



Hall County Regional Planning Commission

Wednesday, December 1, 2021
Regular Meeting Packet

Commission Members:

Judd Allan	Hall County	
Tony Randone	Grand Island	
Derek Apfel	Grand Island	
Hector Rubio	Grand Island	
Leonard Rainforth	Hall County	
Carla Maurer	Doniphan	
Dean Kjar	Wood River	
Robin Hendricksen	Grand Island	
Jaye Monter	Cairo	Vice Chairperson
Pat O'Neill	Hall County	Chairperson
Greg Robb	Hall County	
Leslie Ruge	Alda	Secretary

Regional Planning Director: Chad Nabity

Planning Technician:
Rashad Moxey

Administrative Assistant:
Norma Hernandez

6:00 PM

Call to Order

Roll Call

A - SUBMITTAL OF REQUESTS FOR FUTURE ITEMS

Individuals who have appropriate items for City Council consideration should complete the Request for Future Agenda Items form located at the Information Booth. If the issue can be handled administratively without Council action, notification will be provided. If the item is scheduled for a meeting or study session, notification of the date will be given.

B - RESERVE TIME TO SPEAK ON AGENDA ITEMS

This is an opportunity for individuals wishing to provide input on any of tonight's agenda items to reserve time to speak. Please come forward, state your name and address, and the Agenda topic on which you will be speaking.

DIRECTOR COMMUNICATION

This is an opportunity for the Director to comment on current events, activities, and issues of interest to the commission.



Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item A1

Meeting Agenda 12/1/21

Staff Contact:



THE REGIONAL PLANNING COMMISSION of Hall
County, Grand Island, Wood River and the Villages
of Alda, Cairo and Doniphan, Nebraska

AGENDA AND NOTICE OF MEETING

Wednesday, December 1, 2021

6:00 p.m.

City Hall Council Chambers — Grand Island

1. **Call to Order** - This is a public meeting subject to the open meetings laws of the State of Nebraska. The requirements for an open meeting are posted on the wall in this room and anyone who would like to find out what those are is welcome to read through them. The Planning Commission may vote to go into Closed Session on any Agenda Item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

2. **Minutes of the November 3, 2021.**

3. **Request Time to Speak.**

4. **Presentation of 2021 Community Beautification Award**

5. **Public Hearing – Redevelopment Plan-Grand Island.** Public Hearing Concerning a redevelopment plan for CRA Area No. 6 to allow for redevelopment of property located north of State Street and west of Wheeler Avenue in Grand Island, Hall County, Nebraska. The request calls for redevelopment of this property for residential uses. Resolution 2022-03 (C-09-2022GI)

6. **Public Hearing – Proposed CRA Area #35- Grand Island** Proposed CRA Area #35 located north of Capital Avenue and east of Engleman Road (Old Engleman School). Resolution 2022-04 (C-10-22GI)

7. **Public Hearing – Proposed CRA Area #36- Grand Island** Proposed CRA Area #36 on either side of Independence Avenue south of Nebraska Highway 2 Resolution 2021-05 (C-11-22GI)

8. **Public Hearing Proposed Changes to the Wood River Zoning Ordinance – Wood River** Public Hearing to consider changes to the BGC and GC Commercial Zoning Districts in Wood River to permit residential uses. (C-12-22WR)

9. Request for Conservation Easement – Hall County- Concerning a Conservation Easement for the Wetlands Reserve Program comprising a part of the South Half (S1/2) of Section Thirty-Six (36), Township Ten (10) North, Range Nine (09) West of the 6th P.M. (Discussion, Action) (C-13-22 HC)

10.Final Plat - WWTP Subdivision- Grand Island- Located west of Shady Bend Road and north of the BNSF rail road tracks in Grand Island, Nebraska. (2 lots, 95.986 acres). This property is zoned M2 Heavy Manufacturing and TA Transitional Agriculture.

11.Directors Report

**Comprehensive Plan Update
Hazard Mitigation Plan Update**

12.Next Meeting January 5, 2022.

13.Adjourn.

PLEASE NOTE: This meeting is open to the public, and a current agenda is on file at the office of the Regional Planning Commission, located on the second floor of City Hall in Grand Island, Nebraska.

**Staff Recommendation Summary
For Regional Planning Commission Meeting
September 1, 2021**

4. Presentation of the 2021 Community Beautification Award
5. **Public Hearing Consideration of a Site Specific Redevelopment Plan for CRA Area #6 Lot 2 of Skag-Way Fourth Subdivision, Lots 1 and 2 of Natrass Subdivision and Lot 9 of Home Subdivision -Grand Island**
Concerning an amendment to the redevelopment plan for CRA Area No. 6 for property located north of State Street and west of Wheeler Avenue. The request calls for redevelopment of this property for residential uses. A resolution has been prepared. (C-10-22GI) **See Full Recommendation** (Hearing, Discussion, Action)
6. **Public Hearing – Proposed Substandard and Blight Area 35**
Concerning a study to determine if the proposed CRA Area #35 qualifies as substandard and blighted and to forward a recommendation on the study to the Grand Island City Council. Proposed CRA Area #35 is approximately 3.4 acres of property in northwest Grand Island north of Capital Avenue and east of Engleman Road (old Engleman School). A resolution has been prepared. (C-10-22GI). **See Full Recommendation** (Hearing, Discussion Action)
7. **Public Hearing – Proposed Substandard and Blight Area 36**
Concerning a study to determine if the proposed CRA Area #36 qualifies as substandard and blighted and to forward a recommendation on the study to the Grand Island City Council. Proposed CRA Area #36 is approximately 55.4 acres of property in northwest Grand Island on either side of Independence Avenue south of Nebraska Highway 2. A resolution has been prepared. (C-11-22GI). **See Full Recommendation** (Hearing, Discussion Action)
8. **Public Hearing – Proposed Changes of the Commercial Districts Zoning in Wood River.** The Wood River City Council has requested that the Hall County Planning Commission make a recommendation on permitting residential uses in the BGC and GC Commercial zoning Districts in Wood River. (C-12-2021GI) **See Full Recommendation** (Hearing, Discussion, Action)
9. **Request for Conservation Easement – Hall County-** Concerning a Conservation Easement for the Wetlands Reserve Program comprising a part of the South Half (S1/2) of Section Thirty-Six (36), Township Ten (10) North, Range Nine (09) West of the 6th P.M. The property is located south of the Lowry Road east of Shady Bend Road. The proposed easement would permanently protect wetlands on this property through the NRCS

wetland reserve program. This property is located in the jurisdiction of Hall County. Per state statutes they can consider approval of the easement after a recommendation from the planning commission or 60 days after referral. This item was referred to the planning commission on November 9, 2021. (Discussion, Action) (C-13-22 HC)

10. Final Plat - WWTP Subdivision- Grand Island- Located west of Shady Bend Road and north of the BNSF rail road tracks in Grand Island, Nebraska. (2 lots, 95.986 acres). This property is zoned M2 Heavy Manufacturing and TA Transitional Agriculture. This plat consolidates all of the property owned by the City of Grand Island for the waste water treatment plant into 2 lots.

11. Director's Report

Hazard Mitigation Plan Update City and county staff have been working with the Central Platte NRD and JEO Consulting on the update of the Hazard Mitigation Plan.

Comprehensive Plan Update – Grand Island and Hall County

Next Meeting January 5, 2022.



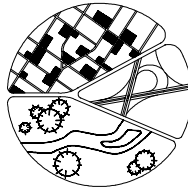
Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item E1

Meeting Minutes 11/3/21

Staff Contact:



THE REGIONAL PLANNING COMMISSION OF HALL COUNTY, GRAND ISLAND,
WOOD RIVER AND THE VILLAGES OF ALDA, CAIRO, AND DONIPHAN,
NEBRASKA

Minutes
for
November 3, 2021

The meeting of the Regional Planning Commission was held Wednesday, November 3, 2021 at City Hall – Grand Island, Nebraska. Notice of this meeting appeared in the “Grand Island Independent” on October 23, 2021.

Present:	Leslie Ruge	Nick Olson	Tyler Doane
	Pat O’Neill	Leonard Rainforth	
	Jaye Monter	Darrell Nelson	
	Greg Robb	Hector Rubio	

Absent: Judd Allan, Robin Hendricksen and Tony Randone

Other:

Staff: Chad Nabity and Rashad Moxey

Press: Brandon Summers

1. Call to order.

Chairman O’Neill called the meeting to order at 6:00 p.m.

O’Neill stated that this was a public meeting subject to the open meetings laws of the State of Nebraska. She noted that the requirements for an open meeting are posted on the wall in the room and easily accessible to anyone who may be interested in reading them.

O’Neill also noted the Planning Commission may vote to go into Closed Session on any agenda item as allowed by State Law.

The Commission will discuss and may take action on any item listed on this agenda.

The order of items on the agenda may be reorganized by the Chair to facilitate the flow of the meeting to better accommodate the public.

2. Minutes of the October 6, 2021 meeting.

A motion was made by Rainforth and second by Nelson to approve the minutes of the October 6, 2021 meeting.

The motion carried with nine members voting in favor (O'Neill, Ruge, Nelson, Rainforth, Olson, Robb, Rubio, Monter, and Doane) and no members voting no.

3. Request Time to Speak.

Amos Anson, 4234 Arizona Ave, Grand Island, NE – Item #5

Albert Moeller, 3829 South Blaine Street, Grand Island, NE – Item #4

Andrew Toupin, 1733 Ingalls, Grand Island, NE – Item #4

4. Public Hearing – Rezoning – Grand Island. Public Hearing regarding the rezoning in the Southeast Quarter of the Southwest Quarter and the Southwest Quarter of the Southeast Quarter of Section 25, Township 11 North, Range 10 west of the 6th P.M., Hall County, Nebraska. This property is located north of Husker Highway and west of Prairieview Street in the City of Grand Island. The request would rezone property from R2 Low Density Residential to RD Residential Development Zone. (C-08-2022GI) (C-02-2022GI)

- a. Preliminary – Legacy 34 Subdivision – Grand Island – Located north of Husker Highway and west of Prairieview Street in the City of Grand Island. (313 lots, 197.14 acres). This property is zoned R2 Low Density Residential and M1 Light Manufacturing with proposed zoning changes as development occurs.
- b. Final Plat – Legacy 34 Subdivision – Grand Island – Located north of Husker Highway and west of Prairieview Street in the City of Grand Island. (12 lots, 5.4 acres). This property is under construction for rezoning to RD Residential Development Zone.

O'Neill opened the public hearing:

Nabity stated the application has been made to rezone 5.43 acres of property proposed for platting as Legacy 34 Subdivision from R2 Low Density Residential Zone to RD Residential Development Zone. The developers are proposing to build nine apartment buildings (90 units) on the property. This property will be subject of many rezoning applications as it moves forward. The proposed development is consistent with the comprehensive plan. Staff is recommending approval.

Albert Moeller, 3829 South Blaine Street, Grand Island, NE stated the project is north of his property. Mr. Moeller's concern is how will the water flow be maintained so it does not back up.

Andrew Toupin, 1733 Ingalls, Grand Island, NE, an engineer with Olsson Associates, stated there is a wetland located in the southwest corner of the property and the development is staying away from it. Toupin explained how water from the wetland flows south underneath Husker Highway and then east. He explained, during the first phase of the project a detention cell will be created to help with drainage and water from the development will not drain into the wetland because the land would not be graded to drain in that direction. Mr. Toupin later explained water from the project site would generally flow north through the pond system being developed with the project

Commissioner Robb asked if water from the south husker Highway will be retained on site. Toupin showed on a map how water will flow, and noted with the possible expansion of Husker Highway drainage issues will be considered.

Commissioner Rainforth asked about the retention capacity level of the detention cell. Tupin explained that it would retain a 100 year flood event well over the required 50 year event by the State.

O'Neill closed the public hearing

A motion was made by Ruge and second by Robb to approve rezoning from R2 Low Density Residential to RD Residential Development Zone.

The motion was carried with nine members voting yes (Nelson, O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Rubio and Randone) and no members voting no.

O'Neill stated each final plat brought forward will also include a drainage plan.

A motion was made by Ruge and second by Rubio to approve the preliminary and final plat for Legacy 34.

The motion was carried with nine members voting yes (Nelson, O'Neill, Ruge, Olson, Robb, Monter, Rainforth, Rubio and Randone) and no members voting no.

5. Discussion – Potential Changes to Parking Requirement for Collective Parking Facilities

Nabity explained a request to make changes to the parking requirments has been submitted. Nabity noted that the Planning and Building Departments are working together to make possible updates to the requirements and is using the parking requirements for the Downtown area as a reference and starting point.

Amos Anson, 4234 Arizona Ave, Grand Island, NE, explained that the reduction in parking requirements can potentially help developer reduce the cost of the project and allow for more greenspace amenities.

6. Updates to Hall County Zoning Regulations

Nabity informed Commissioners that staff was working on updates to the Hall County Regulations similar to those done for Alda and Doniphan and that staff would be brining those forward soon.

7. Director's Report -

Community Beautification Award – will be awarded at the December meeting
Comprehensive Plan Update – working on RFP will be sent out mid-January.
Hazard Mitigation Plan Update – Moving forward.

8. Next Meeting December 1, 2021.

9. Adjourn.

O'Neill adjourned the meeting at 6:38 p.m.

Leslie Ruge, Secretary
By Norma Hernandez



Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item F1

Public Hearing - Redevelopment Plan - Grand Island - Public Hearing Concerning a redevelopment plan for CRA Area No. 6 to allow for redevelopment of property located north of State Street and west of Wheeler Avenue in Grand Island, Hall County, Nebraska.

Staff Contact:

Agenda Item #5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

November 23, 2021

SUBJECT:

Redevelopment plan amendment for property located in Blight and Substandard Area 6, located at east of Wheeler Avenue, north of State Street and Blessed Sacrament Church and east of Super Saver at Five Points in Grand Island, Nebraska to support this development. (C-09-22GI)

PROPOSAL:

In 2014 Super Market Developers, Inc., the developer of the Five Points Super Saver originally intended to develop the lot to the east of their store for inline commercial and an outlot for a restaurant. In 2018 they sold the property to the east of their store to Ray O'Conner without proceeding with further development as the market would not have supported that development. Mesner Development of Central City has acquired an option on the lot east of Super Saver and the property north of Blessed Sacrament that extends to Wheeler Avenue. They are proposing to redevelop this property with between 64 and 72 duplex style town house units.

Attached is an amended plan that addresses the changes proposed for the plan presented by Super Market Developers in 2014 and add the additional property to the site specific redevelopment plan.

OVERVIEW:

The purpose of the CRA and the designated blight and substandard areas is to provide incentives for development in underdeveloped areas of the community. This project will provide commercial development in a location that is intended for these uses. This redevelopment as proposed includes a significant amount of private funding in an older commercial district. This area has already been declared blighted and substandard by the CRA, the Hall County Regional Planning Commission and the Grand Island City Council.

This project is **consistent** with the **existing zoning** and the **future land use plan** for this area within the City of Grand Island. The area is planned for a combination of commercial and residential development. The proposed use would allow densities at the consistent with the low to medium density residential districts. The developers have requested that the Planning Commission and Council rezone this entire property to R3-SL Medium Density Small Lot zoning district at their meetings in January to facilitate the development of this property and such rezoning is supported by the comprehensive development plan.

The Regional Planning Commission recommendation is limited to the appropriateness of the proposed use at this location. The Grand Island Comprehensive Plan calls for residential development across a majority of this site and the commercial zoning districts also allow for higher density residential development at this location.

The Planning Commission is required to comment on these applications to confirm that expenditure of public funds through TIF is not supporting uses that would be inconsistent with the Comprehensive Plan. The proposed use for commercial uses including a new grocery store at this location appears to be supported by the plan.

RECOMMENDATION:

That the Regional Planning Commission recommend that City Council **approve** of the redevelopment plan amendment as submitted. A resolution is attached for your consideration.

_____ Chad Nabity AICP, Planning Director

**Redevelopment Plan Amendment
Grand Island CRA Area 6
June 2014 ~~Amended November 2021~~**

The Community Redevelopment Authority (CRA) of the City of Grand Island intends to amend the Redevelopment Plan for Area 6 within the city, pursuant to the Nebraska Community Development Law (the “Act”) and provide for the financing of a specific ~~infrastructure~~ redevelopment ~~related~~ projects in Area 6.

**Executive Summary:
Project Description**

THE ACQUISITION OF PROPERTY AT FIVE POINTS EAST OF BROADWELL AVENUE AND NORTH OF STATE STREET BY THE DEVELOPER AND SUBSEQUENT SITE PREPARATION, DEMOLITION, UTILITY IMPROVEMENTS, LANDSCAPING AND PARKING IMPROVEMENTS NECESSARY FOR BUILDING A NEW GROCERY STORE, ~~INLINE RETAIL SPACE AND RESTAURANT SPACE RESIDENTIAL DEVELOPMENT INCLUDING UP TO 70 TOWNHOUSES IN 2 AND 3 UNIT CONFIGURATIONS AT THIS THE LOCATION IDENTIFIED.~~

The use of Tax Increment Financing (“TIF”) to aid in the acquisition of property, demolition of existing structures, necessary site work and installation of public utilities and street improvements necessary to redevelop this site. The use of TIF makes it feasible to complete all of the phases of the proposed project within the timeline presented. This project could not be completed without the use of TIF.

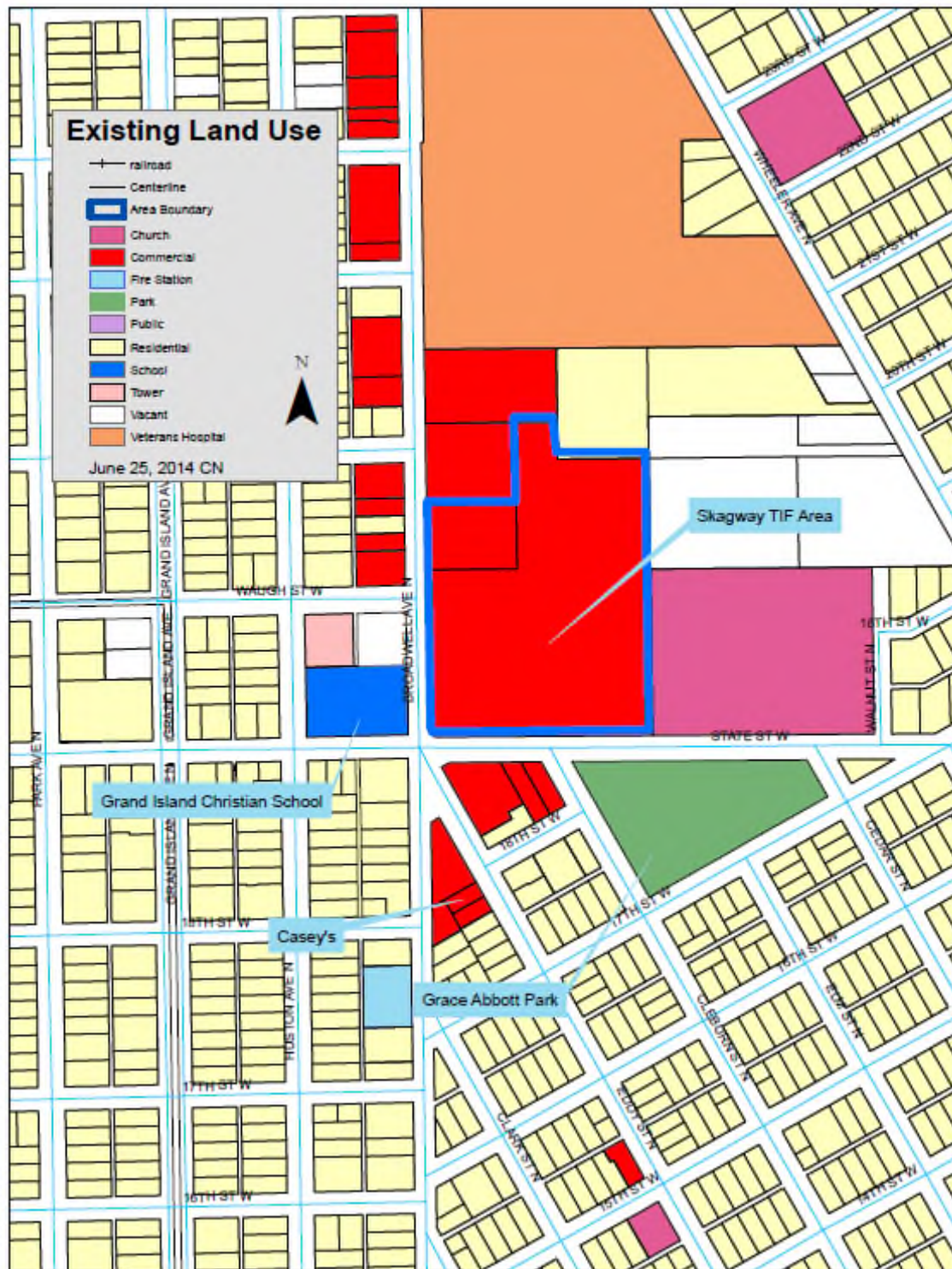
The acquisition, site work and construction of all improvements will be paid for by the developer. The developer is responsible for and has provided evidence that they can secure adequate debt financing to cover the costs associated with the acquisition, site work and remodeling. The Grand Island Community Redevelopment Authority (CRA) intends to pledge the ad valorem taxes generated over the 15 year period beginning January 1, 2016 towards the allowable costs and associated financing for the acquisition and site work for the development of the grocery store. ~~The CRA intends to pledge the ad valorem taxes generated up to 15 years for each of the proposed townhomes on the expanded site.~~

TAX INCREMENT FINANCING TO PAY FOR THE ACQUISITION OF THE PROPERTY AND RELATED SITE WORK WILL COME FROM THE FOLLOWING REAL PROPERTY:

Property Description (the “Redevelopment Project Area”)

This property is located at the northeast corner of Broadwell Avenue and State Street in northeast Grand Island including the attached map identifies the subject property and the surrounding land uses:

- **Legal Descriptions** ~~Lot 3 of Skag-Way Subdivision and Lot 1 of Skag-Way Second Subdivision.~~ Grocery Store on Lot 1 of Skag-Way Fourth Subdivision, Townhomes to be developed on Lot 2 of Skag-Way Fourth Subdivision, Lots 1 and 2 of Natrass Subdivsion and Lot 9 of Home Subdivision



The map displays a street grid in St. Paul, Minnesota, centered on Grand Island Avenue. The streets shown include Grand Island Avenue, Forrest Street, Prospect Street, College Street, Huston Avenue, Waugh Street West, Broadwell Avenue North, State Street West, Eddy Street North, 18th Street West, 17th Street West, 16th Street West, 15th Street West, 23rd Street West, 22nd Street West, 21st Street West, 20th Street West, 19th Street West, 18th Street West, 17th Street West, 16th Street West, 15th Street West, 23rd Street East, 22nd Street East, 21st Street East, 20th Street East, 19th Street East, 18th Street East, 17th Street East, 16th Street East, and 15th Street East. The map uses color-coding to indicate land use types: Church (dark blue), Commercial (red), Multi-Family Residential (orange), Park; School (light green), Residential (yellow), Vacant (white), and Proposed Site (blue outline). A compass rose is located in the top left corner, and a legend is in the bottom left corner.

Legend

- Church
- Commercial
- Multi-Family Residential
- Park; School
- Residential
- Vacant
- Proposed Site



THE REGIONAL PLANNING COMMISSION of Hall County, Grand Island, Wood River and the Villages of Alda, Cairo and Doniphan, Nebraska

Scale: NONE
For Illustration Purposes

Existing Land Use Map as Amended November 2021

The tax increment will be captured for the tax years the payments for which become delinquent in years 2017 through 2030 inclusive on the grocery store. It is anticipated that the increment on the townhouses will be capture over a period not to exceed 20 years with no portion extending over 15 years beginning in 2023.

The real property ad valorem taxes on the current valuation will continue to be paid to the normal taxing entities. The increase will come from the construction of new commercial space on this property.

Statutory Pledge of Taxes.

Pursuant to Section 18-2147 of the Act, any ad valorem tax levied upon real property in the Redevelopment Project Area shall be divided, for the period not to exceed 15 years after the effective date of the provision, which effective date shall be January 1, 2016 for the grocery store and as determined by the contract for the townhouses.

a. That portion of the ad valorem tax which is produced by levy at the rate fixed each year by or for each public body upon the redevelopment project valuation shall be paid into the funds, of each such public body in the same proportion as all other taxes collected by or for the bodies; and

b. That portion of the ad valorem tax on real property in the redevelopment project in excess of such amount, if any, shall be allocated to and, when collected, paid into a special fund of the Authority to pay the principal of; the interest on, and any premiums due in connection with the bonds, loans, notes, or advances on money to, or indebtedness incurred by, whether funded, refunded, assumed, or otherwise, such Authority for financing or refinancing, in whole or in part, a redevelopment project. When such bonds, loans, notes, advances of money, or indebtedness including interest and premium due have been paid, the Authority shall so notify the County Assessor and County Treasurer and all ad valorem taxes upon real property in such redevelopment project shall be paid into the funds of the respective public bodies.

Pursuant to Section 18-2150 of the Act, the ad valorem tax so divided is hereby pledged to the repayment of loans or advances of money, or the incurring of any indebtedness, whether funded, refunded, assumed, or otherwise, by the CRA to finance or refinance, in whole or in part, the redevelopment project, including the payment of the principal of, premium, if any, and interest on such bonds, loans, notes, advances, or indebtedness.

Redevelopment Plan Amendment Complies with the Act:

The Community Development Law requires that a Redevelopment Plan and Project consider and comply with a number of requirements. This Plan Amendment meets the statutory qualifications as set forth below.

1. The Redevelopment Project Area has been declared blighted and substandard by action of the Grand Island City Council on October 9, 2007.[§18-2109] Such declaration was made after a public hearing with full compliance with the public notice requirements of §18-2115 of the Act.

2. Conformation to the General Plan for the Municipality as a whole. [§18-2103 (13) (a) and §18-2110]

Grand Island adopted a Comprehensive Plan on July 13, 2004. This redevelopment plan amendment and project are consistent with the Comprehensive Plan, in that no changes in the Comprehensive Plan elements are intended. This plan merely provides funding for the developer to acquire the necessary property and provide the necessary site work for the construction of a permitted use on this property. The Hall County Regional Planning Commission held a public hearing at their meeting on December 1, 2021 and passed Resolution 2022- confirming that this project is consistent with the Comprehensive Plan for the City of Grand Island. The Grand Island Public School District has submitted a formal request to the Grand Island CRA to notify the District any time a TIF project involving a housing subdivision and/or apartment complex is proposed within the District. The school district was notified of this plan amendment at the time it was submitted to the CRA for initial consideration.

3. The Redevelopment Plan must be sufficiently complete to address the following items: [§18-2103(13) (b)]

a. Land Acquisition:

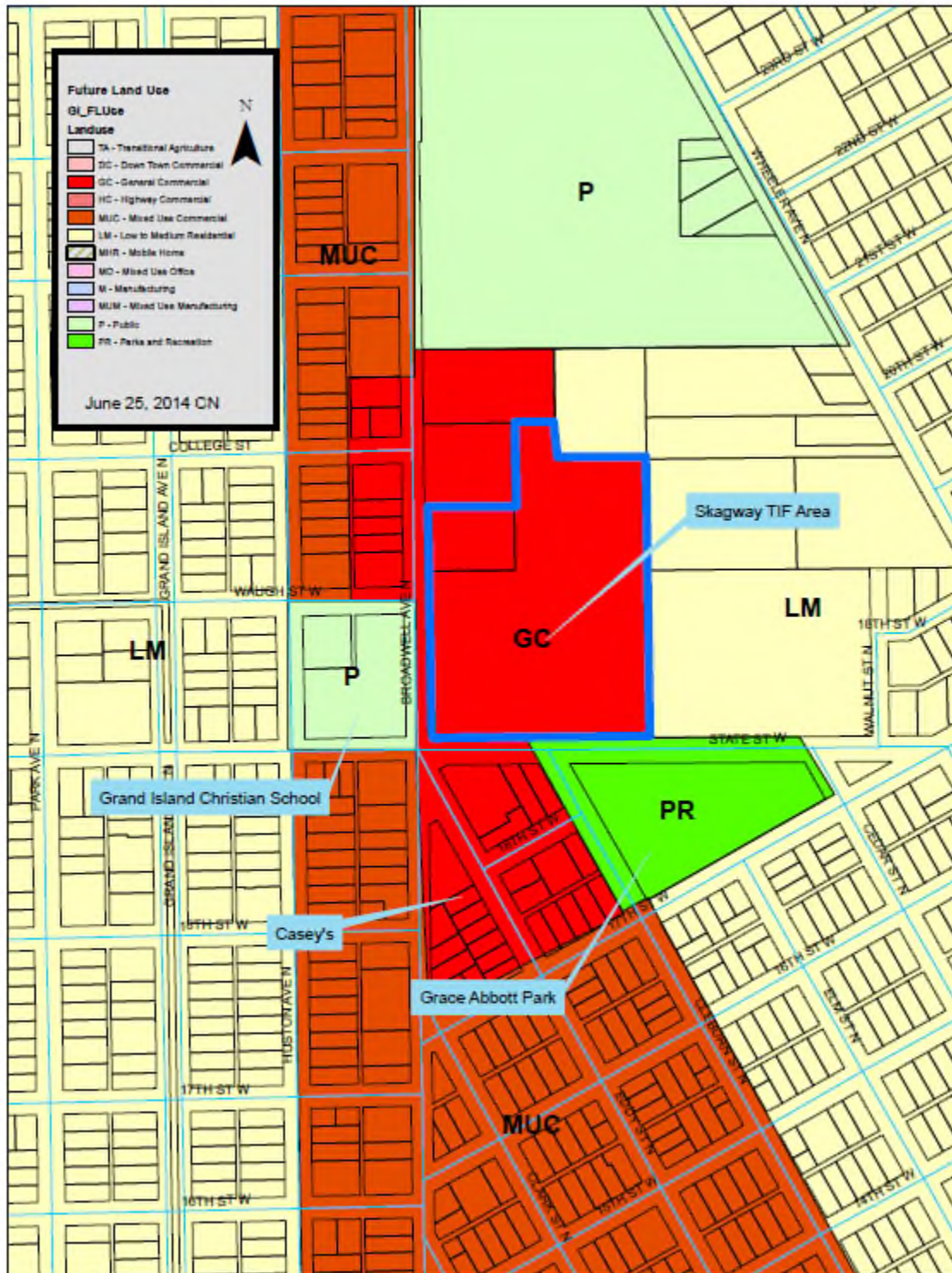
The Redevelopment Plan for Area 6 provides for real property acquisition and this plan amendment does not prohibit such acquisition. There is no proposed acquisition by the authority. The applicant will be acquiring the property from the current owner.

b. Demolition and Removal of Structures:

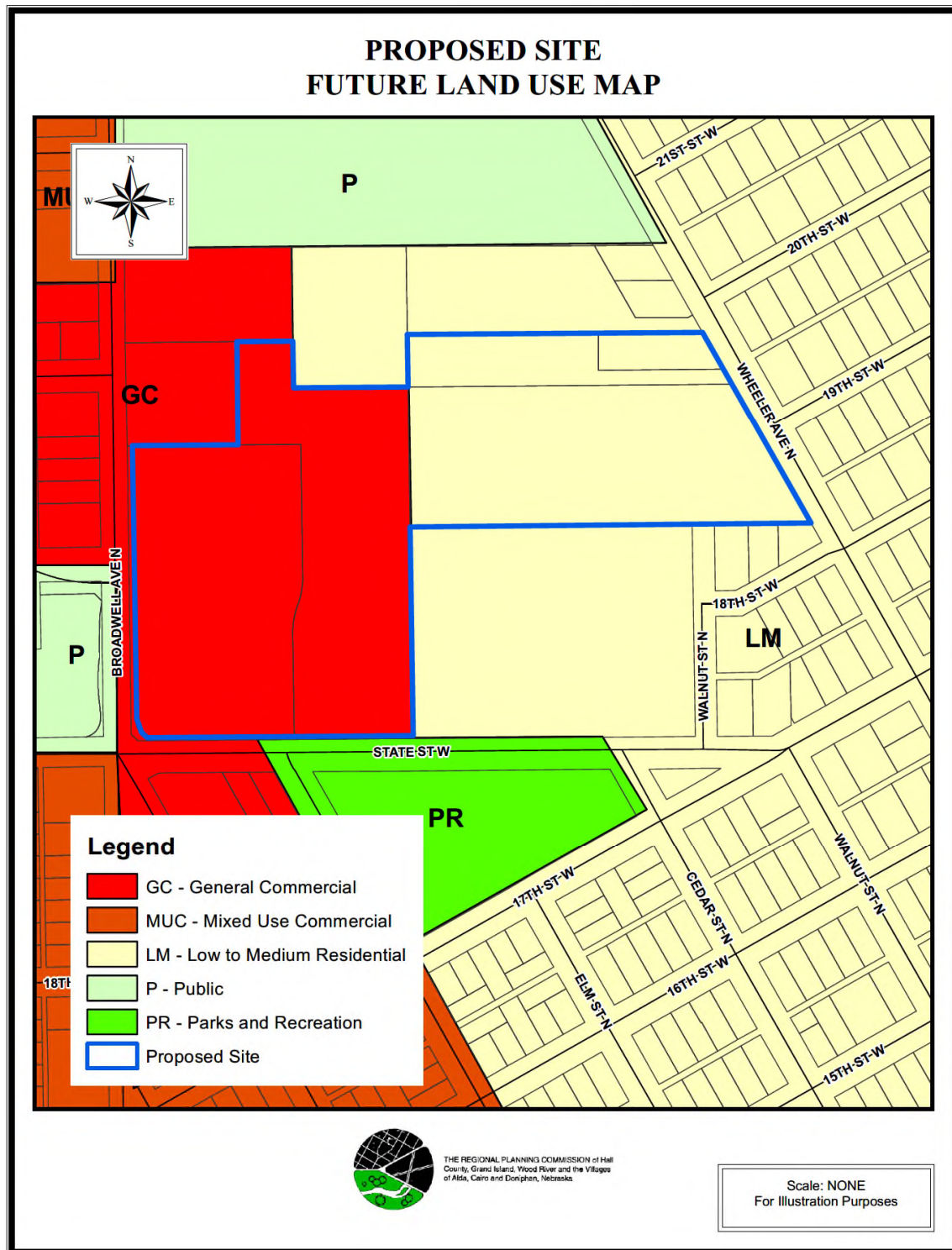
The project to be implemented with this plan does intend several structures along on the subject property to be removed or demolished. The structures to be demolished are all non-residential in nature and use. No additional structures will need to be demolished for the development of the townhouses.

c. Future Land Use Plan

See the attached map from the 2004 Grand Island Comprehensive Plan. The site is planned for commercial development. [§18-2103(b) and §18-2111] The attached map also is an accurate site plan of the area after redevelopment. [§18-2111(5)]



City of Grand Island Future Land Use Map from Original Plan



City of Grand Island Future Land Use Map for Amended Area

d. Changes to zoning, street layouts and grades or building codes or ordinances or other Planning changes.

The area is zoned B2- General Business zone, ~~R2 Low Density Residential and R3 Medium Density Residential. No zoning changes are anticipated with this project. No changes are anticipated in street layouts or grades.~~ The property identified for the townhouse development will likely be changed to an R3 Medium Density Residential District or R3-SL Medium Density Small Lot District and a street will be extended through the development between State Street and Wheeler Avenue. No changes are anticipated in building codes or ordinances. Nor are any other planning changes contemplated. [§18-2103(b) and §18-2111]

e. Site Coverage and Intensity of Use

The developer is proposing remove all of the structures on the subject property in two phases. The buildings on Lot 3 of Skag-Way Subdivision will be demolished and a new grocery store will be constructed at that location, fuel pumps will be added near Broadwell Avenue and after the construction of the new store the old store will be demolished and the site will be prepared for additional retail and restaurant space to be constructed at a time when the market allows for said construction. The property is zoned B2 and could accommodate a building of up to 100% of the property. ~~The area east of the grocery store identified for townhouse development in this plan would be rezoned to accommodate the development of the townhomes. An R3 or R3-SL zoning district would allow up to 50% of each lot to be developed with buildings.~~ [§18-2103(b) and §18-2111]

f. Additional Public Facilities or Utilities

Sewer and water are available to support this development. Water mains will have to be extended throughout the site to support the configuration of the proposed development. New water and sewer services may be required for this building. ~~Water mains and sewer mains will need to be extended for the townhouse development. Electric service will also need to be extended through the area.~~

The developer will be responsible for replacing any sidewalks damaged during construction of the project.

No other utilities would be impacted by the development. [§18-2103(b) and §18-2111]

4. The Act requires a Redevelopment Plan provide for relocation of individuals and families displaced as a result of plan implementation. This amendment does not provide for acquisition of any residences and therefore, no relocation is contemplated. [§18-2103.02]

5. No member of the Authority, nor any employee thereof holds any interest in any property in this Redevelopment Project Area. [§18-2106]

Barry Sandstrom, Chairman of the Grand Island Community Redevelopment Authority, is President of Home Federal Bank in Grand Island and Home Federal has a branch office and an ATM on the property. Mr. Sandstrom will recuse himself from action on this

application. As of this amendment, Mr. Sandstrom is no longer a member of the CRA and no members of the CRA or employees hold any interest in this project.

6. Section 18-2114 of the Act requires that the Authority consider:

a. Method and cost of acquisition and preparation for redevelopment and estimated proceeds from disposal to redevelopers.

The developer is proposing to purchase this property for redevelopment for \$2,600,000 in October of 2014 provided that TIF is available for the project as define. The cost of property acquisition is being included as a TIF eligible expense. Costs for site preparation, utility and parking improvements are estimated at \$3,004,953 as related to the demolition and site preparation are included as a TIF eligible expense. It is estimated based on the proposed increased valuation of \$4,416,000 will result in \$1,600,000 of increment generated over a 15 year period, substantially less than the TIF allowable expenses.

Mesner Development will be acquiring the property identified for townhouses as part of the eligible activities for this development. The TIF granted on the first project did not cover the full cost of acquisition so the cost of Lot 2 of Skag-Way Fourth Subdivision can be included as an eligible expense with the other properties that make this project feasible.

No property will be transferred to redevelopers by the Authority. The developer will provide and secure all necessary financing.

b. Statement of proposed method of financing the redevelopment project.

The developer will provide all necessary financing for the project. The Authority will assist the project by granting the sum of \$1,600,000 from the proceeds of the TIF Indebtedness issued by the Authority. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2016 through December 2030 for the grocery store phase of this project.

The developer will provide all necessary financing for the townhouse phase of the project as described in this amended plan. The Authority will assist the project by granting the sum of \$1,779,000 from the proceeds of the TIF Indebtedness issued by the Authority. This indebtedness will be repaid from the Tax Increment Revenues generated from the project. TIF revenues shall be made available to repay the original debt and associated interest after January 1, 2023 through December 2043

c. Statement of feasible method of relocating displaced families.

No families will be displaced as a result of this plan.

7. Section 18-2113 of the Act requires:

Prior to recommending a redevelopment plan to the governing body for approval, an authority shall consider whether the proposed land uses and building requirements in the redevelopment project area are designed with the general purpose of accomplishing, in conformance with the general plan, a coordinated, adjusted, and harmonious development of the city and its environs which will, in accordance with present and future needs, promote health, safety, morals, order, convenience, prosperity, and the general welfare, as well as efficiency and economy in the process of development, including, among other things, adequate provision for traffic, vehicular parking, the promotion of safety from fire, panic, and other dangers, adequate provision for light and air, the promotion of the healthful and convenient distribution of population, the provision of adequate transportation, water, sewerage, and other public utilities, schools, parks, recreational and community facilities, and other public requirements, the promotion of sound design and arrangement, the wise and efficient expenditure of public funds, and the prevention of the recurrence of insanitary or unsafe dwelling accommodations or conditions of blight.

The Authority has considered these elements in proposing this Plan Amendment. This amendment, in and of itself will promote consistency with the Comprehensive Plan, in that it will allow for the utilization of and redevelopment of commercial lots. This will not significantly impact traffic at the Five Points intersection. New commercial development will raise property values and provide a stimulus to keep surrounding properties properly maintained. This will have the intended result of preventing recurring elements of unsafe buildings and blighting conditions. **New residential construction between the grocery store and Wheeler Avenue north of Blessed Sacrament Church will utilize property that has been in the City Limits and largely vacant for more than 60 years. This is infill development of housing near community services such as banking, groceries, churches and existing parks.**

8. Time Frame for Development

Development of phase one of this project (including construction of the new grocery store) is anticipated to be completed between October of 2014 and October of 2015. Demolition of the existing Skagway store and preparation of the eastern portion of the site for further development will occur after the opening of the new store. Excess valuation should be available for this project for 15 years beginning with the 2016 tax year. **Phase one of the project was completed as expected. Phase two including in line retail and restaurant uses did not materialize as marketability of this property for those purposes was not feasible. This amended plan would allow phase two to include development of up to 70 townhouses and include additional property that was not in the original plan.**

9. Justification of Project

Skagway has been a commercial anchor for the Five Points neighborhood since the 1950's. This redevelopment and reinvestment by AWG at this location represents a great

opportunity to strengthen and sustain this neighborhood commercial development. This is infill development in an area with all city services available. This project does not propose to tear down any buildings with historic value.

Phase two of this project as shown in this amended plan would add up to 70 townhouses some potentially developed with low income housing tax credits. This would transition the commercial node at the Five Points intersection with the residential to the north and east of the site and provide needed housing in the community as infill development using vacant property with the ability to extend services. At this time housing is a critical need in Grand Island and across the state of Nebraska.

10. Cost Benefit Analysis Section 18-2113 of the Act, further requires the Authority conduct a cost benefit analysis of the plan amendment in the event that Tax Increment Financing will be used. This analysis must address specific statutory issues.

As authorized in the Nebraska Community Development Law, §18-2147, *Neb. Rev. Stat.* (2012), the City of Grand Island has analyzed the costs and benefits of the proposed AWG-Skagway North Redevelopment Project, including:

Project Sources and Uses. Approximately \$1,600,000.00 in public funds from tax increment financing provided by the Grand Island Community Redevelopment Authority will be required to complete the project. This investment by the Authority will leverage \$14,430,000.00 in private sector financing; a private investment of \$9.02 for every TIF dollar investment.

Use of Funds.			
Description	TIF Funds	Private Funds	Total
Site Acquisition	\$1,600,000	\$1,000,000	\$2,600,000
Site preparation		\$3,004,953	
Legal and Plan			
Building Costs			
Phase 1		\$4,725,000	\$4,725,000
Phase 2		\$3,000,000	\$3,000,000
Fuel Center		\$500,000	\$500,000
Personal Property		\$1,000,000	\$1,000,000
Soft Costs		\$1,200,000	\$1,200,000
TOTALS	\$1,600,000	\$14,429,953	\$16,029,953

Project Sources and Uses Phase 2. Approximately \$1,779,000.00 in public funds from tax increment financing provided by the Grand Island Community Redevelopment Authority will be required to complete the project. This investment by the Authority will leverage \$14,609,018 in private sector financing; a private investment of \$8.25 for every TIF dollar investment.

Use of Funds.	Source of Funds		
Description	TIF Funds	Private Funds	Total
Site Acquisition	\$ 484,000		\$ 484,000
Building Costs			\$ -
Market Rate Units		\$ 6,080,000	\$ 6,080,000
LIHTC Units		\$ 8,529,018	\$ 8,529,018
Sewer	\$ 361,176		\$ 361,176
Water			\$ -
Electric	\$ 72,000		\$ 72,000
Public Streets/Sidewalks	\$ 488,378		\$ 488,378
Site preparation/Dirt Work	\$ 179,000		\$ 179,000
Architecture/Engineering	\$ 80,000		\$ 80,000
Legal/TIF Contract	\$ -		\$ -
Contingency Reserves	\$ 102,855		\$ 102,855
			\$ -
Total	\$ 1,767,409	\$ 14,609,018	\$ 16,376,427

Tax Revenue Phase 1. The property to be redeveloped is anticipated to have a January 1, 2014, valuation of approximately \$3,442,551. Based on the 2013 levy this would result in a real property tax of approximately \$75,783. It is anticipated that the assessed value will increase by \$4,416,000, upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$97,200.00 annually adjusted with a 2% appreciation in value for 15 years resulting in \$1,600,000 of increment over the 15 year period. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2014 assessed value:	\$ 3,442,551.00
Estimated value after completion	\$ 7,858,035.00
Increment value	\$ 4,415,484.00
Annual TIF generated (estimated)	\$ 97,200.00
TIF bond issue	\$ 1,600,000.00

Tax Revenue Phase 2. The property to be redeveloped for townhouses is anticipated to have a January 1, 2021, valuation of approximately \$574,685. Based on the 2020 levy this would result in a real property tax of approximately \$12,508. It is anticipated that the assessed value will increase by \$14,514,333, upon full completion, as a result of the site redevelopment. This development will result in an estimated tax increase of over \$319,557 annually or an increment of \$4,793,348 over the 15 year period. The tax increment gained from this Redevelopment Project Area would not be available for use as city general tax revenues, for a period of 15 years, or such shorter time as may be required to amortize the TIF bond, but would be used for eligible private redevelopment costs to enable this project to be realized.

Estimated 2021 assessed value:	\$ 574,685
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Estimated value after completion	\$ 15,089,018
Increment value	\$ 14,514,333*
Annual TIF generated (estimated)	\$ 319,557
TIF bond issue	\$ 1,767,409

*This is a market rate increment value and if LITHC is used for the project the actual annual revenues generated would likely be reduced by as much as half.

Phase 1

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has an estimated valuation of \$3,442,591. The proposed demolition, new parking lot and renovations at this location will result in an additional \$4,415,444 of taxable valuation based on an analysis by the Hall County Assessor's office. No tax shifts are anticipated from the project. The project creates additional valuation that will support taxing entities long after the project is paid off.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. It is not anticipated that this will impact schools. Fire and police protection are available and should not be impacted by this development.

(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project;

This project will protect and enhance the existing employment within the Project Area by maintaining a grocery store at this location. Additional employment is anticipated with the inline retail and restaurant also proposed at this site. At project stabilization employment is expected to increase to 28 full time equivalent employees. Temporary construction employment will increase during the construction. The construction period is expected to exceed 12 months.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

This facility could draw employees from other similar facilities within the City. The latest available labor statistics show that the Grand Island labor pool is 27,961 with a 3.3% unemployment rate¹.

(e) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

This will provide appropriate development at a key entrance into the City of Grand Island. Five Points is an iconic location in Grand Island. This redevelopment plan will result in substantial new construction in the neighborhood. Skagway has been a key business at the Five Points location for more than 60 years. This site has had a neighborhood grocery store since before the area to the north and east was developed. Redevelopment of this site will preserve this neighborhood commercial district and strengthen and preserve the surrounding residential values.

Personal property in the project is subject to current property tax rates. Personal property for the Project is estimated at \$1,000,000 resulting in an estimated personal property tax for the first year of operations of \$22,000. Personal property tax is not subject to TIF and will be paid to the normal taxing entities. There will additionally be more city sales taxes paid to the city of Grand Island as a result of new taxable sales at the restaurant and inline stores.

Phase 2

(a) Tax shifts resulting from the approval of the use of Tax Increment Financing;

The redevelopment project area currently has an estimated valuation of \$574,685. The proposed redevelopment at this location will result in an additional \$14,514,333 of taxable valuation based on an analysis by the Hall County Assessor's office. The project creates additional valuation that will support taxing entities long after the project is paid off and provide housing in the next four years.

(b) Public infrastructure and community public service needs impacts and local tax impacts arising from the approval of the redevelopment project;

No additional public service needs have been identified. Existing water and waste water facilities will not be impacted by this development. The electric utility has sufficient capacity to support the development. This development may have an impact on the schools in the area as further discussed below. Fire and police protection are available and should not be significantly impacted by this development but all new development does create potential issues for staffing and response.

¹ <https://networks.nebraska.gov> Labor Force, Employment and Unemployment for Grand Island City in May 2014

(c) Impacts on employers and employees of firms locating or expanding within the boundaries of the area of the redevelopment project;

The proposed project will provide either workforce housing for employees in the area or potentially retirement housing for older citizens of Grand Island that would be moving out of existing homes making those available to new residents. Housing is a major concern for all expanding employers in the City of Grand Island.

(d) Impacts on other employers and employees within the city or village and the immediate area that are located outside of the boundaries of the area of the redevelopment project; and

The proposed project will provide either workforce housing for employees in the area or potentially retirement housing for older citizens of Grand Island that would be moving out of existing homes making those available to new residents. Housing is a major concern for all expanding employers in the City of Grand Island.

(e) Impacts on student populations of school districts within the City or Village:

This development will have an impact on the Grand Island School system and will likely result in additional students at both the elementary and secondary school levels.

The average number of persons per household in Grand Island for 2015 to 2019 according to the American Community Survey is 2.61. 70 additional households would house 182 people. According to the 2010 census 19.2% of the population of Grand Island was over 4 years old and under 18 years old. 2020 census number for this population cohort are not yet available but 27.6% of the 2021 population is less than 18 years of age this is the same percentage as the under 18 age cohort in 2010. If the averages hold it would be expected that there would be an additional 35 school age children generated by this development. Given the nature of the units (a maximum of 70- 2 bedroom townhomes) proposed these numbers are likely to be significantly less than for detached single family development. If this develops as proposed with at a rate of around 16 unit per year for 4 years approximately 9 children could be added to the school age population every year with this development. These 9 children will likely be spread over the full school age population from elementary to secondary school. According to the National Center for Educational Statistics² the 2019-20 enrollment for GIPS was 10,070 students and the cost per student in 2017-18 was \$12,351 of that \$4,653 is generated locally. The Grand Island Public School System was notified on November 4, 2021 that the CRA would be considering this application at their November 10, 2021 meeting.

(f) Any other impacts determined by the authority to be relevant to the consideration of costs and benefits arising from the redevelopment project.

The proposed development will provide workforce housing in the short term. This is infill development that will utilize property within the city limits that has been undeveloped.

Time Frame for Development

Development of phase 1 of this project is anticipated to be completed during between October 2014 and October of 2015. The base tax year should be calculated on the value of the property as of January 1, 2015. Excess valuation should be available for this project for 15 years beginning with the 2016 tax year. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years or an amount not to exceed \$1,600,000 the projected amount of increment based upon the anticipated value of the project and current tax rate. Based on the purchase price of the property and estimates of the expenses of renovation activities and associated engineering fees, the developer will spend more than \$5,000,000 on TIF eligible activities.

Development of phase 2 of this project is anticipated to be completed between 2022 and 2025. The base tax year will be set with contract amendments based on the completion of structures. Excess valuation should be available for this project for 15 years beginning with the 2023 tax year. Excess valuation will be used to pay the TIF Indebtedness issued by the CRA per the contract between the CRA and the developer for a period not to exceed 15 years or an amount not to exceed \$1,767,409 based upon the anticipated value of the project and current tax rate.

Resolution Number 2022-03

HALL COUNTY REGIONAL PLANNING COMMISSION

**A RESOLUTION RECOMMENDING APPROVAL OF A SITE SPECIFIC
REDEVELOPMENT PLAN OF THE CITY OF GRAND ISLAND, NEBRASKA;
AND APPROVAL OF RELATED ACTIONS**

WHEREAS, the Chairman and Board of the Community Redevelopment Authority of the City of Grand Island, Nebraska (the “**Authority**”), referred **the Redevelopment Plan for Trinity Heights project located north of State Street and west of Wheeler Avenue – Mesner Development** to the Hall County Regional Planning Commission, (the “**Commission**”) for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to Section 18-2112 of the Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”); and

WHEREAS, the Commission has reviewed said Redevelopment Plan as to its conformity with the general plan for the development of the City of Grand Island, Hall County;

NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:

Section 1. The Commission hereby recommends approval of the Redevelopment Plan.

Section 2. All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

DATED: December 1, 2021.

**HALL COUNTY REGIONAL PLANNING
COMMISSION**

ATTEST:

By: _____
Chair

By: _____
Secretary



Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item F2

**Public Hearing - Proposed CRA Area #35 - Grand Island -
Proposed Area #35 located north of Capital Avenue and east of
Engleman Road (Old Engleman School). Resolution 2022-04 (C-09-
2022GI)**

Staff Contact:

Agenda Item # 6

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

November 17, 2021

SUBJECT: *CRA Blight Study (Proposed CRA Area 35) C-10-22GI*

PROPOSAL: Attached is a copy of a Substandard and Blight Study as prepared by Marvin Planning Consultants entitled “Grand Island NE, Blighted and Substandard Study Area 35. This area as defined by the study will be referred to as Community Redevelopment Authority (CRA) Area 35. The study as prepared and submitted indicates that this property could be considered substandard and blighted. This only includes property that is located within the municipal limits of Grand Island. The study as presented shows that this property meets the criteria to be declared blighted and substandard of its own accord. The Planning Commission recommendation must be forwarded to the Grand Island City Council within 30 days of making the recommendation.

OVERVIEW

This study is approximately 3.4 acres of property located east of Engleman Road and north of Capital Avenue in northwest Grand Island (Study Area).

The Statutory authority and direction to the Planning Commission is referenced below to explain the Planning Commission purpose in reviewing the study:

18-2109.3 Redevelopment plan; preparation; requirements; planning commission or board; public hearing; notice; governing body; public hearing; notice.

18-2109. Redevelopment plan; preparation; requirements; planning commission or board; public hearing; notice; governing body; public hearing; notice.

(1) An authority shall not prepare a redevelopment plan for a redevelopment project area unless the governing body of the city in which such area is located has, by resolution adopted after the public hearings required under this section, declared such area to be a substandard and blighted area in need of redevelopment.

(2) Prior to making such declaration, the governing body of the city shall conduct or cause to be conducted a study or an analysis on whether the area is substandard and blighted and shall submit the question of whether such area is substandard and blighted to the planning commission or board of the city for its review and recommendation. The planning commission or board shall hold a

public hearing on the question after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared substandard and blighted or information on where to find such map and shall provide information on where to find copies of the substandard and blighted study or analysis conducted pursuant to this subsection. The planning commission or board shall submit its written recommendations to the governing body of the city within thirty days after the public hearing.

(3) Upon receipt of the recommendations of the planning commission or board, or if no recommendations are received within thirty days after the public hearing required under subsection (2) of this section, the governing body shall hold a public hearing on the question of whether the area is substandard and blighted after giving notice of the hearing as provided in section 18-2115.01. Such notice shall include a map of sufficient size to show the area to be declared substandard and blighted or information on where to find such map and shall provide information on where to find copies of the substandard and blighted study or analysis conducted pursuant to subsection (2) of this section. At the public hearing, all interested parties shall be afforded a reasonable opportunity to express their views respecting the proposed declaration. After such hearing, the governing body of the city may make its declaration.

(4) Copies of each substandard and blighted study or analysis conducted pursuant to subsection (2) of this section shall be posted on the city's public web site or made available for public inspection at a location designated by the city.

~Reissue Revised Statutes of Nebraska

The attached study does not include a redevelopment plan. If this study is approved subsequent action will be necessary by both the Planning Commission and the City Council prior to any action involving Tax Increment Financing or the expenditure of tax dollars from the CRA budget within this area.

It is appropriate for the planning commission in conducting its review and considering its recommendation regarding the substandard and blighted designation to:

1. review the study,
2. take testimony from interested parties,
3. make findings of fact, and
4. Include those findings of fact as part of its recommendation to Council.

Blighted and Substandard Defined

The terms blighted and substandard have very specific meanings within the context of the Community Redevelopment Statutes. Those terms as defined by Statute are included below:

Section 18-2103

Terms, defined.

For purposes of the Community Development Law, unless the context otherwise requires:

(3) Blighted area means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the platted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;

(31) Substandard areas shall mean an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;

~Reissue Revised Statutes of Nebraska

ANALYSIS-Blight and Substandard Study

The following findings are copied directly from the Study. The analysis of the substandard and blighted factors is conducted on pages 6 to 19 of the study.

FINDINGS FOR GRAND ISLAND

Study Area 35 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighting Summary

These conditions are contributing to the blighted conditions of the study area.

- **Substantial number of deteriorating structures**
 - Within the study area 100.0% of the primary structures were deemed to be in an average condition or worse.
- **Deterioration of site or other improvements**
 - Curb and gutter are missing throughout 100% of the study area.
 - Sidewalks are missing within 100.0% of the entire study area.
 - Streets through the study area were of an average or poorer condition.
- **Insanitary and Unsafe Conditions**
 - Broken glass outside of windows on the structures.
 - Lack of ADA ramp access to the structures.
 - Potholes on walking surface around the structures.
 - Asphalt surface around structures slopes into the structures, leading to potentially poor drainage and or water ponding. Water ponding can be a breeding ground for communicable diseases.

Criteria under Part B of the Blight Definition

The average age of the residential or commercial units in the area is at least forty years.

- 3 (100.0%) buildings or improvements were determined to be 40 years of age or older.
- The average age based upon a cumulative age calculation is 58.0 years.

These other criteria for Blight were not present in the area, these included:

- Factors Which Are Impairing And/or Arresting Sound Growth
 - Diversity of Ownership
 - Dangerous conditions to life or property due to fire or other causes.
 - Faulty lot layout.
 - Improper subdivision or obsolete platting.
 - Stable or decreasing population based on the last two decennial censuses.
 - Tax or special assessment delinquency exceeding fair value of the land.
 - Defective or unusual condition of title.
 - Unemployment in the designated area is at least 120% of the state or national average.
 - One-half of unimproved property is over 40 years old.
 - The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

Substandard Conditions

Average age of the residential units in the area is at least 40 years.

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area.

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2021

Number	Year	Age	Cumulative
1	1960	61	65
1	1962	59	120
1	1967	54	174
3			359
			58.0

Source: Hall County Assessor's and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are three primary structures. After researching the structural age with the Grand Island Public Schools Building and Grounds Department, 3 (100.0%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1, the average age of the primary structures is equal to 58.0 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Substandard Summary

Nebraska State Statute requires that "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

Study Area #35 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #35

Blight Study Area #35 has several items contributing to the Blight and Substandard Conditions. These conditions include:

Blighted Conditions

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements.
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.

Substandard Conditions

- Average age of the structures in the area is at least forty years.

RECOMMENDATION:

Blight and Substandard Designation

Unlike the process for approving a redevelopment plan statute does not specify what planning commissions are to look for in making a recommendation on a study to declare an area blighted and substandard. Planning Commission staff is recommending consideration of the following questions as a starting point in the analysis of this Study and in making a recommendation on the question of whether the property in question is blighted and substandard.

Recommend Questions for Planning Commission

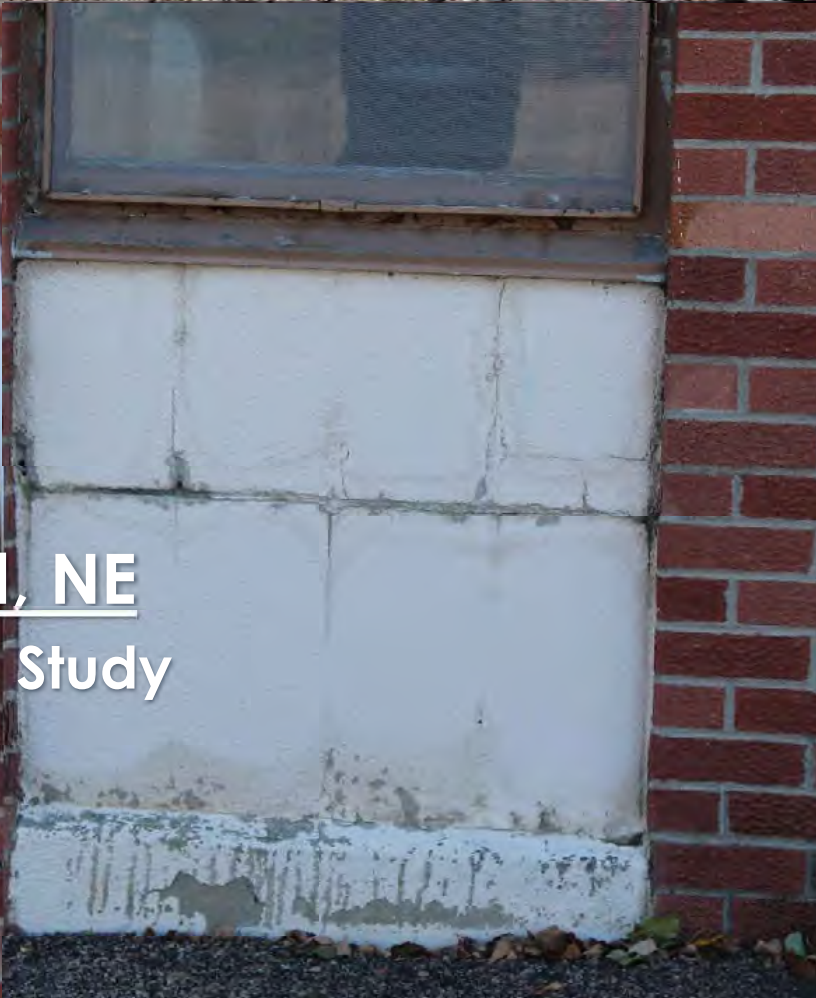
- Does this property meet the statutory requirements to be considered blighted and substandard? (See the prior statutory references.)
- Are the blighted and substandard factors distributed throughout the Redevelopment Area, so basically good areas are not arbitrarily found to be substandard and blighted simply because of proximity to areas which are substandard and blighted? Is development of adjacent property necessary to eliminate blighted and substandard conditions in the area?
- Is public intervention appropriate and/or necessary for the redevelopment of the area?
- Will a blight declaration increase the likelihood of development/redevelopment in the near future and is that in the best interest of the City?
- What is the policy of the City toward increasing development and redevelopment in this area of the City?

Findings of fact must be based on the study and testimony presented including all written material and staff reports. The recommendation must be based on the declaration, not based on any proposed uses of the site. All of the testimony, a copy of the study and this memo along with any other information presented at the hearing should be entered into the record of the hearing.

If the Regional Planning Commission concludes that the area in question meets the definition of blighted and substandard and supports such conclusion with findings of fact they should move to recommend **approval** of the declaration as blighted and substandard based on the facts presented and identified at this meeting.

If the Regional Planning Commission concludes that the area in question does not meet the definition of blighted and substandard and supports such conclusions with findings of fact, they should move to recommend **denial** of the declaration as blighted and substandard based on the facts identified.

_____ Chad Nabity AICP, Planning Director



City of Grand Island, NE
Blight and Substandard Study
Area #35
November 2021

PURPOSE OF THE BLIGHT AND SUBSTANDARD STUDY

The purpose of completing this Blight and Substandard study is to examine existing conditions within Study Area 35 of the City of Grand Island. This study has been commissioned by Grand Island Public Schools to analyze the possibility of declaring the area as blighted and substandard within this specific study area.

The Hall County Regional Planning Commission and Grand Island City Council, when considering conditions of Blight and Substandard, will be looking at those issues and definitions provided for in the Nebraska Community Redevelopment Law as found in Chapter 18, Section 2104 of the Revised Nebraska State Statutes, as follows:

“The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of the Community Development Law, shall afford maximum opportunity, consistent with the sound needs of the city as a whole, to the rehabilitation or redevelopment of the community redevelopment area by private enterprises. The governing body of a city shall give consideration to this objective in exercising its powers under the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations, relating to the use of land and the use and occupancy of buildings and improvements, the disposition of any property acquired, and the providing of necessary public improvements.”

The Nebraska Revised Statutes §18-2105 continues by granting authority to the governing body for formulation of a workable program; disaster assistance; effect. The statute reads:

“The governing body of a city or an authority at its direction for the purposes of the Community Development Law may formulate for the entire municipality a workable program for utilizing appropriate private and public resources to eliminate or prevent the development or spread of urban blight, to encourage needed urban rehabilitation, to provide for the redevelopment of substandard and blighted areas, or to undertake such of the aforesaid activities or other feasible municipal activities as may be suitably employed to achieve the objectives of such workable program. Such workable program may include, without limitation, provision for the prevention of the spread of blight into areas of the municipality which are free from blight through diligent enforcement of housing, zoning, and occupancy controls and standards; the rehabilitation or conservation of substandard and blighted areas or portions thereof by replanning, removing congestion, providing parks, playgrounds, and other public improvements by encouraging voluntary rehabilitation and by compelling the repair and rehabilitation of deteriorated or deteriorating structures; and the clearance and redevelopment of substandard and blighted areas or portions thereof.”

“Notwithstanding any other provisions of the Community Development Law, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the Governor of the state has certified the need for disaster assistance under federal law, the local governing body may approve a redevelopment plan and a redevelopment project with respect to such area without regard to the provisions of the Community Development Law requiring a general plan for the municipality and notice and public hearing or findings other than herein set forth.”

Based on the Nebraska Revised Statutes §18-2103 the following definitions shall apply:

“Blighted area means an area (a) which, by reason of the presence of a substantial number of deteriorated or deteriorating structures, existence of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility, or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements,

diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, improper subdivision or obsolete platting, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations, or constitutes an economic or social liability and is detrimental to the public health, safety, morals, or welfare in its present condition and use and (b) in which there is at least one of the following conditions: (i) Unemployment in the designated area is at least one hundred twenty percent of the state or national average; (ii) the average age of the residential or commercial units in the area is at least forty years; (iii) more than half of the plotted and subdivided property in an area is unimproved land that has been within the city for forty years and has remained unimproved during that time; (iv) the per capita income of the area is lower than the average per capita income of the city or village in which the area is designated; or (v) the area has had either stable or decreasing population based on the last two decennial censuses. In no event shall a city of the metropolitan, primary, or first class designate more than thirty-five percent of the city as blighted, a city of the second class shall not designate an area larger than fifty percent of the city as blighted, and a village shall not designate an area larger than one hundred percent of the village as blighted. A redevelopment project involving a formerly used defense site as authorized under section 18-2123.01 shall not count towards the percentage limitations contained in this subdivision;"

"Extremely blighted area means a substandard and blighted area in which: (a) The average rate of unemployment in the area during the period covered by the most recent federal decennial census is at least two hundred percent of the average rate of unemployment in the state during the same period; and (b) the average poverty rate in the area exceeds twenty percent for the total federal census tract or tracts or federal census block group or block groups in the area;"

"Substandard area means an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare; and"

"Workforce housing means:

- (a) Housing that meets the needs of today's working families;
- (b) Housing that is attractive to new residents considering relocation to a rural community;
- (c) Owner-occupied housing units that cost not more than two hundred seventy-five thousand dollars to construct or rental housing units that cost not more than two hundred thousand dollars per unit to construct. For purposes of this subdivision (c), housing unit costs shall be updated annually by the Department of Economic Development based upon the most recent increase or decrease in the Producer Price Index for all commodities, published by the United States Department of Labor, Bureau of Labor Statistics;
- (d) Owner-occupied and rental housing units for which the cost to substantially rehabilitate exceeds fifty percent of a unit's assessed value; and
- (e) Upper-story housing."

This Blight and Substandard Study is only for a portion of the corporate limits of the city which has not previously been so designated. The Study is intended to give the Hall County Regional Planning Commission and Grand Island City Council the basis for identifying and declaring Blighted and Substandard conditions existing within the city's jurisdiction and as allowed under Chapter 18,

Section 2123.01. Through this process, the City and property owners will be attempting to address economic and/or social liabilities which are harmful to the well-being of the entire community.

The study area can be seen in Figure 1 of this report. A Redevelopment Plan to be submitted in the future will contain, in accordance with the law, definite local objectives regarding appropriate land uses, improved traffic, public transportation, public utilities, and other public improvements, and the proposed land uses and building requirements in the redevelopment area and shall include:

- The boundaries defining the blighted and substandard areas in question (including existing uses and conditions of the property within the area), and;
- A list of the conditions present, which qualify the area as blighted and substandard.

BLIGHT AND SUBSTANDARD ELIGIBILITY STUDY

The study area is indicated in Figure 1 of this report. The existing use is Public.

Through the redevelopment process, the City of Grand Island can guide future development and redevelopment throughout the area. The use of the Community Redevelopment Act by the City is intended to redevelop and improve areas of the community. Using the Community Redevelopment Act, the City of Grand Island can assist in the elimination of negative conditions and implement different programs/projects identified for the City.

The following is the description of the designated area within the City of Grand Island.

Point of beginning (POB) is the intersection of the centerlines of Engelman Rd N and Capital Ave W going northerly along the centerline of Engelman Rd N to the extended north property line of a tract referred to as Miscellaneous Tracts 2-11-10 to City of Grand Island Pt W $\frac{1}{2}$ SW $\frac{1}{4}$ 2 AC; thence easterly along the northern property line of said lot continuing to the northeast corner of said lot; thence southerly along the eastern property line of said lot continuing to the centerline of Capital Ave W; thence westerly along the centerline of Capital Ave W continuing to the POB, +/- 3.4 acres.

Study Area

Figure 1
Study Area Map



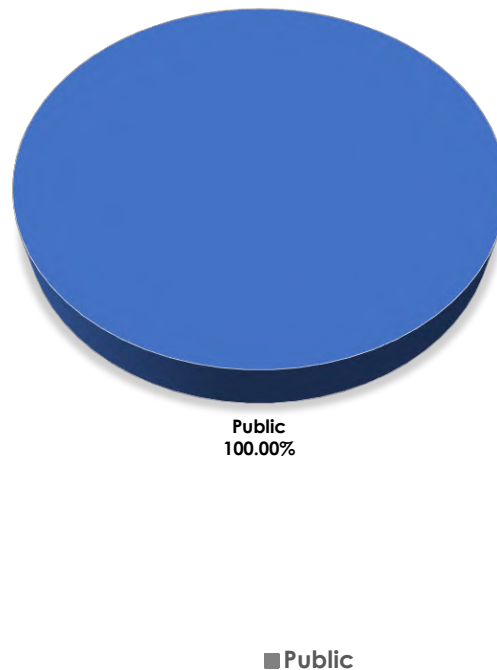
Figure 2
Existing Land Use Map



EXISTING LAND USE

The term “Land Use” refers to the developed uses in place within a building or on a specific parcel of land. The number and type of uses are constantly changing within a community and produce a number of impacts either benefitting or detracting from the community. Because of this, the short and long-term success and sustainability of the community is directly contingent upon available resources utilized in the best manner given the constraints the City faces during the course of the planning period. Existing patterns of land use are often fixed in older communities and neighborhoods, while development in newer areas is often reflective of current development practices.

FIGURE 3: EXISTING LAND USE, Study Area 35 – 2021



Source: Marvin Planning Consultants 2021

Existing Land Use Analysis within Study Area

As part of the planning process, a survey was conducted through both in-field observations, as well as data collection online using the Hall County Assessors website. This survey noted the use of the tract in the study area. These data from the survey are analyzed in the following paragraphs. Figure 3 shows the only use present in the study area is Public.

FINDINGS OF BLIGHT AND SUBSTANDARD CONDITIONS ELIGIBILITY STUDY

This section of the study examines the conditions found in the study area. The Findings Section will review the conditions based upon the statutory definitions.

Contributing Factors

There were a number of conditions examined and evaluated in the field and online. These conditions will be reviewed in detail, on the following pages, while some of the statutory conditions are not present.

Structural Conditions

Structural conditions were evaluated, structures were either rated as: Excellent, Very Good, Above Normal, Normal, Below Normal, Poor, or Very Poor. The data and rating system come from the Hall

County Assessor's database and is the same database used to value properties in the area. According to the data there are three different structures making up the facility.

Based upon the data provided to the planning team, the following is the breakdown for structures in the study area:

- **0 (0.00%) structure rated as Excellent**
- **0 (0.00%) structure rated as Very Good**
- **0 (0.00 %) structures rated as Above Normal**
- **0 (0.00%) structures rated Normal**
- **3 (100.00%) structures rated Below Normal**
- **0 (0.00%) structure rated Poor**
- **0 (0.00%) structure rated as Very Poor**

Based upon these data, an assumption has been made that normal condition and less would constitute the possibility of some or considerable deterioration. It is common for older structures to need more maintenance and upkeep to maintain a good or higher condition. Even a structure rated as normal will show some signs of deteriorating which in turn can become a dilapidated structure in the future if it is not addressed over time. Overall, 100.0% of the structures in this study area are considered as Below Normal.

Due to the stated conditions found in the field analysis, the condition of the structures is a contributing factor. See photos 1 – 13 below.



Photo 1



Photo 2

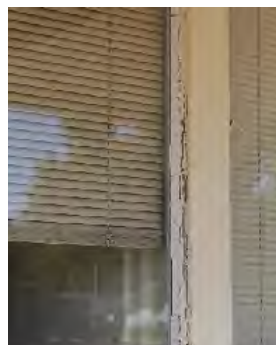


Photo 5



Photo 4



Photo 3



Photo 11



Photo 10



Photo 8



Photo 9



Photo 7



Photo 6

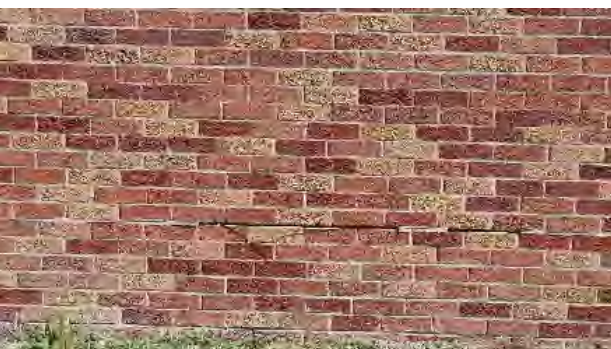


Photo 12

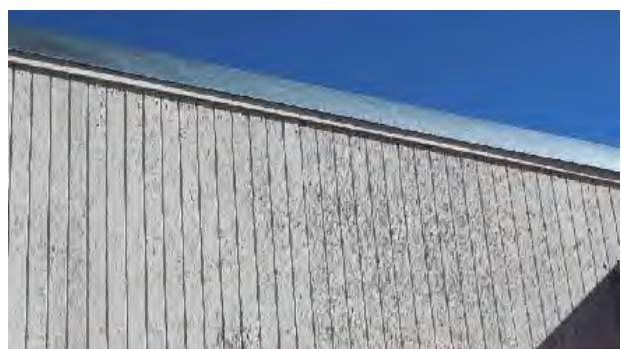


Photo 13

Deterioration of Site or Other Improvements**Sidewalk Conditions**

Sidewalks, regardless of the area and uses within a community, should provide a safe means of movement for pedestrians. Sidewalks become increasingly more important along transportation routes considered to be arterials and highways. A sidewalk allows for pedestrian movement while keeping people off heavily traveled streets.

The sidewalk conditions analyzed in the Study Area were rated on five categories: Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 710 lineal feet or 0.13 miles of area where sidewalk could or should be located. After reviewing the conditions in the field, the following is how the sidewalk conditions breakdown within the study area:

- **0 (0.00%) lineal feet of Excellent sidewalk**
- **0 (0.00%) lineal feet of Good sidewalk**
- **0 (0.00%) lineal feet of Average sidewalk**
- **0 (0.00%) lineal feet of Fair sidewalk**
- **721 (100.0%) lineal feet of Poor or Missing sidewalk**

There is no sidewalk present in the study area. Sidewalk is critical to the overall pedestrian movement of an area long-term. Even sidewalk constructed, which at present there is none, will eventually connect to several portions of the community. Because 100.0% of the area is missing sidewalk, sidewalks are considered a direct contributing factor. See photo 14 and 15 below for areas where sidewalk could be located but is not.

**Photo 14****Photo 15**

Figure 4
Structural Conditions



Figure 5
Sidewalk Conditions



Figure 6
Curb and Gutter Conditions



Figure 7
Street Conditions



Curb and Gutter

Curb and Gutters have a number of direct and indirect roles in communities. Their primary function is to be a barrier to collect and direct water to be drained away. On a secondary level, they can help define where the streets start and stop, and they act as a physical barrier between pedestrian and vehicular traffic.

Curb and gutter for the Study Area were examined similarly to sidewalks. The curb and gutter were graded as either Excellent, Good, Average, Fair, and Poor or Missing.

Within the study area there is approximately 735 lineal feet of curb and gutter possible. After reviewing the conditions in the field, the following is how the curb and gutter conditions break down within the corporate limits:

- **0 (0.0%) lineal feet of Excellent curb and gutter**
- **0 (0.00%) lineal feet of Good curb and gutter**
- **0 (0.00%) lineal feet of Average curb and gutter**
- **0 (0.00%) lineal feet of Fair curb and gutter**
- **735 (100.0%) lineal feet of Poor or Missing curb and gutter**
-

Due to the large amount of deteriorating and missing curb and gutter, the curb and gutter conditions would be a direct contributing factor.

Streets

Streets within a community are essential to moving people and vehicles from place to place. Their condition and construction have an impact on the appearance of a community, which leads directly to how a community is perceived by the outside world.

Within the study area there is approximately 760 lineal feet or 0.14 miles of street possible. After reviewing the conditions in the field, the following is how the street conditions breakdown within the corporate limits:

- **0 (0.0%) lineal feet of Excellent street**
- **0 (0.0%) lineal feet of Good street**
- **760 (100.0%) lineal feet of Average street**
- **0 (0.00%) lineal feet of Fair street**
- **0 (0.00%) lineal feet of Poor street**

Within the study area Engelman Rd N and Capital Ave are both paved. The streets in the study area appear to have been paved in some sort of asphaltic material or armor coated. The streets in the study area are both average. See photos 16 and 17 below to see street conditions.



Photo 16



Photo 17

Age of Structure

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area. Note the age of structure was determined from data provided by the Director of Buildings and Grounds for Grand Island Public Schools.

TABLE 1: AVERAGE STRUCTURAL AGE, BY METHOD – 2021

Number	Year	Age	Cumulative
1	1960	61	65
1	1962	59	120
1	1967	54	174
3			359
			58.0

Source: Hall County Assessor's and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are three primary structures. After researching the structural age with the Grand Island Public Schools Building and Grounds Department, 3 (100.0%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1, the average age of the primary structures is equal to 58.0 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

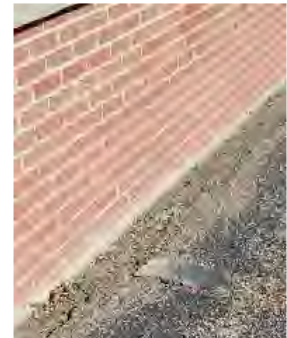
Figure 8
Age of Structures



Blighting Summary

These conditions are contributing to the blighted conditions of the study area.

- **Substantial number of deteriorating structures**
 - Within the study area 100.0% of the primary structures were deemed to be in an average condition or worse.
- **Deterioration of site or other improvements**
 - Curb and gutter are missing throughout 100% of the study area.
 - Sidewalks are missing within 100.0% of the entire study area.
 - Streets through the study area were of an average or poorer condition.
- **Insanitary and Unsafe Conditions**
 - Broken glass outside of windows on the structures.
 - Lack of ADA ramp access to the structures.
 - Potholes on walking surface around the structures.
 - Asphalt surface around structures slopes into the structures, leading to potentially poor drainage and or water ponding. Water ponding can be a breeding ground for communicable diseases.

**Photo 18****Photo 19****Photo 20****Photo 21****Photo 22****Photo 23****Photo 20**

Criteria under Part B of the Blight Definition

The average age of the residential or commercial units in the area is at least forty years.

- 3 (100.0%) buildings or improvements were determined to be 40 years of age or older.
- The average age based upon a cumulative age calculation is 58.0 years.

These other criteria for Blight were not present in the area, these included:

- Factors Which Are Impairing And/or Arresting Sound Growth
 - Diversity of Ownership
 - Dangerous conditions to life or property due to fire or other causes.
 - Faulty lot layout.
 - Improper subdivision or obsolete platting.
 - Stable or decreasing population based on the last two decennial censuses.
 - Tax or special assessment delinquency exceeding fair value of the land.
 - Defective or unusual condition of title.
 - Unemployment in the designated area is at least 120% of the state or national average.
 - One-half of unimproved property is over 40 years old.
 - The per capita income of the area is lower than the average per capita income of the city or village in which the area is designated.

These issues were either not present or were limited enough as to have little impact on the overall condition of the study area.

Substandard Conditions

Average age of the residential units in the area is at least 40 years.

Age of structures can be a contributing factor to the blighted and substandard conditions in an area. Statutes allow for a predominance of structures 40 years of age or older to be a contributing factor regardless of their condition. The following paragraphs document the structural age of the structures within the Study Area.

TABLE 2: AVERAGE STRUCTURAL AGE, BY METHOD – 2021

Number	Year	Age	Cumulative
1	1960	61	65
1	1962	59	120
1	1967	54	174
3			359
			58.0

Source: Hall County Assessor's and Marvin Planning Consultants 2021

Age of Structure

Within the study area there are three primary structures. After researching the structural age with the Grand Island Public Schools Building and Grounds Department, 3 (100.0%) units were determined to be 40 years of age or older.

However, when examining the age based upon a cumulative approach, as seen in Table 1, the average age of the primary structures is equal to 58.0 years; thus, meeting the requirements of the statutes. The age of the structures would be a direct contributing factor.

Substandard Summary

Nebraska State Statute requires that "...an area in which there is a predominance of buildings or improvements, whether nonresidential or residential in character, which, by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, and crime, (which cannot be remedied through construction of prisons), and is detrimental to the public health, safety, morals, or welfare;"

Study Area #35 meets the definition of Substandard as defined in the Revised Nebraska State Statutes.

FINDINGS FOR BLIGHT AND SUBSTANDARD STUDY AREA #35

Blight Study Area #35 has several items contributing to the Blight and Substandard Conditions. These conditions include:

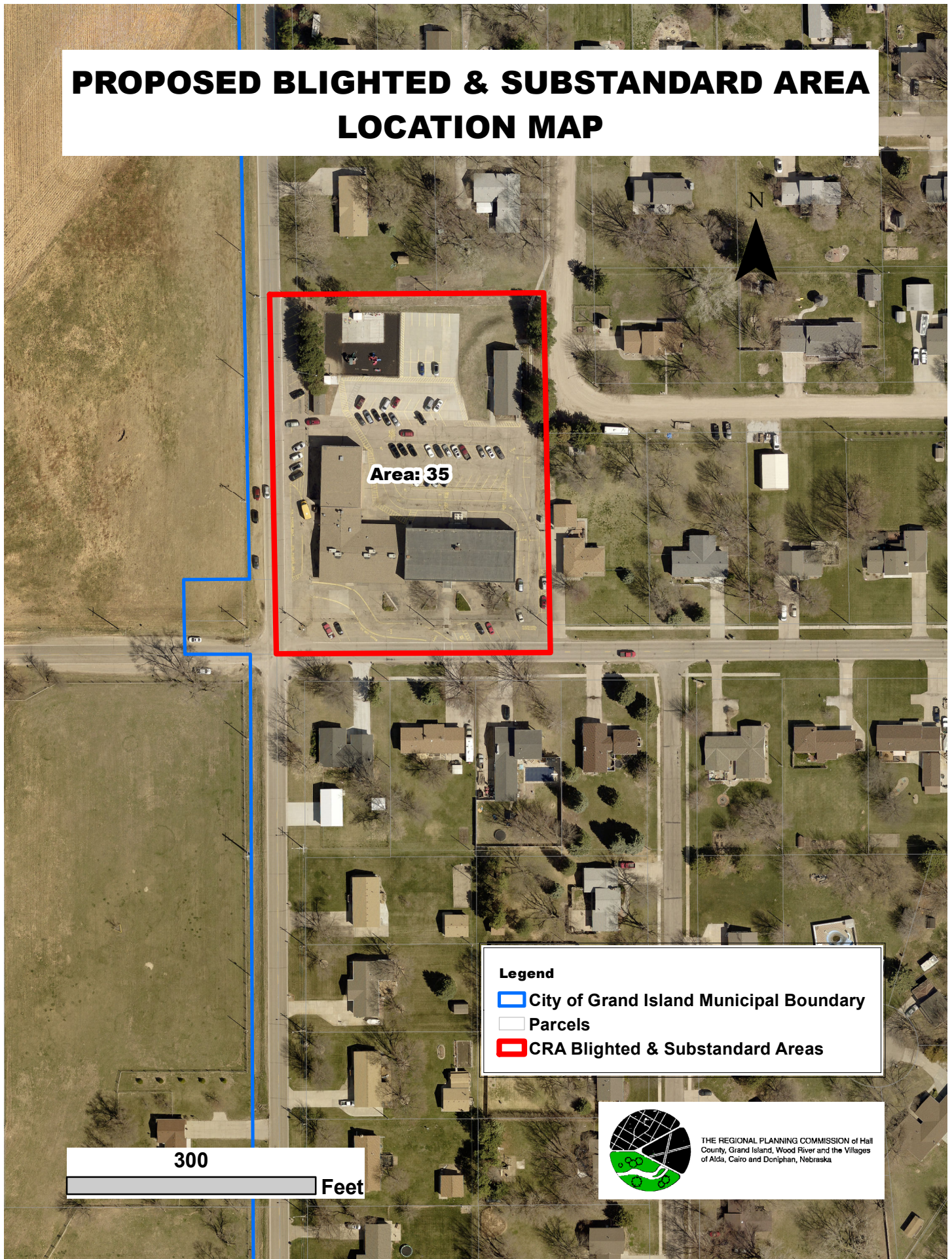
Blighted Conditions

- Substantial number of deteriorated or deteriorating structures.
- Deterioration of site or other improvements.
- Average age of the residential or commercial units in the area is at least 40 years.
- Insanitary and Unsafe Conditions.

Substandard Conditions

- Average age of the structures in the area is at least forty years.

PROPOSED BLIGHTED & SUBSTANDARD AREA LOCATION MAP



Resolution Number 2022-04

HALL COUNTY REGIONAL PLANNING COMMISSION

A RESOLUTION RECOMMENDING APPROVAL OF A BLIGHT AND SUBSTANDARD STUDY BY THE CITY OF GRAND ISLAND, NEBRASKA; AND APPROVAL OF RELATED ACTIONS

WHEREAS, the Grand Island City Council at its November 10, 2021 meeting, referred **the Blight and Substandard Study for CRA Area 34, commissioned by Grand Island Public Schools** to the Hall County Regional Planning Commission, (the “**Commission**”) for review and recommendation as to its conformity with the general plan for the development of the City of Grand Island, Hall County, Nebraska, pursuant to the Nebraska Community Development Law, Chapter 18, Article 21, Reissue Revised Statutes of Nebraska, as amended (the “**Act**”); and

WHEREAS, the Commission held a public hearing regarding said Blight and Substandard Study at their meeting on December 1, 2021, and:

WHEREAS, the Commission has reviewed said Blight and Substandard Study and confirmed the following findings:

- This property as presented in the study meets the requirements to be declared substandard,
- This property as presented in the study meets the requirements to be declared blighted,
- The factors are necessary to declare the property blighted and substandard are sufficiently distributed to impact development across the entire site,
- That development of this property to its full potential is in the best interest of the City of Grand Island and the entire region,
- That there are projects ready to develop at this site if they can meet the financial goals of the developers,

NOW, THEREFORE, BE IT RESOLVED BY THE HALL COUNTY REGIONAL PLANNING COMMISSION AS FOLLOWS:

Section 1. The Commission hereby recommends approval of the Blight and Substandard Study.

Section 2. All prior resolutions of the Commission in conflict with the terms and provisions of this resolution are hereby expressly repealed to the extent of such conflicts.

Section 3. This resolution shall be in full force and effect from and after its passage as provided by law.

DATED: December 1, 2021

**HALL COUNTY REGIONAL PLANNING
COMMISSION**

ATTEST:

By: _____
Chair

By: _____
Secretary



Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item F3

**Public Hearing - Proposed CRA Area #36 - Grand Island -
Proposed CRA Area #36 on either side of Independence Avenue
south of Nebraska Highway 2 Resolution 2021-05 (C-11-22GI)**

Staff Contact:



City of Grand Island, NE
Blight and Substandard Study
Area #36
November 2021



Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item F4

Public Hearing - Public Hearing Proposed Changes to the Wood River Zoning Ordinance - Wood River - Public Hearing to consider changes to the BGC and GC Commercial Zoning Districts in Wood River to permit residential uses.

Staff Contact:

Agenda Item # 5

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING

COMMISSION:

November 19, 2021

SUBJECT:

Concerning proposed amendments to Article 5: Zoning Districts of Wood River Zoning Ordinance specifically to Section 5.11 BGC Central General Business District, and Section 5.12 BG General Business District (C-12-2022GI)

PROPOSAL:

To remove the conditions on residential uses within the BG General Business zoning district and to allow for residential uses in the BGC Central General Business District and BG General Business District as permitted principal use.

OVERVIEW:

The purpose of these changes is to allow for residential uses to be permitted as principal uses to avoid situations created by the zoning ordinance that may hinder homes being rebuilt if damaged more than 51% without a conditional permit. Currently there it's estimated to be more than 10 manufacturing mobile homes and single family structures located within each of the BGC zoning district and BG zoning district.

Over 17 years ago in 2004 after approval of the Wood River Zoning Regulation allowed for residential use to be permitted as a conditional use in the BG General Business zoning district in conjunction with the principal use when located above ground floor. The BGC Central General Business District zone did not permit residential uses outside the condition use specifically for churches, temples, seminaries, and convents to allow for residences for teachers and pastors.

Section 5.12 BG General Business District

5.12.01 Intent: The (BG) General Business District is intended to establish standards that will foster and maintain an area within the district boundaries that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.12.02 Permitted Uses:

1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange,

- title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
2. Child care/day care.
 3. Dance studio, not including uses defined in Adult Establishment.
 4. Meeting hall, not including uses defined in Adult Establishment.
 5. Retail business or service establishment supplying commodities or performing services, such as, or in compatibility with and including the following:
 - A. Agricultural implement sales and service centers.
 - B. Apparel shop.
 - C. Appliance store.
 - D. Antique store.
 - E. Automobile displays, sales, service, and repair.
 - F. Automobile parking lot.
 - G. Automobile parts and supplies store.
 - H. Bakery shop.
 - I. Bar and tavern.
 - J. Barber and Beauty shop.
 - K. Bookstore, not including uses defined in Adult Establishment.
 - L. Business or professional school.
 - M. Building materials retail sales.
 - N. Clothing and tailoring shops.
 - O. Commercial greenhouses.
 - P. Communication services.
 - Q. Computer store.
 - R. Department store.
 - S. Drug stores and prescription shops.
 - T. Dry cleaners and establishments (not over two-thousand (2,000) square feet in floor area) with one dry cleaning unit having a capacity not to exceed 35 pounds per cycle using nonflammable or non-explosive solvents.
 - U. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
 - V. Floral shop.
 - W. Furniture store or showroom.
 - X. Gift and curio shop.
 - Y. Grocery store.
 - Z. Hardware store.
 - AA. Hobby, craft, toy store.
 - BB. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
 - CC. Laundry and dry cleaning pick-up and delivery stations.
 - DD. Liquor store.
 - EE. Medical and dental clinics.
 - FF. Mortuaries and funeral chapels.
 - GG. Newsstands, not including uses defined in Adult Establishment.
 - HH. Outdoor amusement and entertainment establishment, including miniature golf, but not including outdoor movie theaters.
 - II. Photography studio.
 - JJ. Picture framing shop.
 - KK. Restaurants, cafes, and fast food establishment.
 - LL. Second hand stores.
 - MM. Shoe store.
 - NN. Tanning salon.

- OO. Variety store, not including uses defined in Adult Establishment.
- PP. Video store, not including uses defined in Adult Establishment.
- QQ. Social club and fraternal organizations, not including uses defined in Adult Establishment.
- RR. Telephone exchange.
- SS. Telephone answering service.
- TT. Public overhead and underground local distribution utilities

6. Dwelling units not to exceed 9 units per acre if any are located on the ground floor or 20 units per acre if all units are located above the ground floor.

5.12.03 Permitted Conditional Uses:

- 1. Temporary structure for festivals or commercial events.
- 2. Recreational establishments.
- 3. Amusement arcades.
- 4. Garden supply and retail garden center.
- 5. Pool hall.
- 6. Temporary greenhouses.
- 7. Totally enclosed, automated and conveyor-style car washes.
- 8. Outdoor Entertainment.
- 9. Convenience store with limited fuel sales.
- 10. Residences in conjunction with the principle use when located above the ground floor.**
- 11. Churches, temples, seminaries, and convents including residences for teachers and pastors.**
- 12. Printing and publishing.
- 13. Car wash.
- 14. Garden supply and retail garden center.
- 15. Retail building material sales.
- 16. Service station and minor automobile repair services.
- 17. Tire store and minor automobile repair service.
- 18. Warehousing and storage. (Ordinance No. 518, Oct. 20, 2009)

Section 5.11 BGC Central General Business District

5.11.01 Intent: The (BGC) Central General Business District is intended to provide for commercial development within the existing downtown area of Wood River that will benefit the retail trade, business, cultural, and social activities of the entire community.

5.11.02 Permitted Uses:

- 1. Business and professional services including: attorneys, banks, insurance, real estate, offices, postal stations, printing, credit services, security brokers, dealers and exchange, title abstracting, savings and loans, finance services and investment services; but not including uses defined in Adult Establishment.
- 2. Dance studio, not including uses defined in Adult Establishment.
- 3. Meeting hall, not including uses defined in Adult Establishment.
- 4. Retail business or service establishment supplying commodities or performing services at a small scale, such as, or in compatibility with and including the following:
 - A. Apparel shop.
 - B. Appliance store.
 - C. Antique store.
 - D. Automobile parts supply store, not including repair or service facilities.
 - E. Bakery shop.
 - F. Barber and Beauty shop.
 - G. Bookstore, not including uses defined in Adult Establishment.

- H. Clothing and tailoring shops.
- I. Communication services.
- J. Computer store.
- K. Drug stores and prescription shops.
- L. Floral shop and commercial greenhouses.
- M. Furniture store or showroom.
- N. Gift and curio shop.
- O. Grocery store.
- P. Hardware store.
- Q. Hobby, craft, toy store.
- R. Indoor amusement and entertainment establishment, including bowling alleys and movie theaters, not including uses defined in Adult Establishment.
- S. Laundry and dry cleaning pick-up and delivery stations.
- T. Liquor store.
- U. Newsstands, not including uses defined in Adult Establishment.
- V. Photography studio.
- W. Picture framing shop.
- X. Restaurants.
- Y. Second hand stores.
- Z. Shoe store.
- AA. Tanning salon.
- BB. Variety store, not including uses defined in Adult Establishment.
- CC. Video store, not including uses defined in Adult Establishment.
- DD. Telephone exchange.
- EE. Telephone answering service.

5. Dwelling units not to exceed 9 units per acre if any are located on the ground floor or 20 units per acre if all units are located above the ground floor.

5.11.03 Permitted Conditional Uses:

- 1. Automobile parking lot.
- 2. Automobile sales and service facilities, including tire sales and installation.
- 3. Business or professional school.
- 4. Car wash.
- 5. Churches, temples, seminaries, and convents including residences for teachers and pastors.
- 6. Convenience store with limited fuel sales.
- 7. Dance club, not including uses defined in Adult Establishment
- 8. Dry cleaners and establishments (not over two-thousand (2,000) square feet in floor area) with one dry cleaning unit having a capacity not to exceed 35 pounds per cycle using nonflammable or non-explosive solvents.
- 9. Exercise, fitness and tanning spa, not including uses defined in Adult Establishment.
- 10. Frozen food locker.
- 11. Garden supply and retail garden center.
- 12. Gas station.
- 13. Liquor store.
- 14. Lumber yard, home improvement center.
- 15. Outdoor advertising signs.
- 16. Tavern and cocktail lounge, not including uses defined in Adult Establishment.
- 17. Veterinarians' offices and hospitals, and boarding kennels, provided that no structure or building used to house horses or other animals is located closer than one-hundred feet (100') to any residential use.

RECOMMENDATION:

That the Regional Planning Commission recommend that the Grand Island City Council **approve** the changes to the Wood River Zoning Ordinance as presented.

_____ Chad Nabity AICP, Planning Director



Hall County Regional Planning Commission

**Wednesday, December 1, 2021
Regular Meeting**

Item F5

**Request for Conservation Easement - Hall County - Concerning a
Conservation Easement for the Wetlands Reserve Program
comprising a part of the South Half (S1/2) of Section Thirty-Six
(36), Township Ten (10) North, Range Nine (9) West of the 6th
P.m.**

Staff Contact:

Agenda Item #9

PLANNING DIRECTOR RECOMMENDATION TO REGIONAL PLANNING COMMISSION:

November 17, 2021

SUBJECT: *Conservation Easement C-11-22HC*

PROPOSAL: The Larry L. Brummund Estate has submitted a proposed Wetland Reserve Program conservation easement with the Natural Resources Conservation Service (NRCS) to Hall County for approval. The WRP conservation easement is proposed on property owned by the Larry L. Brummund Estate in the S ½ of the NW ¼ of Section 36 Township 10 N, Range 9 west of the 6th P.M. The property is located south of the Lowry Road east of Shady Bend Road.

The Hall County Board of Supervisors forwarded this matter to the planning commission per statutory requirements at their meeting on November 9, 2021.

OVERVIEW:

The Larry L. Brummund Estate currently owns this property and wishes to transfer a conservation easement on this property to NRCS under the WRP program. They are proposing to place a conservation easement on the property with rights to enforce that easement transferred to NRCS. The owner of the property is agreeable to the easement and subsequent restrictions on use. As defined by NRSS §76-2112, the NRCS is eligible to receive, hold and enforce the conservation easement.

A recommendation on this easement to determine conformity with the Comprehensive Plan is required by State Statutes.

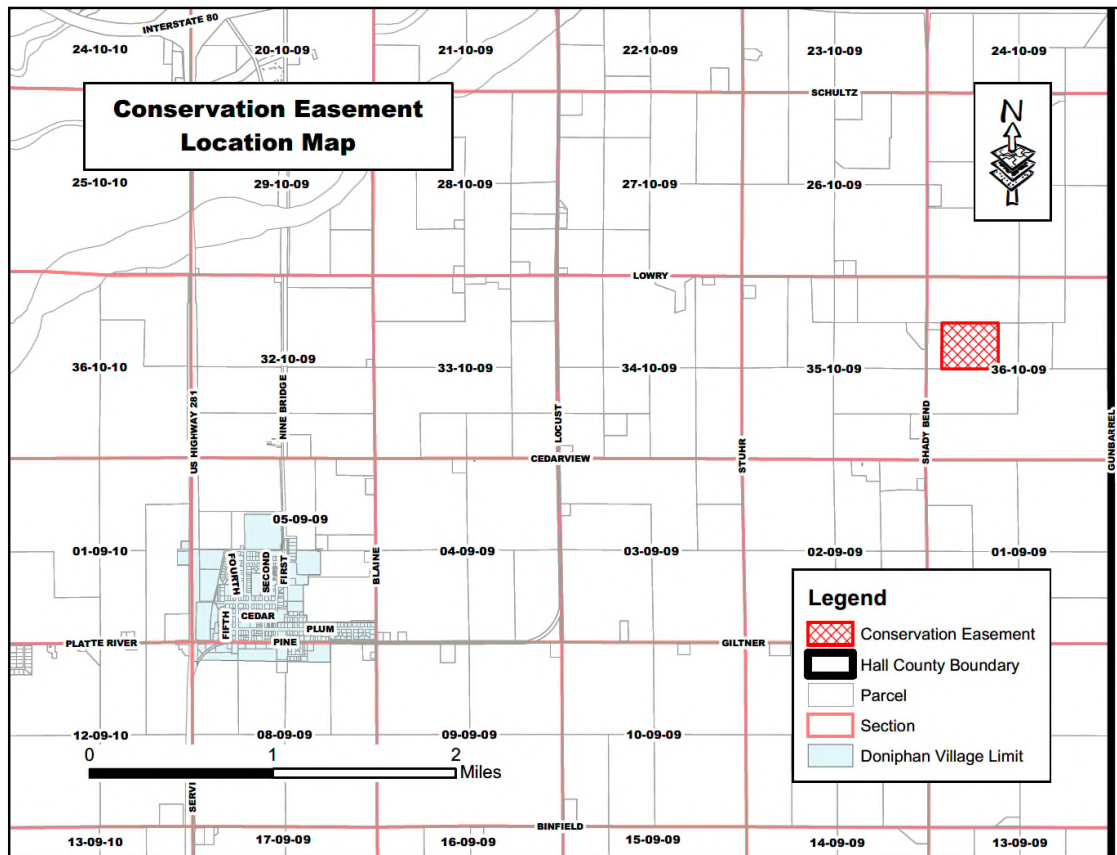
Site Analysis

<i>Current zoning designation:</i>	A-1-Primary Agricultural District
<i>Permitted and conditional uses:</i>	Agriculture and Recreation Related uses
<i>Comprehensive Plan Designation:</i>	Agricultural
<i>Existing land uses:</i>	Row Crop and Wetlands
<i>Site constraints:</i>	Wetlands cover the center of the property

Adjacent Properties Analysis

<i>Current zoning designations:</i>	North, South, East and West: A-1 Primary Agricultural District
-------------------------------------	--

<i>Comprehensive Plan Designation:</i>	North South, East and West: Agriculture
<i>Existing land uses:</i>	Farm Ground/



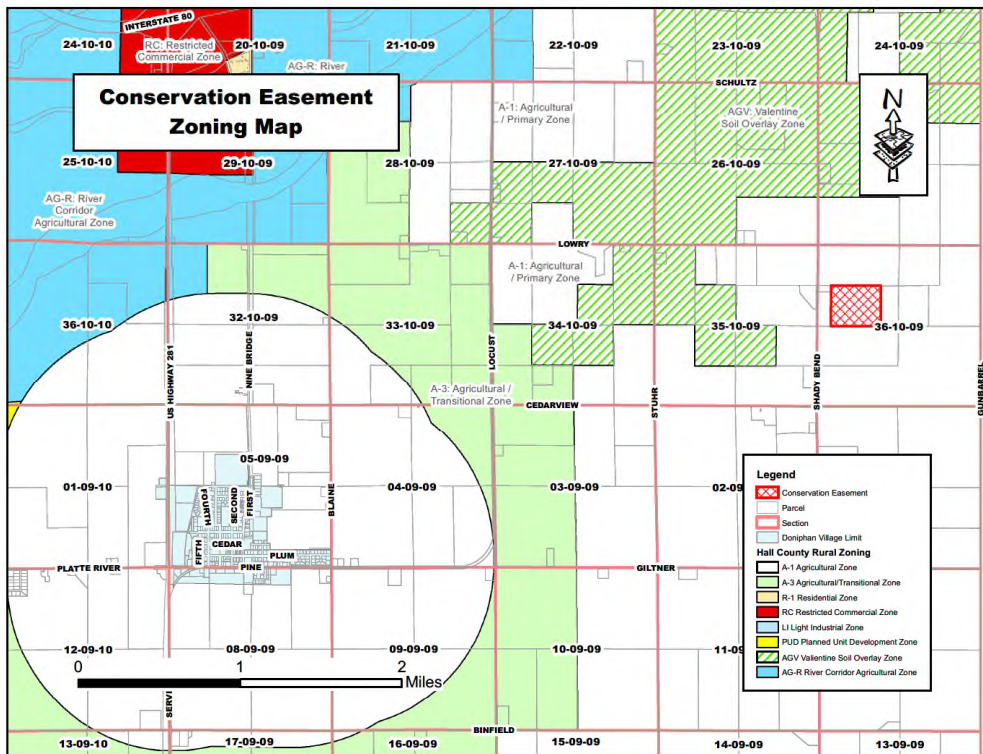


Figure 1 Zoning Map with proposed Easement Highlighted

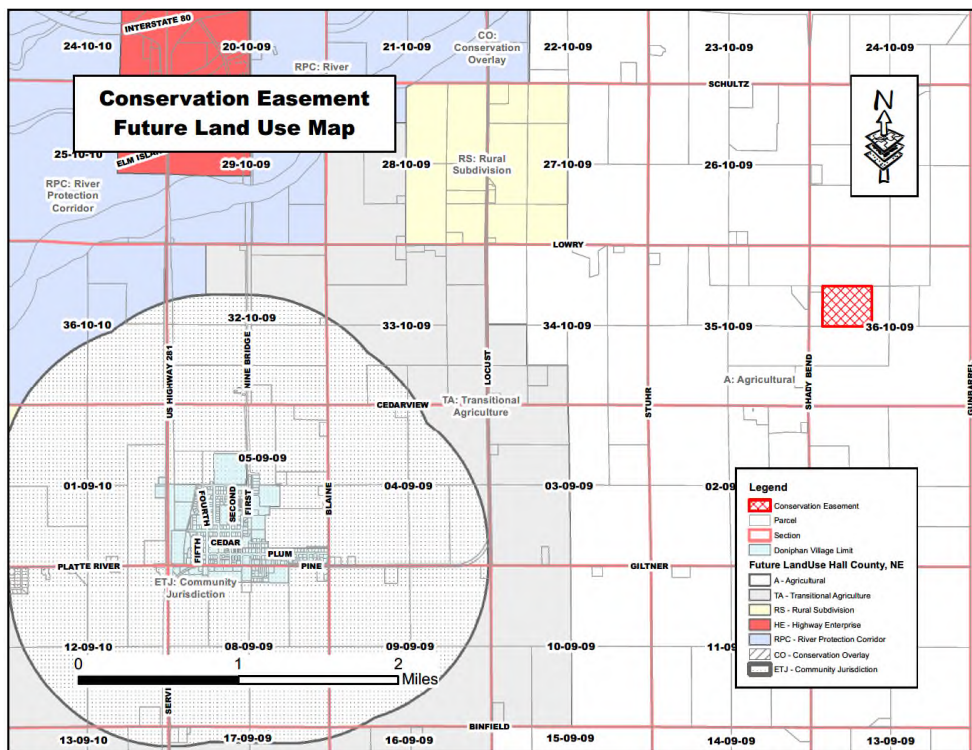


Figure 2 Future Land Use Map with Proposed Easement Highlighted

EVALUATION:

The easement is proposed on property that is zoned for agricultural purposes and planned to be used for agricultural purposes for the foreseeable future. While the property is not in the flood plain the existing of the wetlands across the property does limit the potential for development.

Hall County Comprehensive Plan General Land Use Policies

Goal 1

Hall County should manage the land in a cost-effective and efficient manner while protecting the environment and natural resources, as well as maintaining and increasing land values. Guiding future growth and development in Hall County towards a compact pattern of land uses based upon the efficient and economical expansion of public infrastructure will continue to maintain and improve the quality of life for Hall County residents.

- 1.1.7 Discourage and minimize leapfrog development outside of cities and villages.
- 1.1.8 Hall County should allow agricultural production in all areas in which agricultural uses are appropriate, and non-agricultural development in agricultural areas should be allowed in specifically designated areas which does not negatively impact the agricultural uses.
- 1.2.5 Encourage low to zero non-farm densities in prime farmland areas and other agricultural districts by providing residential lot size requirements and proper separation distances between residential and agricultural uses.

It would appear that based on the current zoning, the future land use plan for the county, the desire of the county as expressed in the comprehensive plan general land use policies 1.1.7, 1.1.8, 1.2.5 that it would be in conformance with the Hall County Comprehensive Plan to permit this conservation easement.

RECOMMENDATION:

That the Regional Planning Commission recommends that the Hall County Board **approve** this request for a conservation easement as presented.

_____ Chad Nabity AICP, Planning Director

Hall County Board of Commissioners
Marla Conley, County Clerk
121 South Pine Street
Grand Island, NE 68801

October 20, 2021

Dear Marla Conley:

As you are likely aware, on June 24, 2021, Governor Pete Ricketts signed Executive Order No. 21-08, "Stop 30 x 30 – Protect Our Land & Water." In this Executive Order, the Governor directed the Nebraska Department of Revenue to host workshops to educate and advise county officials of their rights in reviewing conservation easements pursuant to Nebraska Revised Statute 76-2,112.

Under the Nebraska Conservation and Preservation Easements Act (Neb. Rev. Stat. 76-2,112, et seq.), local governing bodies have the right to review conservation easements to determine whether they conflict with land-use planning. In anticipation for this review, this letter serves as my official notice of intent to file an Agricultural Conservation Easement Program – Wetland Reserve Easement (ACEP-WRE) in the county at the following location:

S1/2 NW1/4 36 – 10 – 9W Hall County (see attached map).

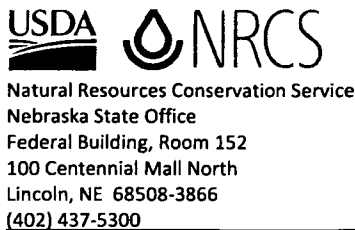
Land eligible for wetland reserve easements includes farmed or converted wetland that can be successfully and cost-effectively restored. Wetland Reserve Easements provide habitat for fish and wildlife, including threatened and endangered species, improve water quality by filtering sediments and chemicals, reduce flooding, recharge groundwater, protect biological diversity and provide opportunities for educational, scientific and limited recreational activities.

Please be advised that you have sixty (60) days to render this easement approved or disapproved. Neb. Rev. Stat. 76-2,112(3). If you do not render a decision within this timeframe, the easement is automatically approved. Local governing authorities may only deny approval upon a finding that the easement is not in public interest when the easement is inconsistent with "(a) a comprehensive plan for the area which had been officially adopted and was in force at the time of the conveyance, (b) any national, state, regional, or local program furthering conservation or preservation, or (c) any known proposal by a governmental body for use of the land." Neb. Rev. Stat. 76-2,112(3)(c).

Please confirm receipt of this notice. Additionally, I request that you let me know if you have any questions regarding the easement or require any additional information or documentation.

Sincerely,

Larry L. Brummund Estate
C/O Jason Brummund
103 W 8 RD
Doniphan, NE 68832-2111
308-258-3490



October 20, 2021

Larry L. Brummund Estate
C/O Jason Brummund
103 W 8 RD
Doniphan, NE 68832-2111

RE: Executive Order by Governor Ricketts pertaining to conservation easements in Nebraska
and your conservation agreement #5465262101WZ5 in Hall County.

Dear Landowner:

On June 24, 2021, Governor Pete Ricketts signed Executive Order No. 21-08, "Stop 30 x 30 – Protect Our Land & Water." In this Executive Order, the Governor directed the Nebraska Department of Revenue to host workshops to educate and advise county officials of their rights in reviewing conservation easements pursuant to Nebraska Revised Statute 76-2,112; these workshops have now been completed.

Under the Nebraska Conservation and Preservation Easements Act (Neb. Rev. Stat. 76-2,112, et seq.), local governing bodies have the right to review conservation easements to determine whether they conflict with land-use planning. They have 60 days to respond and if they do not respond within 60 days the easement is considered approved.

NRCS has enclosed a request for review letter that was developed for this purpose and has been filled out with your conservation easement information. NRCS is asking the landowners to deliver the requests to their local county clerk's office so the County Boards can begin their review and start the 60-day countdown for their review to be completed.

Please get documentation from the clerk when you have delivered it to their office and send a copy to our office, at the address listed below; you should keep a copy for your records. Our office will record the delivery date as the start of the 60-day period to complete their review.

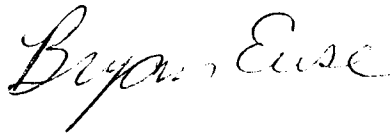
**USDA-NRCS Lincoln State Office
Attn: Bryan Euse
100 Centennial Mall N. RM 152
Lincoln, NE 68508**

*Helping People Help the Land
USDA is an equal opportunity provider, employer, and lender.*

NRCS will not be able to move forward with your ACEP Easement without this approval from the County Board, so it is important that this gets delivered to them as soon as possible. We feel that these conservation easements meet all the requirements necessary to get approval from the county boards, however if your request is not approved please let us know immediately so we can proceed to implement the next steps of our process.

If you have any further questions, please contact Bryan Euse (Easement Program Manager) by phone at (402) 437-4048 or by e-mail at bryan.euse@usda.gov. You may also contact Shawn McVey (Wetland Restoration Specialist) by phone at (402) 437-4148 or by e-mail at shawn.mcvey@usda.gov or contact your local easement staff that assisted you through the application process.

Sincerely,



BRYAN EUSE
Easement Programs Manager

Enclosures:

- A. Review Request for the County Board of Commissioners
- B. Map of Easement Area in Nuckolls County

cc:

Kristi Schleif, Area Easement Specialist, NRCS, Osceola Field Office
Timothy Grosch, Area Easement Specialist, NRCS, Grand Island Area Office



Hall County Clerk
Administration Building
121 South Pine Street- Suite 4
Grand Island, Nebraska 68801

CLERK - Marla Conley

308-385-5080 ♦ FAX 308-385-5184

DEPUTY - Shanda Conley

October 27, 2021

USDA-NRCS Lincoln State Office
Attn. Bryan Euse
100 Centennial Mall N. RM 152
Lincoln, N 68508

Dear Mr. Euse,

Please be advised that Mr. Brummund delivered a copy of the letter regarding the Agricultural Conservation Easement Program – Wetland Reserve Easement for the following described property

S1/2 NW ¼ 36 – 10 – 9W Hall County

This notice will be forwarded to the Hall County Board of Commissioner's for the necessary action and decision.

Sincerely

A handwritten signature in black ink, reading "Marla J. Conley". The signature is written in a cursive, flowing style.

Marla J. Conley
Hall County Clerk



Boundary Map

Customer: Larry Brummund
Application #: 5465262101WZ5
Approx. Acres: 51 Acres
Legal description: S1/2 NW1/4 36-10-9W, Hall Co.

Date: 11/09/2020
Field Office: GRAND ISLAND
Agency: CPNRD
Assisted By: KRYSTAL BIALAS

Shady Bend Road

Legend

-  Application Boundary
-  Ownership Boundary
-  Access

0 120 240 480 720 960 Feet



Prepared with assistance from USDA-Natural Resources Conservation Service

Updated
10-26-2021

To be filed with
the Appropriate
Governing Body

Conservation Easement Application

Name and Address of Owner of the Land			Name and Address of Owner or Holder of the Conservation Easement		
Name			Name		
Street or Other Mailing Address			Street or Other Mailing Address		
City	State	Zip Code	City	State	Zip Code
Email Address	Phone Number		Email Address	Phone Number	
County Name			Parcel ID Number		
Legal Description					

Description of the Land and Conservation Easement Restrictions

I request that the conservation easement described on this form be approved.

sign
here

Signature of Owner of the Land or the Holder of the Conservation Easement

Date

Appropriate Governing Body Member, Commissioner, or Chairperson Signature

Date

For the Appropriate Governing Body Use Only

Date Reviewed _____

COMMENTS: _____

☐ Approved

☐ Denied

Appropriate Governing Body member, Commissioner, or Chairperson Signature

Instructions

A conservation or preservation easement is an interest in real property, created by an instrument (document) in which the purpose of the easement is clearly stated. The instrument is to be filed, duly recorded, and indexed in the Register of Deeds office in the county where the real property and conservation or preservation easement is located.

Who May File. This form is to be filed with the conservation easement deed by the owner of the land or the owner or holder of the conservation easement.

When and Where to File. To minimize conflicts with land-use planning, this form and applicable deed should be filed with the appropriate governing body for approval prior to filing with the Register of Deeds.

Appropriate Governing Body. The appropriate governing body must first refer the proposed acquisition to and receive comments from the local planning commission that has jurisdiction over the subject property. The local planning commission has 60 days to provide comments; if no comments are received the proposed acquisition will be deemed approved.

The appropriate governing body depends on where the subject property is located as follows:

- The governing body of a city or village if the property is located partially or entirely within the boundaries or zoning jurisdiction of a city or village; or
- The county board if the property is located entirely outside the boundaries or zoning jurisdiction of any city or village; or
- Niobrara Council if the property is located in the Niobrara scenic river corridor and is not incorporated within the boundaries of a city or village.

Denial of proposed acquisition. Upon a finding of the appropriate governing body that the acquisition is not in the public interest when the easement is inconsistent with (a) a comprehensive plan for the area which had been officially adopted and in force at the time of the conveyance; (b) any national, state, or local program furthering conservation or preservation; or (c) any known proposal by a governmental body for use of the land.

Signature. This form must be signed by the owner of the land or the holder of the conservation easement.

The Governing Body must electronically submit this completed form and conservation easement deed to the Nebraska Department of Revenue, Property Assessment Division. Please electronically submit to: pat.tech@nebraska.gov.

76-2,112. Easement; creation; approval by governing body; when required.

(1) A conservation or preservation easement shall be an interest in real property, created by an instrument in which the purpose for the easement is clearly stated. The instrument shall be filed, duly recorded, and indexed in the office of the register of deeds of the county in which the real property subject to the conservation or preservation easement is located.

(2) No conveyance of a conservation or preservation easement shall be effective until accepted by the holder.

(3) In order to minimize conflicts with land-use planning, each conservation or preservation easement shall be approved by the appropriate governing body. Such approving body shall first refer the proposed acquisition to and receive comments from the local planning commission with jurisdiction over such property, which shall within sixty days of the referral provide such comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission. If the property is located partially or entirely within the boundaries or zoning jurisdiction of a city or village, approval of the governing body of such city or village shall be required. If such property is located entirely outside the boundaries and zoning jurisdiction of any city or village, approval of the county board shall be required. If the property is located in the Niobrara scenic river corridor as defined in section 72-2006 and is not incorporated within the boundaries of a city or village, the Niobrara Council approval rather than city, village, or county approval shall be required. Approval of a proposed acquisition may be denied upon a finding by the appropriate governing body that the acquisition is not in the public interest when the easement is inconsistent with (a) a comprehensive plan for the area which had been officially adopted and was in force at the time of the conveyance, (b) any national, state, regional, or local program furthering conservation or preservation, or (c) any known proposal by a governmental body for use of the land.

(4) Notwithstanding the provisions of subsection (3) of this section, the state, or any state agency or political subdivision other than a city, village, or county, may accept an easement after first referring the proposed acquisition to and receiving comments from the local planning commission with jurisdiction over the property, which shall within sixty days of the referral provide such comments regarding the conformity of the proposed acquisition to comprehensive planning for the area. If such comments are not received within sixty days, the proposed acquisition shall be deemed approved by the local planning commission.

Source: Laws 1981, LB 173, § 2; Laws 2000, LB 1234, § 12.



STATE *of* NEBRASKA
OFFICE OF THE GOVERNOR
LINCOLN

EXECUTIVE ORDER No. 21-08
STOP 30 X 30 – PROTECT OUR LAND & WATER

WHEREAS, Nebraska's farmers and ranchers care for the land and water and are the original conservationists and good stewards; and

WHEREAS, President Joe Biden signed Executive Order #14008 entitled, "Tackling the Climate Crisis at Home and Abroad;" and

WHEREAS, Executive Order #14008 sets a "goal of conserving at least 30 percent of our lands and waters by 2030;" and

WHEREAS, private property is a fundamental tenet of the American free enterprise system, and critical to the success of Nebraska's top industries, including agriculture and manufacturing; and

WHEREAS, achieving the goal of conserving 30% of the nation's land and water by 2030 would require conserving a land area the size of Nebraska each year for nine years; and

WHEREAS, federal conservation mandates have no constitutional basis, and have great potential to devastate Nebraska's economy; and

WHEREAS, the federal 30 percent conservation goal would interfere with the States' constitutional and traditional power over land and water uses; and

WHEREAS, the people of Nebraska oppose federal overreach and want to protect our state's land and water to continue to make them more productive;

NOW THEREFORE, I, Pete Ricketts, Governor of the State of Nebraska, by virtue of the authority vested in me by the Constitution and laws of Nebraska, order all code agencies to take any necessary step to resist and prevent the federal government's attempt to usurp state authority as they implement the 30 x 30 goal.

Pursuant to this declaration, I hereby order the following:


1. The Nebraska Department of Revenue – Property Assessment Division shall host a minimum of three workshops to help county officials understand the tax consequences of conservation and preservation easements, and to advise counties of their rights in reviewing conservation easements pursuant to Nebraska Revised Statute 76-2,112.
2. The Nebraska Department of Revenue – Property Assessment Division shall work to identify existing conservation easements across the state and will hereby maintain an inventory of conservation easements to assist county assessors in accurately determining land values for the purpose of assessment and taxation.
3. The Nebraska Department of Agriculture shall maintain on its website a list of local units of government that have passed resolutions opposing the goal of conserving 30% of the nation's land and water by 2030.
4. The Nebraska Department of Agriculture shall maintain on its website a list of local units of government that have voted to endorse the goal of conserving 30% of the nation's land and water by 2030.
5. The Governor's Office shall place an 18-month hold on approving any new regulations expanding the definition of endangered species, plants, or wildlife pursuant to Nebraska Revised Statute 37-806.
6. No code agency shall provide any discretionary funding or staff support to projects involving perpetual conservation easements.
7. Exceptions to #6 may be approved by the Governor's Office for projects under multi-state water agreements, infrastructure, water management programs, and other limited purposes.
8. All code agencies shall seek Governor's Office approval to provide discretionary funding or staff resources for projects involving a conservation easement with a term of years.
9. Agencies may seek annual categorical approval under #8 for water management programs for which the code agency offers contracts for a term of years. All code agencies shall seek Governor's Office approval for such provision.
10. The Nebraska Department of Agriculture shall work to coordinate with the U.S. Department of Agriculture (USDA) to ensure that the USDA is seeking proper local approvals for conservation easements related to the Agriculture Conservation Easement Program, Working Lands for Wildlife, Wetlands Reserve Program, and other federal programs.
11. The Nebraska Department of Agriculture Director is hereby designated as Nebraska's State Coordinator for the Climate Task Force recently established by the U.S. Department of the Interior (DOI) in Secretarial Order No. 3399 Section 4(b)(2). The Governor's Office shall notify DOI of the designation and reserves the right to change the designation at any time.

IN WITNESS THEREOF, I have hereunto set my hand and caused the Great Seal of the State of Nebraska to be affixed on this 24th day of June, 2021.



Attest:


Pete Ricketts, Governor
State of Nebraska


Robert B. Evnen, Secretary of State
State of Nebraska

WARRANTY EASEMENT DEED IN PERPETUITY

AGRICULTURAL CONSERVATION EASEMENT PROGRAM – WETLAND RESERVE EASEMENT EASEMENT NO. _____

THIS WARRANTY EASEMENT DEED is made by and between

_____ of
_____ (hereafter referred to as the
“Landowner”), Grantor(s), and **the UNITED STATES OF AMERICA** and its assigns
(hereafter referred to as the “United States”), Grantee. The Landowner and the United States are
jointly referred to as the “Parties.”

The United States of America is acquiring this property by and through the Commodity Credit Corporation (CCC) and the acquiring agency of the United States is the Natural Resources Conservation Service (NRCS), United States Department of Agriculture.

Witnesseth:

Purposes and Intent. The purpose of this easement is to restore, protect, manage, maintain, and enhance the functional values of wetlands and other lands, and for the conservation of natural values including fish and wildlife and their habitat, water quality improvement, flood water retention, groundwater recharge, open space, aesthetic values, and environmental education. It is the intent of NRCS to give the Landowner the opportunity to participate in the restoration and management activities on the Easement Area.

Authority. This easement deed acquisition is authorized by Subtitle H of Title XII of the Food Security Act of 1985, as amended, for the Agricultural Conservation Easement Program - Wetland Reserve Easement.

NOW THEREFORE, for and in consideration of the terms of these mutual obligations and benefits recited herein to each party and the sum of _____ Dollars

(\$ _____), paid to Grantor(s) subject to commensurate reduction under 7 CFR Part 1400, the receipt of which is hereby acknowledged, Grantor(s) hereby grants and conveys with general warranty of title to the UNITED STATES OF AMERICA and its assigns (Grantee), in perpetuity, the lands comprising the Easement Area described in Part I and appurtenant rights of access to the Easement Area, but reserving to the

Landowner only those rights, title, and interest in the lands comprising the Easement Area expressly enumerated in Part II. It is the intention of the Landowner to convey and relinquish any and all other property rights not so reserved. This easement shall constitute a servitude upon the land so encumbered; shall run with the land for the duration of the easement; and shall bind the Grantor(s), their heirs, successors, assigns, lessees, and any other person claiming under them.

SUBJECT, however, to all valid rights of record, if any.

PART I. Description of the Easement Area. The lands encumbered by this easement deed, referred to hereafter as the Easement Area, are described on EXHIBIT A, which is appended to and made a part of this easement deed.

TOGETHER with a right of access for ingress and egress to the Easement Area across adjacent or other properties of the Landowner. Such a right-of-way for access purposes is described in EXHIBIT B, which is appended to and made a part of this easement deed.

PART II. Reservations in the Landowner on the Easement Area. Subject to the rights, title, and interest conveyed by this easement deed to the United States, including the restoration, protection, management, maintenance, enhancement, and monitoring of the wetland and other natural values of the Easement Area, the Landowner reserves:

- A. Title. Record title, along with the Landowner's right to convey, transfer, and otherwise alienate title to these reserved rights.
- B. Quiet Enjoyment. The right of the Landowner to enjoy the rights reserved on the Easement Area without interference from others.
- C. Control of Access. The right to prevent trespass and control access by the general public subject to the operation of State and Federal law.
- D. Recreational Uses. The right to undeveloped recreational uses, including undeveloped hunting and fishing and leasing of such rights for economic gain, pursuant to applicable State and Federal regulations that may be in effect at the time. Undeveloped recreational uses may include use of hunting or observation blinds that will accommodate no more than four people and are temporary, nonpermanent, and easily assembled, disassembled, and moved without heavy equipment. Undeveloped recreational uses must be consistent with the long-term protection and enhancement of the wetland and other natural values of the Easement Area.
- E. Subsurface Resources. The right to oil, gas, minerals, and geothermal resources underlying the Easement Area, provided that any drilling or mining activities are to be located outside the boundaries of the Easement Area, unless activities within the boundaries are specified in accordance with the terms and conditions of EXHIBIT C which is appended to and made a part of this easement deed, if applicable.

- F. Water Rights and Water Uses. The right to water uses and water rights identified as reserved to the Landowner in EXHIBIT D, which is appended to and made a part of this Easement Deed, if applicable.

PART III. Obligations of the Landowner. The Landowner shall comply with all terms and conditions of this Easement, including the following:

- A. Prohibitions. Without otherwise limiting the rights of the United States acquired hereunder, it is expressly understood that the rights to carry out the following activities and uses have been acquired by the United States and, unless authorized by the United States under Part IV, are prohibited on the Easement Area:
1. Haying, mowing, or seed harvesting for any reason;
 2. Altering of grassland, woodland, wildlife habitat, or other natural features by burning, digging, plowing, disking, cutting, or otherwise destroying the vegetative cover;
 3. Accumulating or dumping refuse, wastes, sewage, or other debris;
 4. Harvesting wood or sod products;
 5. Draining, dredging, channeling, filling, leveling, pumping, diking, impounding, or related activities, as well as altering or tampering with water control structures or devices, except as specifically set forth in EXHIBIT D, if applicable;
 6. Diverting or causing or permitting the diversion of surface or underground water into, within, or out of the Easement Area by any means, except as specifically set forth in EXHIBIT D, if applicable;
 7. Building, placing, or allowing to be placed structures on, under, or over the Easement Area, except for individual semi-permanent hunting or observation blinds for undeveloped recreational uses, the external dimensions of which will be no more than 80 square feet and 8 feet in height, with the number, locations, and features of blinds approved by NRCS under Part IV;
 8. Planting or harvesting any crop;
 9. Grazing or allowing livestock on the Easement Area;
 10. Disturbing or interfering with the nesting or brood-rearing activities of wildlife including migratory birds;
 11. Use of the Easement Area for developed recreation. These uses include but are not limited to, camping facilities, recreational vehicle trails and tracks, sporting clay operations, skeet shooting operations, firearm range operations, and the infrastructure to raise, stock, and release captive raised waterfowl, game birds and other wildlife for hunting or fishing;
 12. Any activities which adversely impact or degrade wildlife cover or other habitat benefits, water quality benefits, or other wetland functions and values of the Easement Area; and
 13. Any activities to be carried out on the Landowner's land that is immediately adjacent to, and functionally related to, the Easement Area if such activities will alter, degrade, or otherwise diminish the functional value of the Easement Area.

- B. Noxious Plants and Pests. The Landowner is responsible for noxious weed control and emergency control of pests as required by all Federal, State, and local laws. A plan to control noxious weeds and pests must be approved in writing by the NRCS prior to implementation by the Landowner.
- C. Fences. Except for establishment cost incurred by the United States and replacement cost not due to the Landowner's negligence or malfeasance, all other costs involved in maintenance of fences and similar facilities to exclude livestock are the responsibility of the Landowner. The installation or use of fences which have the effect of preventing wildlife access and use of the Easement Area are prohibited on the Easement Area, easement boundary, or on the Landowner's land that is immediately adjacent to, and functionally related to, the Easement Area.
- D. Restoration. The Landowner shall allow the restoration and management activities NRCS deems necessary for the Easement Area.
- E. Access Maintenance. The Landowner is responsible to maintain any non-public portions of the access route described in Exhibit B such that the access route can be traversed by a standard four-wheel all-terrain vehicle at least annually.
- F. Use of Water for Easement Purposes. The Landowner shall use water for easement purposes as set forth in EXHIBIT D, which is appended to and made a part of this Easement Deed, if applicable.
- G. Protection of Water Rights and Water Uses. As set forth in EXHIBIT D, if applicable, the Landowner shall undertake actions necessary to protect any water rights and water uses for easement purposes.
- H. Taxes. The Landowner shall pay any and all real property and other taxes and assessments, if any, which may be levied against the land.
- I. Reporting. The Landowner shall report to the NRCS any conditions or events which may adversely affect the wetland, wildlife, and other natural values of the Easement Area.
- J. Survival. Irrelevant of any violations by the Landowner of the terms of this Easement Deed, this easement survives and runs with the land for its duration.
- K. Subsequent Conveyances. The Landowner agrees to notify NRCS in writing of the names and addresses of any party to whom the property subject to this Easement Deed is to be transferred at or prior to the time the transfer is consummated. Landowner and its successors and assigns shall specifically refer to this Easement Deed in any subsequent lease, deed, or other instrument by which any interest in the property is conveyed.

PART IV. Compatible Uses by the Landowner.

- A. General. The United States may authorize, in writing and subject to such terms and conditions the NRCS may prescribe at its sole discretion, the temporary use of the Easement Area for compatible economic uses, including, but not limited to, managed timber harvest, periodic haying, or grazing.
- B. Limitations. Compatible use authorizations will only be made if, upon a determination by NRCS in the exercise of its sole discretion and rights, that the proposed use is consistent with the long-term protection and enhancement of the wetland and other natural values of the Easement Area. The NRCS shall prescribe the amount, method, timing, intensity, and duration of the compatible use. Compatible use authorizations do not vest any rights in the Landowner and can be revoked by NRCS at any time.

PART V. Rights of the United States. The rights of the United States include:

- A. Management Activities. The United States has the right to enter the Easement Area to undertake, on a cost-share basis with the Landowner or other entity as determined by the United States, any activities to restore, protect, manage, maintain, enhance, and monitor the wetland and other natural values of the Easement Area. The United States may apply to or impound additional waters, in accordance with State water law, on the Easement Area in order to maintain or improve wetland and other natural values.
- B. Access. The United States has a right of reasonable ingress and egress to the Easement Area over the Landowner's property, whether or not the property is adjacent or appurtenant to the Easement Area, for the exercise of any of the rights of the United States under this Easement Deed. The authorized representatives of the United States may utilize vehicles and other reasonable modes of transportation for access purposes. To the extent practical, the United States shall utilize the access identified in EXHIBIT B. The United States may, in its discretion, conduct maintenance activities on the access route identified in Exhibit B to obtain physical access to the Easement Area for the exercise of any of the rights of the United States under this Easement Deed. The United States also has the right of reasonable ingress and egress across the Easement Area to other adjacent or appurtenant property in which the United States holds real property rights acquired by and through NRCS.
- C. Easement Management. The Secretary of Agriculture, by and through the NRCS, may delegate all or part of the management, monitoring or enforcement responsibilities under this Easement Deed to any Federal or State agencies authorized by law that the NRCS determines to have the appropriate authority, expertise, and resources necessary to carry out such delegated responsibilities. State or Federal agencies may utilize their general statutory authorities in the administration of any

delegated management, monitoring or enforcement responsibilities for this easement. The authority to modify, subordinate, exchange, or terminate this easement under Subtitle H of Title XII of the Food Security Act of 1985 is reserved to the Secretary of Agriculture in accordance with applicable law. If the United States at some future time acquires the underlying fee title in the property, the interest conveyed by this Easement Deed will not merge with fee title but will continue to exist and be managed as a separate estate.

D. Violations and Remedies – Enforcement. The Parties, Successors, and Assigns, agree that the rights, title, interests, and prohibitions created by this Easement Deed constitute things of value to the United States and this Easement Deed may be introduced as evidence of same in any enforcement proceeding, administrative, civil or criminal, as the stipulation of the Parties hereto. If there is any failure of the Landowner to comply with any of the provisions of this Easement Deed, the United States or other delegated authority shall have any legal or equitable remedy provided by law and the right:

1. To enter upon the Easement Area to perform necessary work for prevention of or remediation of damage to wetland or other natural values; and,
2. To assess all expenses incurred by the United States (including any legal fees or attorney fees) against the Landowner, to be owed immediately to the United States.

PART VI. General Provisions.

- A. Successors in Interest. The rights granted to the United States shall accrue to any of its agents or assigns. All obligations of the Landowner under this Easement Deed shall also bind the Landowner's heirs, successors, agents, assigns, lessees, and any other person claiming under them. All the Landowners who are parties to this Easement Deed shall be jointly and severally liable for compliance with its terms.
- B. Rules of Construction and Special Provisions. All rights in the Easement Area not reserved by the Landowner shall be deemed acquired by the United States. Any ambiguities in this Easement Deed shall be construed in favor of the United States to effect the wetland and conservation purposes for which this Easement Deed is being acquired. The property rights of the United States acquired under this easement shall be unaffected by any subsequent amendments or repeal of the Agricultural Conservation Easement Program. If the Landowner receives the consideration for this easement in installments, the Parties agree that the conveyance of this easement shall be totally effective upon the payment of the first installment.
- C. Environmental Warranty. "Environmental Law" or "Environmental Laws" means any and all Federal, State, local or municipal laws, orders, regulations, statutes,

ordinances, codes, guidelines, policies, or requirements of any governmental authority regulating or imposing standards of liability or standards of conduct (including common law) concerning air, water, solid waste, hazardous materials or substance, worker and community right-to-know, hazard communication, noise, radioactive material, resource protection, subdivision, inland wetlands and watercourses, health protection and similar environmental health, safety, building, and land use as may now or at any time hereafter be in effect.

“Hazardous Materials” means any petroleum, petroleum products, fuel oil, waste oils, explosives, reactive materials, ignitable materials, corrosive materials, hazardous chemicals, hazardous wastes, hazardous substances, extremely hazardous substances, toxic substances, toxic chemicals, radioactive materials, infectious materials, and any other element, compound, mixture, solution or substance which may pose a present or potential hazard to human health or the environment.

Landowner warrants that it is in compliance with, and shall remain in compliance with, all applicable Environmental Laws. Landowner warrants that there are no notices by any government authority of any violation or alleged violation of, non-compliance or alleged non-compliance with or any liability under any Environmental Law relating to the operations or conditions of the Easement Area. Landowner further warrants that it has no actual knowledge of a release or threatened release of Hazardous Materials on, beneath, near, or from the Easement Area.

- D. General Indemnification. Landowner shall indemnify and hold harmless the United States, its employees, agents, and assigns for any and all liabilities, claims, demands, losses, expenses, damages, fines, fees, penalties, suits, proceedings, actions, and cost of actions, sanctions asserted by or on behalf of any person or government authority, and other liabilities (whether legal or equitable in nature and including, without limitation, court costs, and reasonable attorneys’ fees and attorneys’ fees on appeal) to which the United States may be subject or incur relating to the Easement Area, which may arise from, but is not limited to, Landowner’s negligent acts or omissions or Grantor’s breach of any representation, warranty, covenant, or agreements contained in this Easement Deed, or violations of any Federal, State, local or municipal laws, including all Environmental Laws.

TO HAVE AND TO HOLD, this Warranty Easement Deed is granted to the United States of America and its assigns forever. The Landowner covenants that he, she, or they are vested with good title to the Easement Area and will warrant and defend the same on behalf of the United States against all claims and demands. The Landowner covenants to comply with the terms and conditions enumerated in this document for the use of the Easement Area and adjacent lands for access, and to refrain from any activity not specifically allowed or that is inconsistent with the purposes of this Easement Deed.

Dated this _____ day of _____, 2 ____.

Landowner(s): _____

ACKNOWLEDGMENT

STATE OF _____

COUNTY OF _____

On this _____ day of _____, 2____, before me, the undersigned, a Notary Public in and for said State personally appeared _____, known or proved to me to be the person(s) described in and who executed the foregoing instrument, and acknowledged that _____ executed the same as _____ free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and official seal the day and year first above written.

Notary Public for the State of _____
Residing at _____
My Commission Expires _____

ACCEPTANCE BY GRANTEE:

I _____ (name), _____ (title),
being the duly authorized representative of the United States Department of Agriculture Natural
Resources Conservation Service, do hereby accept this Warranty Easement Deed with respect to
the rights and duties of the United States of America, Grantee.

Dated this _____ day of _____, 2 ____.

Signature

Title

This instrument was drafted by the Office of General Counsel, U.S. Department of Agriculture,
Washington, DC 20250-1400.

NONDISCRIMINATION STATEMENT

The U.S. Department of Agriculture (USDA) prohibits discrimination in all its programs and activities on the basis of race, color, national origin, age, disability, and where applicable, sex, marital status, familial status, parental status, religion, sexual orientation, genetic information, political beliefs, reprisal, or because all or a part of an individual's income is derived from any public assistance program. (Not all prohibited bases apply to all programs.) Persons with disabilities who require alternative means for communication of program information (Braille, large print, audiotape, etc.) should contact USDA's TARGET Center at (1202) 720-2600 (voice and TDD). To file a complaint of discrimination write to USDA, Director, Office of Civil Rights, 1400 Independence Avenue, SW., Washington, DC 20250-9410 or call (800) 705-3272 (voice) or (202) 720-6382 (TDD). USDA is an equal opportunity provider and employer.

PRIVACY ACT STATEMENT

The above statements are made in accordance with the Privacy Act of 1974 (5 U.S.C. Section 522a). Furnishing this information is voluntary; however, failure to furnish correct, complete information will result in the withholding or withdrawal of such technical or financial assistance. The information may be furnished to other USDA agencies, the Internal Revenue Service, the Department of Justice, or other State or Federal law enforcement agencies, or in response to orders of a court, magistrate, or administrative tribunal.