Campbell wondered what the biggest complaint was at the open house. Thierolf believes it was fire response. That is exactly what happened in 2017. Campbell asked if there was any opposition. Thierolf stated there is a gentleman living in this area who worked for LFR. His concern was that because there are no fire hydrants, LFR is useless. We demonstrated the location of the hydrants surrounding this area. He believes we are going to hear that fire service will be worse. That is not the reality. There is a mutual aid agreement that goes both ways.

Cary noted that we have annexed areas that have lesser hydrant coverage than this. This area is in a really good spot when it comes to water hydrant locations. You have to be annexed before you can get hydrants in this area. We historically always get opposition to annexation. This area checks every box for why annexation should happen. The staff report will summarize this information, but staff wanted to give more detailed information today.

Ball asked about the typical time frame for LFR and hydrants to be installed. Cary responded that the residents need to request an assessment district. This is when the hydrants would be installed. This could possibly be done within one year of annexation. Thierolf believes we are going to hear a lot about fire concerns.

Campbell wanted to know which sewer basin this is in. Cary replied Beal Slough. Thierolf added that LTU did a sewer study that was finished in 2018, so they know exactly where the sewer lines will go. He noted that the sewer lines are extended to service the area south of this. He showed a map and pointed out that south of this area has significant urban development happening. Campbell has seen some preliminary interest in the area along S. 70th Street. Cary agreed. That has some challenges with acreages in the area. Campbell knows that the new school and South Bypass will have a lot of effect on this area.

Joy wondered about any potential impact on emergency response. Thierolf stated the reality of the situation is that the majority of emergency calls are for cardiac issues. Southeast Rural Fire doesn't have EMT's (Emergency Medical Technicians). LFR with EMT is right next to this area. LFR will be at the public hearing in two weeks to help answer any questions. Cary stated that LFR is saying they will be able to meet their typical response time.

There being no further questions, the meeting was adjourned at 12:55 p.m.