



SCOTTSBLUFF CITY
PLANNING COMMISSION AGENDA
Monday, October 9, 2017, 6:00 PM
City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, NE
69361

**PLANNING
COMMISSIONERS**

BECKY ESTRADA
CHAIRPERSON

ANGIE AGUALLO
VICE CHAIRPERSON

DANA WEBER

HENRY HUBER

MARK WESTPHAL

CALLAN WAYMAN

DAVID GOMPERT

JIM ZITTERKOPF

ANITA CHADWICK

LINDA REDFERN
ALTERNATE

- 1. WELCOME TO THE PLANNING COMMISSION MEETING:** Chairman
- 2. NEBRASKA OPEN MEETINGS ACT:** For all interested parties, a copy of the Nebraska Open Meetings Act is posted on a bulletin board at the back of the council chambers in the west corner.
- 3. ROLL CALL:**
- 4. NOTICE OF CHANGES IN THE AGENDA:** Additions may not be made to this agenda less than 24-hours prior to the beginning of the meeting unless added under item 5 of this agenda.
- 5. CITIZENS WITH ITEMS NOT SCHEDULED ON THE REGULAR AGENDA:** As required by State Law, no item may be considered under this item unless the Planning Commission determines that the matter requires an emergency action.
- 6. APPROVAL OF THE PLANNING COMMISSION MINUTES FROM:**
 - A Approve minutes from September 11th Meeting**
- 7. NEW BUSINESS:**
 - A Replat of Ag Estate Dwelling Site Located at 190439 County Road J**
 - B Consider Blight and Substandard Study in West Scottsbluff**
Consider if area west of Ave I, south of Hwy 26, and north of BNSF railroad tracks should be designated as blighted and substandard.
 - C Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees**
Amend subdivision code to change the way runoff from new development is managed. Impose impact fee for development which creates additional runoff.
 - D Election of Officers**
- 8. ADJOURN**

The public is invited to participate in all Planning Commission Meetings. If you need special accommodations to participate in the meeting, please contact the Development Services Department at (308) 630-6243, 24-hours prior to the meeting.

City of Scottsbluff, Nebraska

Monday, October 9, 2017

Regular Meeting

Item Appr. Min.1

Approve minutes from September 11th Meeting

Staff Contact:

**Planning Commission Minutes
Regular Scheduled Meeting
September 11, 2017
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regularly scheduled meeting on Monday, September 11, 2017, 6:00 p.m. in the City Hall Council Chambers, 2525 Circle Drive, Scottsbluff, Nebraska. A notice of the meeting had been published in the Star-Herald, a newspaper of general circulation in the City, on September 1, 2017. The notice stated the date, hour and place of the meeting, that the meeting would be open to the public, that anyone with a disability desiring reasonable accommodation to attend the Planning Commission meeting should contact the Development Services Department, and that an agenda of the meeting kept continuously current was available for public inspection at Development Services Department office; provided, the City Planning Commission could modify the agenda at the meeting if the business was determined that an emergency so required. A similar notice, together with a copy of the agenda, also had been delivered to each Planning Commission member. An agenda kept continuously current was available for public inspection at the office of the Development Services Department at all times from publication to the time of the meeting.

ITEM 1: Chairman Becky Estrada called the meeting to order. Roll call consisted of the following members: Anita Chadwick, David Gompert, Angie Aguillo, Jim Zitterkopf, Henry Huber, Callan Wayman, Mark Westphal, and Dana Weber. Absent: None. City officials present: Annie Folck, Planning Coordinator, Gary Batt, Code Administrator II, Anthony Murphy, Fire Prevention Officer.

ITEM 2: Chairman Estrada informed all those present of the Nebraska Open Meetings Act and that a copy of such is posted on bookcase in the back area of the City Council Chamber, for those interested parties.

ITEM 3: Acknowledgment of any changes in the agenda: None

ITEM 4: Business not on agenda: None

ITEM 5: Citizens with items not scheduled on regular agenda: None

ITEM 6: The minutes of the August 14, 2017 meeting were reviewed.

Conclusion: A motion was made by Westphal and seconded by Gompert to approve the minutes from the meeting on August 14, 2017. **"YEAS":** Gompert, Westphal, Wayman, Huber, Weber, Zitterkopf, Chadwick, Aguillo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** None. Motion carried.

ITEM 7A: Planning Commission opened a public hearing for the review of a Final Plat for Lots 1-2, Block 30, North Scottsbluff Addition. Annie Folck stated that the applicant(s), Justin Schlager, represented by Panhandle Land Surveying, has requested approval of a Final Plat of Lots 1-2, Block 30, North Scottsbluff Addition. The property is situated north of 21th St, on the east side of Broadway. The property has never been platted and is currently identified as tax lots. The plat would create two lots of different sizes. Both properties have access to streets, water, and sewer. There is no minimum lot size or minimum lot width in the C-1 zoning district. The north lot is a little narrow at 25 feet, but since there are no required setbacks in the C-1 zoning district it is still a usable lot. If the owner wishes to build right up to the property line, he can, but there may be some requirements from fire code if he chooses to do so. Commissioner Gompert asked what those requirements would be. Anthony Murphy answered that he would have to put up fire walls if he did not meet the minimum required distance between building. The applicant stated that he is planning on demolishing the building on the south end of the property and replacing it with a new building. The building on the north end of the property is to stay in place.

Conclusion: A motion was made by Aguillo and seconded by Westphal to approve the Final Plat of Lots 1-2, Block 30, North Scottsbluff Addition. **"YEAS":** Gompert, Westphal, Wayman, Huber, Weber,

Zitterkopf, Chadwick, Aguallo, and Estrada. **"NAYS"**: None. **ABSTAIN**: None **ABSENT**: None. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing for the Final Plat and Dedication of a Portion of East 9th Street. Annie Folck gave a staff review of the project, stating that a few months ago there was some confusion because this portion of E. 9th St was never actually dedicated to the City as right-of-way. After doing some research, it was determined that it is City-owned property. In order to avoid confusion about whether this is a parcel or public right-of-way, the City is now formally dedicating it as part of East 9th Street.

Conclusion: A motion was made by Zitterkopf and seconded by Westphal to approve the Final Plat and Dedication of a Portion of East 9th Street **"YEAS"**: Gompert, Westphal, Wayman, Huber, Weber, Zitterkopf, Chadwick, Aguallo, and Estrada. **"NAYS"**: None. **ABSTAIN**: None **ABSENT**: None. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing to consider an amendment to the City's Comprehensive Plan. Annie Folck gave a staff review of the project, stating that it has been brought to the City's attention that the current Comprehensive Plan does not address the City's competition fields. Feedback from the public has indicated that there are improvements needed in order to provide a more comfortable space for spectators and visiting teams, ensuring that competitions and tournaments continue to be held in Scottsbluff. This will also help support the local economy as visiting teams support restaurants and lodging establishments. Some representatives of 23 Club are working on a grant for improvements to the 23 Club facilities, which is a City-owned facilities, and are requesting a change to the Comprehensive Plan to include suggestions for improvements to these facilities.

Folck stated that one of the benefits of doing a Comprehensive Plan in-house is that she was able to go back and look at the raw data and survey results that were obtained as part of the public input process for the City's current Comp plan. In looking at this information, there were several comments made pertaining to the importance of maintaining City facilities and making them comfortable for families with children. The importance of adequate restrooms and well-maintained equipment was repeatedly stated. There were also comments about the importance of baseball and softball facilities to our community, both for recreation for area residents and as an attraction for people coming from other communities for tournaments. For this reason, staff was recommending an amendment to the plan to include the suggested goals and projects for 23 Club. Folck also said that they were adding an item in the plan to address the septic tank at Lacy Park which is currently not adequate to serve the needs of the restroom facilities out there.

Linda Redfern stated that in years past when she was on Council, the need for good parks and recreation amenities was in line with the mission statement that the City adopted, as well as with the goals set out in their Vision 2020 planning. She was happy to see that there is some progress being made on these goals. Commissioner Aguallo stated that the item about Lacy Park appeared to be redundant, as the need for a new septic system was already listed in the suggested capital improvements in the plan. Folck stated that the second item addressing Lacy Park could be removed.

Commissioner Weber asked about costs for the project, and what the costs to the City would be if the amendment was approved. Jack Baker, representing the 23 Club, stated that the group was working with the City to apply for a \$150,000 grant. He stated that the City is actually the grant applicant, and the mayor has already signed a letter of support for the grant that commits the City to provide the grant match and in-kind support to the project. He stated that there will also be private fundraising to help support the project as well. The grant will be for the first phase of the suggested improvements to 23 Club, which will be for a new building, which will provide a better space for concessions, changing spaces for teams, ADA compliant restrooms, and storage for equipment. Commissioner Westphal asked if there was a design for the improvements. Baker stated that they had a rough concept showing the footprint of the building and the dimensions of the amenities within the building, but they do not have a finalized design yet.

112 **Conclusion:** A motion was made by Zitterkopf and seconded by Aguallo to approve the amendment to
113 the Comprehensive Plan with the condition that the second item addressing the septic system in Lacy
114 Park be removed to avoid redundancy. **"YEAS":** Gompert, Westphal, Wayman, Huber, Weber,
115 Zitterkopf, Chadwick, Aguallo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** None. Motion
116 carried.

117
118 **ITEM 7D:** The Planning Commission opened a public hearing to consider an ordinance instituting a
119 stormwater impact fee and new requirements for stormwater retention on new developments. Annie
120 Folck gave an overview of the ordinance, stating that currently, the City requires all new subdivisions to
121 install stormwater retention basins on-site. After installation, the developers are also required to maintain
122 these facilities in perpetuity. This has proven to be very impractical and difficult to enforce, as it is very
123 unappealing for developers to sacrifice developable land for stormwater facilities, and once the lots have
124 been sold off, the developer does not want to remain responsible for the ongoing maintenance of the
125 facilities. Previously, developers' agreements have stated that homeowners associations will be created
126 to fund the ongoing maintenance of stormwater facilities; however, in practice, these associations have
127 not been established, leaving no entity to take responsibility for the stormwater facilities. In addition,
128 many other communities that have attempted similar requirements have had issues with the responsible
129 entity ceasing to pay taxes on the parcel that houses the stormwater facility, so the responsibility of
130 maintaining the facility will then fall back on the City. The City is also facing new regulatory requirements
131 that ultimately hold the City responsible for ensuring that adequate maintenance is performed on all of
132 these facilities; this is extremely difficult to accomplish when these facilities are privately owned.

133
134 In order to alleviate the burden on developers to build and maintain stormwater treatment facilities, and to
135 relieve the City of the challenge of enforcing maintenance requirements on private property owners, City
136 staff is proposing that from now on, when property is developed or redeveloped, resulting in increased
137 stormwater runoff, that runoff should be routed to City facilities. The City will install and maintain these
138 facilities in perpetuity. In order to fund this, an impact fee will be charged for any new impervious cover
139 (streets, driveways, buildings, etc.) that is installed. This will be a one-time fee that is charged any time a
140 building permit or paving permit is issued. The paving permit will be established to allow the City to track
141 and charge an impact fee for any new paving of over 1,000 square feet. This will better allow the City to
142 accommodate the increased runoff from large paving projects throughout the City. Regular maintenance
143 activities on existing pavement (overlays, repair, etc.) will not be required to pay an impact fee. This will
144 also allow the City to fulfill the requirements of its NPDES permit by ensuring that they have access to
145 and control over all future retention facilities, allowing them to ensure regular maintenance is performed.
146 The City has already piloted this system with Hilltop Estates, where, in lieu of installing and maintaining
147 their own retention basins, the developer agreed to pay a fee that allows him to route their runoff to
148 facilities that will be owned and maintained by the City.

149
150 Rex Morse, representing Aulick Leasing, addressed the commission and asked what would happen with
151 existing facilities that are currently privately owned. Folck stated that these would remain privately
152 owned, but that if the current owners wanted the City to take over maintenance of these facilities, the City
153 might consider it in return for a fee. The facilities would have to be brought up to City standards before
154 the City would consider it, and an equitable fee would be charged to help cover ongoing maintenance
155 costs. Morse asked what the boundaries for the new fee would be; would it be only within City limits or
156 would it extend into the City's zoning jurisdiction? Folck stated that as currently proposed, the fee would
157 apply to all properties within the City's extraterritorial zoning jurisdiction.

158
159 Eric Reichert asked if the City had determined the cost to build the City-owned facilities being proposed,
160 and if there was an estimated maintenance cost for these facilities. Leann Sato, the City's Stormwater
161 Program Specialist, stated that there have been six sites identified along the Scottsbluff Drain that could
162 be developed to add additional retention, and these sites would be built as needed to handle additional
163 runoff from new development. Reichert asked if the City had considered how this would affect
164 development, as it is a very substantial fee, which may be as much as 5% of a project. As an example,
165 he did some calculations and the site that was recently developed for a Scooter's drive through coffee
166 shop would have had to pay a fee of \$18,000. He questioned if it would make Scottsbluff unable to
167 compete with other communities for business. He stated that he is not completely against the fee, but

168 questions the dollar amount, and maybe something around 25 cents per square foot would be more
169 appropriate. Commissioner Weber asked if there would be a cost anyway for installing and maintaining
170 retention for the project, and which he thought would be better, an upfront fee or ongoing costs for
171 maintenance? Reichert stated that in many cases, they have to bring in fill for the building, so the cost for
172 building the retention facility is minimal as they would be pulling dirt from other areas of the site anyway.
173 He said that in many cases, green space is already required, so if they use the retention area as the
174 required green space, then there is no additional maintenance required beyond what is necessary for the
175 green space. Weber asked if the City had considered allowing an option for developers to choose to
176 install and maintain privately owned facilities in lieu of the impact fee. Folck stated that staff had
177 considered that option, but ultimately decided against it because historically, privately owned facilities
178 throughout town have not been maintained. She gave the example of the old Albertsons grocery store
179 which has now been vacant for many years. The retention ponds on that property are overgrown and
180 silted in and have not been maintained at all over the past several years. She stated that even if the
181 original owner does a great job with maintenance, subsequent owners may not take care of these
182 facilities, and the City would then have to try to require them to perform the necessary maintenance. The
183 process of trying to assess fines to private property owners to bring them into compliance can be
184 extremely slow and costly to the City, and in many instances may cost more in staff time and legal fees
185 than the City would be able to recoup in fines. For this reason, staff recommends that all future
186 subdivisions route their retention to facilities that are City-owned and City-maintained, eliminating the
187 dilemma of how to ensure maintenance on privately owned facilities.

188
189 Commissioner Westphal asked if the retention ponds would be built by City staff or by a contractor. He
190 stated that he believed that it may be cheaper to bid out construction to private contractors, and he would
191 like to look at any options that may reduce the cost of these facilities. Weber stated that the problem was
192 that the City will still have to pay for maintenance of the facilities in perpetuity. Westphal stated that
193 currently, it seemed like some ongoing developments had to have retention and others didn't.

194
195 Reichert asked if it would be possible to lease privately owned facilities, thereby eliminating the cost to
196 construct new facilities. Folck stated that most existing privately owned facilities had been designed to
197 handle runoff from a certain lot or subdivision and would not be large enough to accommodate runoff from
198 future development as well. Reichert asked if some of the costs could be paid by the LB840 fund. Folck
199 stated that if a qualifying business applied for and was awarded LB840 funds, those could go towards
200 paying the impact fee. Reichert stated that that would still take away some of the necessary capital for
201 the project.

202
203 Commissioner Wayman asked how this would affect infill lots, and if it would make people less likely to
204 develop existing vacant lots. Folck stated that if the lot already had impervious cover, the fee would not
205 apply, but if new or additional impervious cover was to be added to the lot, a fee would have to be paid.
206 Wayman stated that he believed this would discourage development of infill lots.

207
208 Reichert asked if the fee charged would help with specific problems in the stormwater system. He stated
209 that he is considering a 6-7,000 square foot addition to his shop, and he currently has issues with
210 stormwater running onto his lot from the street. He asked if the fee he paid for the addition would be used
211 to improve that specific situation. He also stated that he would like to see some projected overhead costs
212 for installation and maintenance of the facilities before the fee is set at \$1.50 per square foot.

213
214 Commissioner Gompert asked who would bear the cost to get the stormwater from the new development
215 to the City's stormwater retention facilities. Folck stated that the developer would be responsible for
216 getting the stormwater to the City's stormwater system and that any additional costs to route it to a
217 stormwater facility would be the City's responsibility. Westphal asked if there had been a study done for
218 the Scottsbluff Drain and if it would be overwhelmed with additional runoff if this policy were adopted.
219 Sato stated that there has been a study of the Scottsbluff Drain that identified several areas where
220 additional retention could be created. One such area that has been developed is along the drain between
221 Avenue B and 5th Ave, north of 23 Club. The study proposes adding more retention areas such as this
222 one that would provide the capacity necessary to handle additional runoff from developments north of
223 Highway 26.

David Hartline, representing Morton Buildings, asked if the fee would apply to all types of construction. Folck stated that it would apply to any impervious surfaces installed, both residential and commercial. Hartline asked if the City had talked to other communities that had instituted these types of fees. Sato stated that since this is a relatively new thing for Nebraska, most of the communities staff researched were in Colorado. Hartline asked if the other communities they had looked at were of similar size to Scottsbluff. He stated that this will be a big impact for building permits of all sizes. He felt that the City could just fine private property owners if they were not maintaining their facilities.

Morse stated that he felt that it was unfair to charge the fee if there is no storm drain available to serve the location for which the fee is being charged. Kelly Strey, representing B & C Steel, asked if impact fees generated from early projects would be kept in a fund to maintain those facilities, or if the City would be relying on fees from future projects to fund maintenance for previous projects. He also asked what would happen if the City does not have property available in the correct location for a regional retention basin, and the private property owners are not willing to sell them the area for retention. Commissioner Wayman stated that he felt that the additional fee would be detrimental to development. Westphal stated that he would like to have Dave Schaff here to explain how the suggested fee was determined, and that the City needs to take its time on this issue to get it right. Hartline stated that he had seen this happen in Colorado, and as a result of new impact fees, people would move out of communities. Gompert said that he would like to continue discussion on the topic and get it right so that Scottsbluff could eventually serve as a model for other Nebraska communities.

Weber stated that the City would first need to deal with the problem of the existing facilities that are not being maintained. He would also like to address the sites that are outside of City limits in the ETJ, possibly allowing them to do their own facilities with strong agreements that would require the developer and all subsequent property owners to keep them maintained. He stated that the City does not want to do anything to stymie development, but the taxpayers should also not be on the hook for maintaining these facilities either. Wayman stated that he felt that it would be better for the City to consider these facilities on a case by case basis, allowing developers the option of building their own facilities or paying the fee to route the stormwater to the City's facilities. Folck stated that the problem with allowing owners to build their own facilities is that historically, these facilities have not been maintained, and the City has no good way of ensuring compliance on private property. It often costs more in staff time and legal fees than the City can recoup in fines, and it is a long and arduous process. Morse asked how much square footage of impervious surfaces had been added throughout the City in the past 5 years and how much of an impact fee would have been charged for those areas. Folck stated that she did not know, but that the City could research that. Gompert asked if DEQ could be brought in to help the City enforce on private property. Sato stated that they could, but as they currently only have a staff of 3, it is unlikely that they would be able to dedicate many resources to our community.

Conclusion: A motion was made by Gompert and seconded by Westphal to table the ordinance so that City staff can do further research on the costs to install and maintain their facilities and consider alternatives for properties in the ETJ. **"YEAS":** Gompert, Westphal, Wayman, Huber, Weber, Zitterkopf, Chadwick, Aguillo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** None. Motion carried.

ITEM 8: Unfinished Business: None.

There being no further business, a motion to adjourn was made by Weber and seconded by Aguillo. The meeting was adjourned at 7:25 p.m. **YEAS":** Gompert, Westphal, Wayman, Huber, Weber, Zitterkopf, Chadwick, Aguillo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** None. Motion carried

Becky Estrada, Chairperson

280

281 Attest: _____

282 Annie Folck

City of Scottsbluff, Nebraska

Monday, October 9, 2017

Regular Meeting

Item NewBiz1

**Replat of Ag Estate Dwelling Site Located at 190439 County Road
J**

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: October 9, 2017
Subject: AEDS located at 190439 CR J, situated in the NE ¼ of the NW ¼ of Section 16, T 22N, R55W
Location: West of Highway 26 and south of County Road J

Zoning: Agricultural
Property Size: 4.143 ± acres

Procedure

1. Open Public Hearing
2. Overview of petition by city staff
3. Presentation by applicant
4. Solicitation of public comments
5. Questions from the Planning Commission
6. Close the Public Hearing
7. Render a decision (recommendation to the City Council)
8. Public Process: City Council determine final approval

Public Notice: This item was noticed in the paper and a notice was posted on the property.

Background

The applicant(s), Henry Huber and wife, and Larry Reisig have requesting a replat of an Agricultural Estate Dwelling described as a tract of land in the Northeast Quarter of the Northwest ¼ of Section 16, Township 22 North, Range 55 West of the 6th P.M Scotts Bluff County, Nebraska. Properties to the west, south, and north are all zoned agricultural, with the property to the east zoned heavy commercial. This is located in the City's Extra Territorial jurisdiction.

The parcel is currently platted as an Ag Estate Dwelling Site (AEDS). The applicant is requesting a replat in order to move the property line to allow the adjacent property more area that can be farmed. This will reduce the size of the parcel from to 6.05 acres to 4.143 acres. The minimum lot size for an AEDS is 2 acres, so this is still well within the requirements. They are also proposing an access easement along the east side of the property that would serve the adjacent farm.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve the replat of an AEDS (4.143 Acres) in the NE ¼ of the NW ¼ of Section 16, Township 22 North, Range 55 West of the 6th P.M. Scotts Bluff County, Nebraska subject to the following condition(s):

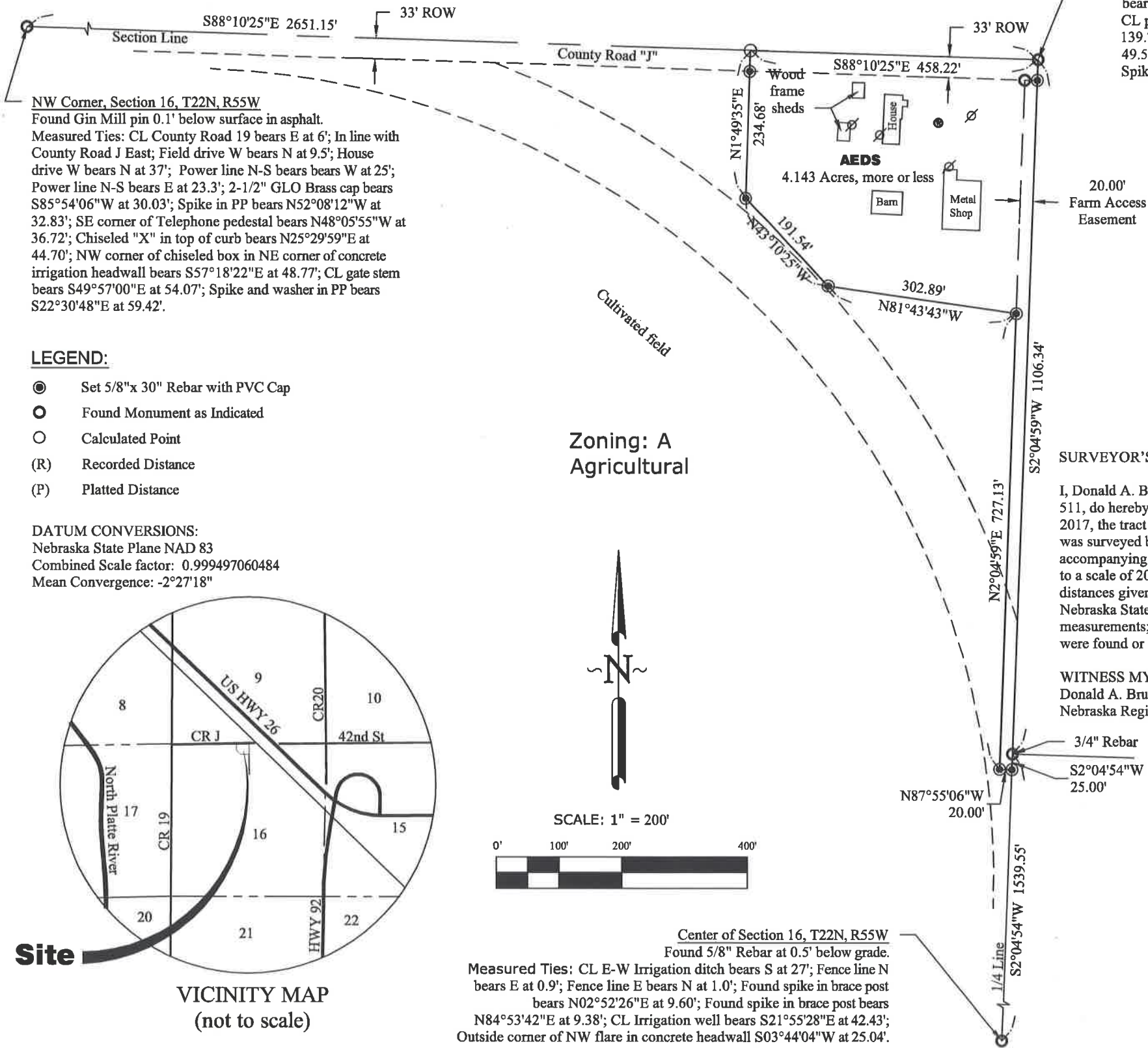
Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove the replat of an AEDS (4.143 Acres) in the NE ¼ of the NW ¼ of Section 16, Township 22 North, Range 55 West of the 6th P.M. Scotts Bluff County, Nebraska for the following reason(s):

TABLE

Make the motion to TABLE the replat of an AEDS (4.143 Acres) in the NE ¼ of the NW ¼ of Section 16, Township 22 North, Range 55 West of the 6th P.M. Scotts Bluff County, Nebraska for the following reason(s):

Re-Plat of
AEDS in the NE1/4 of the NW1/4 of Section 16, T22N,
R55W, 6th P.M., Scotts Bluff County, Nebraska.



Sheet No.: 1 of 2

Date: Aug 2017

Replat of
Agriculture Estate Dwelling Site
in the NE1/4 of the NW1/4 of Section 16,
T22N, R55W, 6th P.M., Scotts Bluff County, Nebraska.

Panhandle Land Surveying
Donald A. Brush, Registered Land Surveyor
870 SB Road, Morrill, Nebraska, 69358
Phone: (308) 247-2602

Job No.: 2017-11 Drawn by: DAB / Checked by: NAB Client Name: Larry Reisig Copyright: 2017

LEGAL DESCRIPTION:

Part of the Northeast Quarter of the Northwest Quarter (NE1/4NW1/4) of Section 16, Township 22 North, Range 55 West of the 6th Principal Meridian, Scotts Bluff County, Nebraska, more particularly described as follows:

Beginning at the northeast corner of said NE1/4NW1/4 said point being the POINT OF BEGINNING of this description; thence S2°04'59"W a distance of 1106.34 feet; thence S2°04'54"W a distance of 25.00 feet; thence N87°55'06"W a distance of 20.00 feet; thence N2°04'59"E for a distance of 727.13 feet; thence N81°43'43"W a distance of 302.89 feet; thence N43°10'25"W for a distance of 191.54 feet; thence N1°49'35"E for a distance of 234.68 feet; thence S88°10'25"E a distance of 458.22 feet to the point of beginning, containing 4.143 acres, more or less.

APPROVAL AND ACCEPTANCE:

The foregoing plat of "REPLAT OF AGRICULTURE ESTATE DWELLING SITE IN THE NE1/4 OF THE NW1/4 OF SECTION 16, T22N, R55W, 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA," was approved by the Director of Development Services of the City of Scottsbluff, Nebraska, pursuant to Section 19-916, Reissue of Revised Statutes of Nebraska, as amended by Section 10 of L.B. 71 approved on March 5, 1983, and to Article 1 of Chapter 20 or Ordinance No. 2600 of the City of Scottsbluff Nebraska, as amended by Ordinance No. 2812 of the City of Scottsbluff, Nebraska.

Dated this _____ day of _____, 2017.

Nathan Johnson, City Manager
City of Scottsbluff, Nebraska

Acknowledgement:

State of Nebraska)
County of Scotts Bluff)

Before me, a Notary Public, qualified and acting in said County, personally came Nathan Johnson, City Manager of the City of Scottsbluff, Nebraska, known to me to be the identical person who signed the foregoing "Approval and Acceptance" and acknowledged the execution thereof to be his voluntary act and deed and the voluntary act and deed of the City of Scottsbluff, Scotts Bluff County, Nebraska.

WITNESS my hand and Notarial Seal this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____

OWNER'S STATEMENT:

We, the under signed, being the owners of the tract of land described in the foregoing "Legal Description" and shown on the accompanying plat have caused such real estate to be platted as:

REPLAT OF AGRICULTURE ESTATE DWELLING SITE IN THE NE1/4 OF THE NW1/4 OF SECTION 16, T22N, R55W, 6TH P.M., SCOTTS BLUFF COUNTY, NEBRASKA

The foregoing plat is made with our free consent and in accordance with the desires of the undersigned owners.

Dated this _____ day of _____, 2017.

Owner of AEDS:

Henry A. Huber, husband Susan F. Huber, wife

Owner of remainder of NE1/4NW1/4:

Larry J. Reisig, a single person

Acknowledgement:

State of Nebraska)
County of Scotts Bluff)

Before me, a Notary Public, qualified and acting in said County, personally came Henry A. Huber and Susan F. Huber, husband and wife, known to me to be the identical persons who signed the foregoing "Owner's Statement" and acknowledged the execution thereof to be their voluntary act and deed.

Witness my hand and seal this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____

Acknowledgement:

State of Nebraska)
County of Scotts Bluff)

Before me, a Notary Public, qualified and acting in said County, personally came Larry J. Reisig, a single person, known to me to be the identical person who signed the foregoing "Owner's Statement" and acknowledged the execution thereof to be his voluntary act and deed.

Witness my hand and seal this _____ day of _____, 2017.

Notary Public

My Commission Expires: _____

See Sheet 1 of 2 for
Surveyor's Certificate.

Replat of
Agriculture Estate Dwelling Site
in the NE1/4 of the NW1/4 of Section 16,
T22N, R55W, 6th P.M., Scotts Bluff County, Nebraska.

Panhandle Land Surveying
Donald A. Brush, Registered Land Surveyor
870 SB Road, Morrill, Nebraska, 69358
Phone: (308) 247-2602

City of Scottsbluff, Nebraska

Monday, October 9, 2017

Regular Meeting

Item NewBiz2

Consider Blight and Substandard Study in West Scottsbluff

Consider if area west of Ave I, south of Hwy 26, and north of BNSF railroad tracks should be designated as blighted and substandard.

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION *Staff Report*

To: Planning Commission
From: Staff, Development Services
Date: October 9, 2017
Subject: Substandard & Blight Survey
Location: Study Area # 11 – West Scottsbluff

A study has been done and submitted for review in an area located on west of Avenue I, south of Highway 26, and north of the BNSF railroad tracks (see attached map).

The City is allowed to designate up to 35% of its area within corporate limits as blighted and substandard. Currently, there are 4,217.5 acres within the City's corporate limits, of which 926.1 acres are blighted. This is equal to 22% of the City that is designated as blighted and substandard. The proposed study area is 121.79 acres, so if this study is approved, it will bring the City's total blighted and substandard areas to 24.8%, well within our allowed limits.

With the area designated as blighted and substandard developers will be able to apply for TIF funds for redevelopment. With TIF funding available the developer can make the necessary improvements to develop the area, extending utility lines and streets within the area. A map of the area is attached. Current zoning includes M-1, light manufacturing and industrial, C-3, heavy commercial, and Agricultural. The Blight and Substandard Study is attached for your review.

RECOMMENDATION

Approve

Make a POSITIVE RECOMMENDATION to the City Council to approve Substandard/Blight Survey Area # 11 West Scottsbluff –subject to the following condition(s):

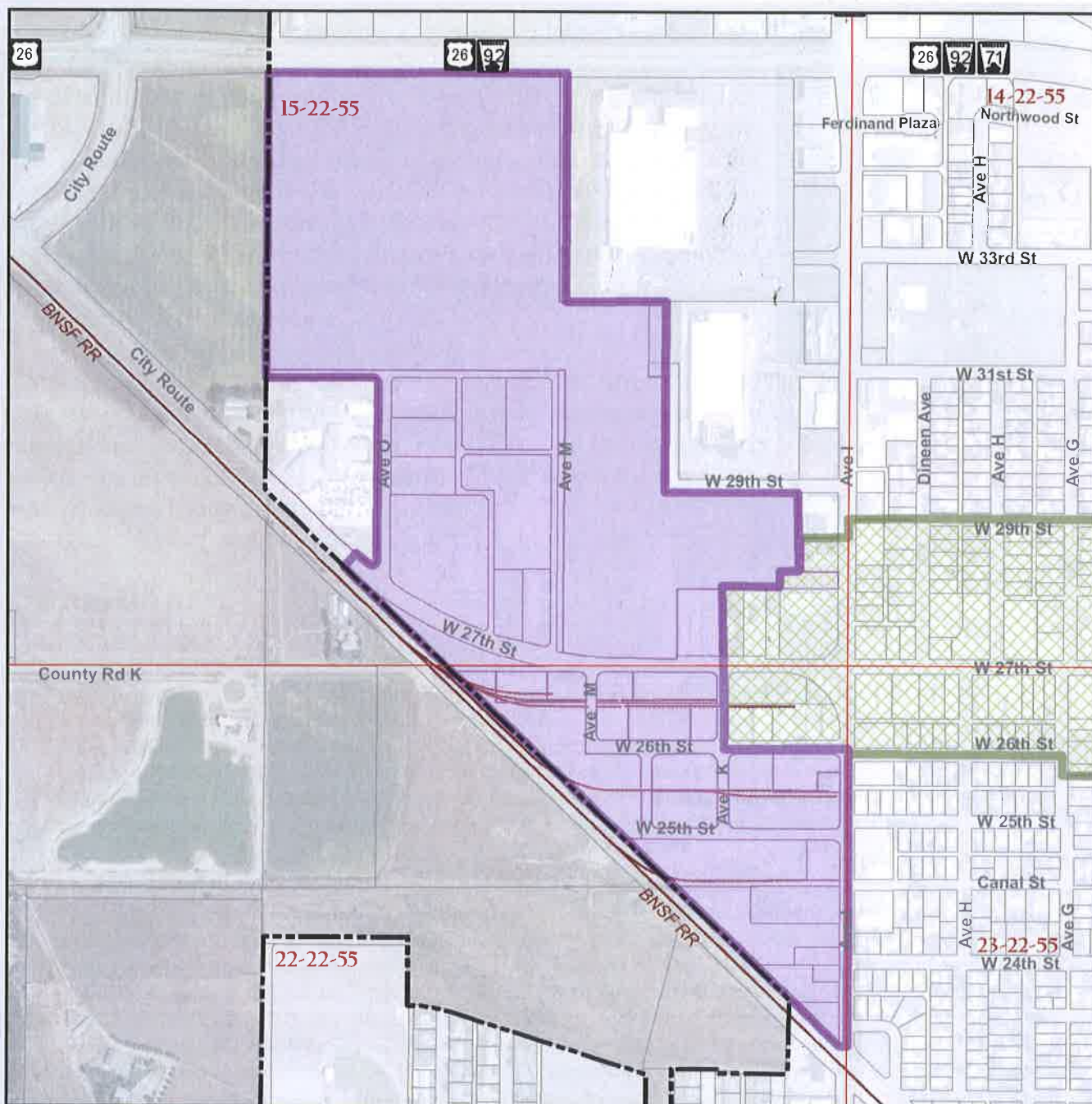
Deny

Make a NEGATIVE RECOMMENDATION to the City Council to disapprove Substandard/Blight Survey Area # 11 – West Scottsbluff for the following reason(s):

Table

Make the motion to TABLE the Substandard/Blight Survey Area # 11 West Scottsbluff for the following reason(s):

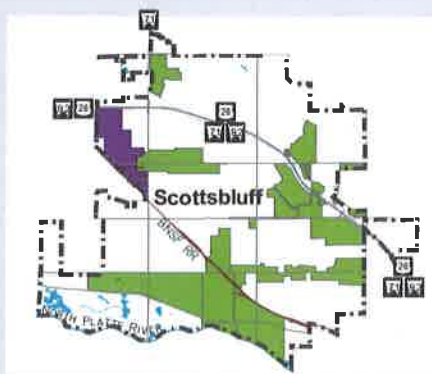
figure 1



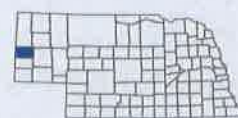
Blight Analysis Area

City of Scottsbluff
Scotts Bluff County, NE

- Corporate Limits
- Blight Analysis Area Parcels
- Proposed Blight Analysis Area
- Existing Redevelopment Areas
- Railroad Tracks
- Section



Data Sources:
Parcels: Scotts Bluff County, 2016
Aerial: US Army Corps of Engineers, 2011



ANALYSIS AREA #11

BLIGHT & SUBSTANDARD DETERMINATION STUDY City of Scottsbluff, NE



PRESENTED TO
City of Scottsbluff

PREPARED BY
MC Schaff & Associates, Inc.
818 South Beltline Highway East
Scottsbluff, NE 69361

PROJECT
RS100094-00

August 4, 2017



M.C. SCHAFF
AND ASSOCIATES, INC.

PGE PANHANDLE
GEOTECHNICAL &
ENVIRONMENTAL

(e) ENVIRONMENTAL SERVICE

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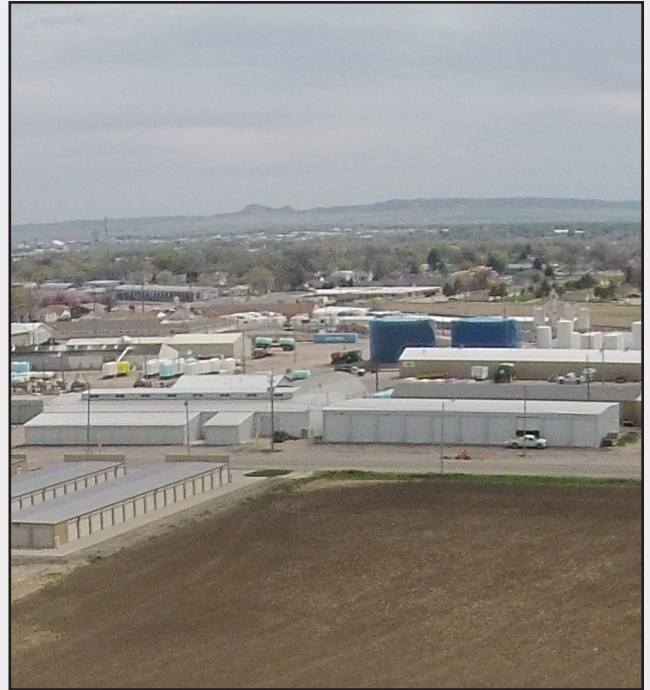
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Purpose of this Analysis

The purpose of this analysis is to identify and determine if an area within the City of Scottsbluff, Nebraska should be considered blighted and substandard under the criteria for such areas as set forth in the Nebraska Community Development Law, Section §18-2103. This Scottsbluff Blight and Substandard Study is intended to provide the Scottsbluff City Council the basis for determining the existence of blighted and substandard conditions within Scottsbluff's corporate limits. Through this process, the City attempts to eliminate economic and/or social concerns that are detrimental to the future public health, safety, morals, and general welfare of the entire community. This study examines conditions relating to buildings, land use, and infrastructure within the study area to determine areas eligible for redevelopment under Nebraska Community Development Law.



Nebraska Revised Statute §18-2104 enables a municipality to declare that blight and substandard conditions exist. The statute reads,

"The governing body of a city, to the greatest extent it deems to be feasible in carrying out the provisions of sections 18-2101 to 18-2144, shall afford maximum opportunity, consistent with 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 sections 18-2101 to 18-2144, 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 and occupancy of buildings and improvements, the disposition of any property acquired, and providing of necessary public improvements."

The statutes provide a means for the governing body of a municipality to address and develop strategies for rehabilitation and redevelopment of the community.

Nebraska Revised Statute §18-2105 grants authority to the governing body to formulate a redevelopment program. 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."

Redevelopment Study Area (Site 1): The redevelopment study area consists of properties and tracts of land within the general vicinity north and east of Burlington Northern Sante Fe (BNSF) Railroad, south of US Highway 26, and west of Avenue I in the northwestern portion of the community. The site contains approximately **121.79 acres** and is more particularly described as:

Beginning at the northwestern corner of Parcel 010303294, otherwise known as the unplatted triangular sliver of land of unknown ownership located between the southern right-of-way (ROW) line of City Route/West 27th Street, the northeastern ROW line of Burlington Northern Sante Fe (BNSF) Railroad, and the northern ROW line of the easterly extension of County Road K;

thence northeasterly, and perpendicular to the BNSF main track centerline, to the northern ROW line of City Route/West 27th Street;

thence southeasterly on the northern ROW of City Route/West 27th Street to the west ROW line of Avenue O;

thence north on west ROW of Avenue O to the northeast corner of Block 1, Case Subdivision;

thence continuing west on the north line of Block 1, Case Subdivision to the north-south centerline of Section 15, Township 22 North, Range 55 West (15-22-55), also known as the west corporate limits line of the City of Scottsbluff;

thence north on the north-south centerline of Section 15-22-55, to the south ROW line of US Highway 26;

thence east on the south ROW line of US Highway 26 to the northwest corner of Lot 7A, Block 1, Frank Friedlan Addition Replat;

thence south on the west line of said Lot 7A, Block 1, Frank Friedlan Addition Replat to the southwest corner of said Lot 7A, Block 1, Frank Friedlan Addition Replat;

thence east on the south line of said Lot 7A, Block 1, Frank Friedlan Addition Replat to its intersection with the northerly extension of the west ROW of Avenue K;

thence south on the northerly extension of the west ROW of Avenue K and continuing on the west ROW of Avenue K to the south ROW of West 29th Street;

thence east on the south ROW of West 29th Street to the northwest corner of Lot 1, Bjorling Addition;

thence south on the west line of Lot 1, Bjorling Addition to the southwest corner of said Lot 1;

thence continuing on the southerly extension of the west line of Lot 1, Bjorling Addition to its intersection with the westerly extension of the south line of Lot A, Replat of Baltes Addition;

thence westerly on the westerly extension of the south line of Lot A, Replat of Baltes Addition to the northerly extension of the east line of Lot 1, Block 5, Baltes Second Addition;

thence south on the northerly extension of the east line of Lot 1, Block 5, Baltes Second Addition to the northeast corner of said Lot 1, Block 5 Baltes Second Addition;

thence west on the north line of Baltes Second Addition to the northeast corner of Block 1, Alf Addition;

thence south on the east line of Block 1, Alf Addition to the southeast corner of said Block 1, Alf Addition;

thence south to the intersection of the centerlines of West 27th Street and Avenue K;

thence south on centerline of Avenue K to the intersection of the centerlines of Avenue K and West 26th Street;

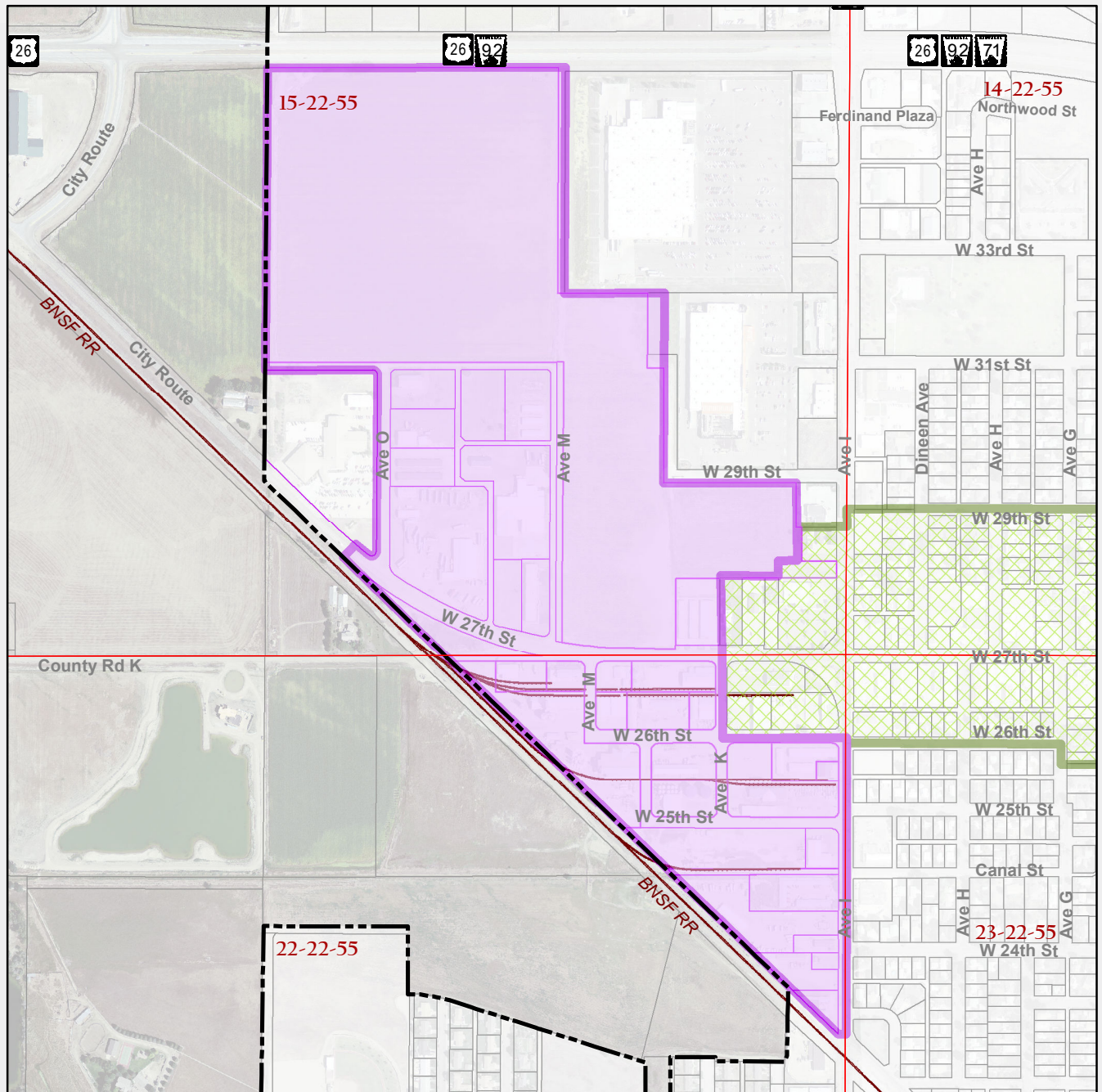
thence east on the centerline of West 26th Street to the intersection of the centerlines of West 26th Street and Avenue I;

thence south on the centerline of Avenue I to a point perpendicular to the southeast corner of Parcel Number 010159754, also known as PT SE NE TL 1, Unplatted Lands 22-22-55 (.37 acres);

thence west on the this said perpendicular line to the southeast corner of said Parcel Number 010159754, said point also being on the northeastern ROW line of BNSF Railroad;

thence northwesterly on the northeastern ROW line of BNSF Railroad to the **Point of Beginning**.

Please refer to the Redevelopment Study Area included in this study depicted in **Figure 1** on the following page.

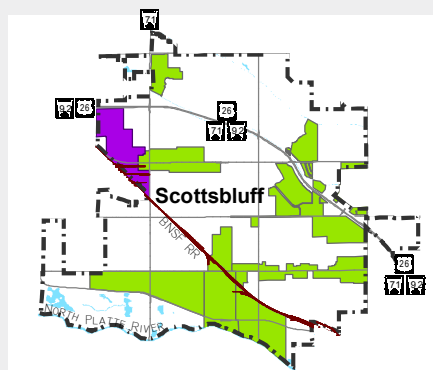


Blight Analysis Area

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Parcels: Scotts Bluff County, 2016
Aerial: US Army Corps of Engineers, 2011

- Corporate Limits
- Blight Analysis Area Parcels
- Proposed Blight Analysis Area
- Existing Redevelopment Areas
- Railroad Tracks
- Section



A field survey of an area within the City was conducted in April-July, 2017 to determine if this area, in fact, has experienced structure and site deterioration or if the area is experiencing other negative influences that decrease the potential for redevelopment or new development. The boundaries of this area, which is located completely within the Scottsbluff corporate limits are indicated in **Figure 1** and described on **Page 3**. The following report describes this Analysis Area in detail, as well as, specifying the methods and procedures used to determine if this Area should be declared blighted and substandard under the Nebraska Community Development Law.



At the present time, the City has approximately **4122.98 acres** within its corporate boundary. If the City declares this redevelopment area to be blighted and substandard, **1047.91 acres** will fall within the designation, which equates to **25.42 %** of the area within the municipal boundary being declared blighted and substandard.

Definitions

Substandard areas are defined by State Statute §18-2103.10, as the following:

“Substandard areas 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;”

Blighted areas are defined by State Statute §18-2103.11, as the following:

“Blighted area means an area, which (a) 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;”

The following are the specific definitions of “substandard” and “blighted” according to Nebraska State Law. These definitions serve to be the basis of this entire analysis and each portion of the definitions are examined individually throughout this document.

Substandard Area Definition

Under the above referenced Nebraska Statute, a substandard area is an area in which there is a predominance of buildings or improvements, whether non-residential or residential in character, which by reason of:

1. dilapidation / deterioration;
2. age or obsolescence;
3. inadequate provision for ventilation, light, air, sanitation or open spaces;
4. (a) high density of population or overcrowding;
- (b) the existence of conditions which endanger life or property by fire and other causes; or
- (c) any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency and crime, and is detrimental to the public health, safety, morals or welfare of the residents of the community.



Blighted Area Definition

Section 18-2103 of the Nebraska Revised Statutes indicates that a blighted area shall mean an area, which by reason of the presence of:

1. a substantial number of deteriorated or deteriorating structures;
2. existence of defective or inadequate street layout;
3. faulty lot layout in relation to size, adequacy, accessibility or usefulness;
4. unsanitary or unsafe conditions;
5. deterioration of site or other improvements;
6. diversity of ownership;
7. tax or special assessment delinquency exceeding the fair value of the land;
8. defective or unusual conditions of title;
9. improper subdivision or obsolete platting;
10. the existence of conditions with endanger the life or property by fire and other causes;
11. any combination of such factors which substantially impairs or arrests the sound growth of the community, retards the provision of housing accommodations or constitutes an economic or social liability; and
12. is detrimental to the public health, safety, morals, or welfare in its present condition and use and in which there is at least one of the following present:
 - unemployment in the designated area is at least one hundred twenty percent of the State of National average,
 - the average age of the structures in the area is at least forty years old or older,
 - more than one-half of the platted and subdivided property in the area is unimproved land that has been within the City for forty years and has remained unimproved during that time,
 - the per capita income of the area is lower than the average per capita income of the municipality in which the area is designated, or
 - the area has had either a stable or decreasing population based on the last two decennial censuses.



Analysis Approach

The approach and methodology utilized by M.C. Schaff & Associates, Inc. in conducting the Blighted and Substandard Area Determination Analysis included an assessment of all factors listed in the Nebraska Community Development Law as factors that indicate or contribute to making an area blighted and substandard. Data relating to factors such as building condition, building age, site conditions, adequacy of building sites, condition of public improvements, and unsanitary or unsafe conditions were developed through detailed exterior structural field surveys on a structure by structure basis and through collection of data on a unit by unit basis available from public records at the Scotts Bluff County Courthouse and via their online databases. Data relating to other factors such as the adequateness of street layouts, lot layouts and overall subdivision design were investigated on an area-wide basis.



Assessment of potential blighting factors stemming from diversity of ownership and tax or special assessment delinquencies were conducted through evaluation of courthouse and online county records for all property within the analysis area, now referred to as the Blight Analysis Area. The valuation, tax amount and any delinquent amount was examined for each of the properties. Public records were examined to determine the number of property owners in the Analysis Area.

Additional Public Intervention Necessary

Although the presence of one or more of these substandard or blighting conditions may make it appropriate to declare an area substandard and blighted under the Statue, this analysis was conducted on the basis that additional public intervention over and above the exercise of the police power is necessary to overcome the problems that exist in any substandard and blighted area.

Existing Land Use

The land uses that now exist within the Blight Analysis Area are depicted on Figure 2 on the following page (Page 8), and consist of land uses which can be placed in five categories, including:

- Agricultural
- Commercial
- Industrial
- Public streets and alleys
- Vacant / undeveloped land

The land uses indicated for the Analysis Area on *Figure 2, (page 8)*, are analyzed further in Table 1, below. The data detail the breakdown of land uses within this Analysis Area, as well as the total acreage within this Analysis Area.



Table 1Existing Land use - Scottsbluff Blight Analysis Area
Scottsbluff, Nebraska

Land Use Category	Scottsbluff Blight Study Area	
	Area (Acres)	Percent of Total Area
Agricultural	60.947	50.4%
Commercial	26.295	21.7%
Industrial	13.601	11.2%
Public Streets & Alleys	16.555	13.7%
Vacant / Undeveloped Land	3.556	2.9%
TOTAL	120.954	

Source: M.C. Schaff & Associates, Inc., Field Survey, August, 2017

As indicated in *Table 1*, the **largest land use** in this Analysis Area is that of **agricultural** (undeveloped) and vacant/undeveloped land. These two uses combined comprise a total of over **64 acres**, or over **half** of the Blight Analysis Area. The agricultural land is currently farmed open space, while the **3.556 acres** comprises vacant land including an irregularly shaped lot of unknown ownership. The agricultural undeveloped land occurs in the northern three fifths of the Blight Analysis Area; the vacant/undeveloped lot of unknown ownership is located along City Route /West 27th Street on the western edge of the Blight Analysis Area.

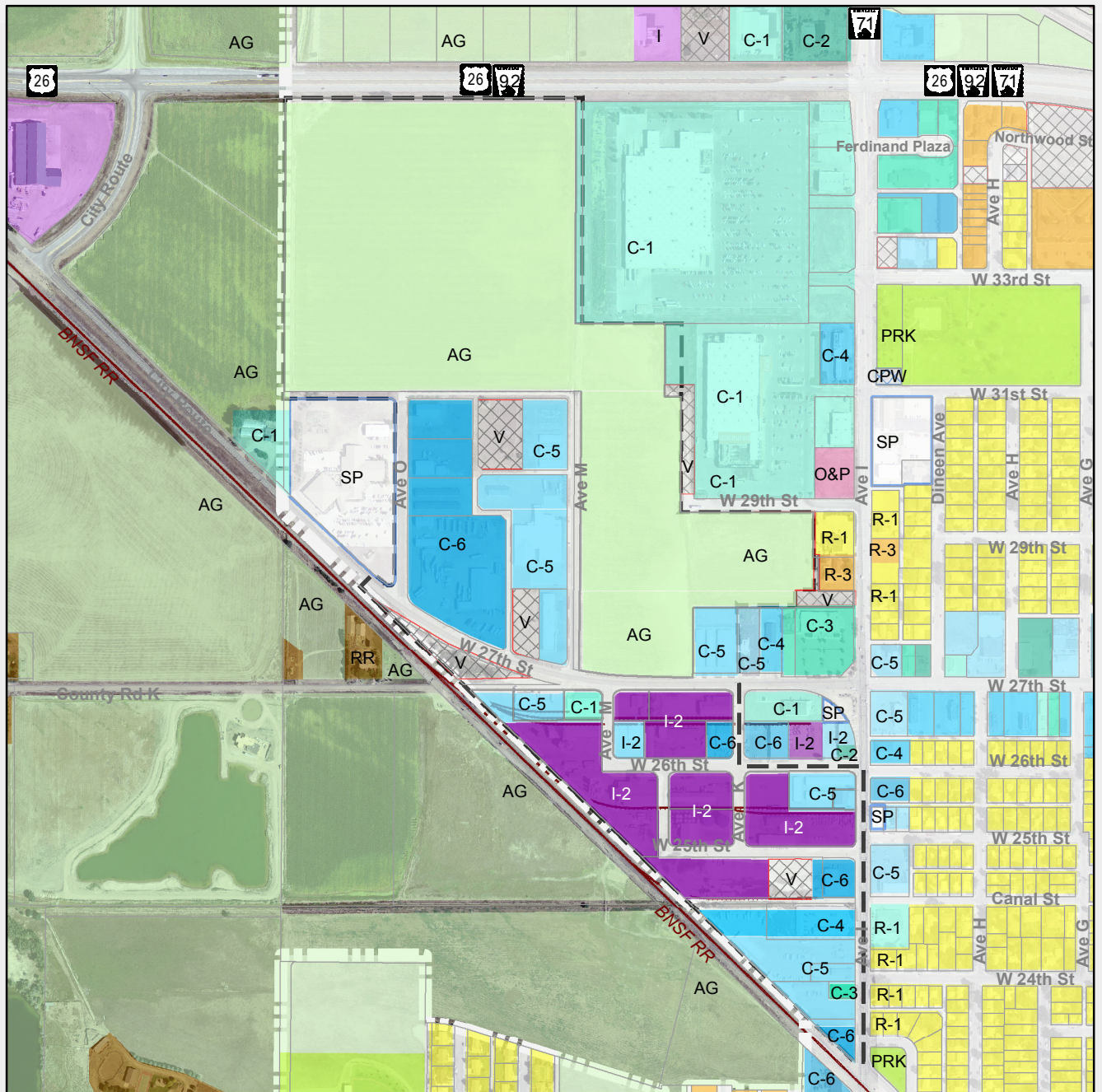


The **second largest land use** in this Blight Analysis Area is that occupied by **commercial** uses. This land use comprises a total of **26.295 acres**, or **21.7%** of the Blight Analysis Area. Adjacent commercial land uses occur all along the east, west, and south sides of the Blight Analysis Area concentrated in the southern one-fourth as well as west central portions.

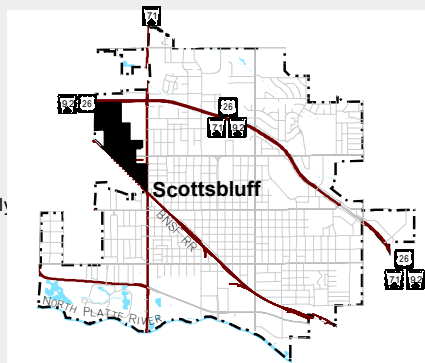
The **third largest land use** within this Blight Analysis Area is the **public streets and alley right-of-ways** land use. It comprises over **16.5 acres** and is **13.7%** of the Analysis Area. The facilities included in this use category include many unpaved (gravel) local streets, streets that are partially paved and partially gravel or part of a ditch bank, and portions of arterial streets (Avenue I and West 27th Street/City Route).

Industrial land uses occupy the **fourth largest amount of land** in this Blight Analysis Area. The **13.601 acres** of land used for industrial purposes comprises **11.2%** of the Blight Analysis Area. The industrial uses are concentrated in the southern portion of the Blight Analysis Area.

figure 2



- | | |
|--|--|
| <ul style="list-style-type: none"> □ Blight Analysis Area Parcels Land Use ■ Agricultural ■ Central Business District ■ Neighborhood Commercial ■ Heavy Commercial ■ Commercial—Traveler Serv ■ Light Commercial ■ Heavy Commercial ■ Public Water Facility | <ul style="list-style-type: none"> ■ Light Mfg & Industrial ■ Heavy Mfg & Industrial ■ O&P ■ Park ■ Single Family Residential ■ Heavy Density Multi-Family ■ Rural Residential ■ Semi-Public ■ Undeveloped ■ Blight Study Area ■ Corporate Limits |
|--|--|



Existing Land Use

City of Scottsbluff Scotts Bluff County, NE

Data Sources:
Land Use: City, 2005 with field updates
Parcels: Scotts Bluff County, 2016
Aerial: US Army Corps of Engineers, 2011



Analysis of Substandard Factors

1. Dilapidation/Deterioration of Structures

The determination and rating of building structure conditions is a critical part of any substandard area determination. Therefore the system utilized for classifying the conditions is a major part of any substandard area determination. The system utilized for classifying the conditions of buildings and structures must be based upon established and consistent criteria. M.C. Schaff & Associates, Inc. utilized a field survey method for evaluating the exterior conditions and to identify and classify building sites and other localized environmental conditions or deficiencies of all structures within the Analysis Area.

All data regarding each structure was dated and recorded on a Structure / Site / Infrastructure Survey Form. This form was utilized not only to record the data collected for later evaluation, but to assure that similar data for each structure was evaluated. (*See Structure / Site / Infrastructure Survey Form, appendix b.*)

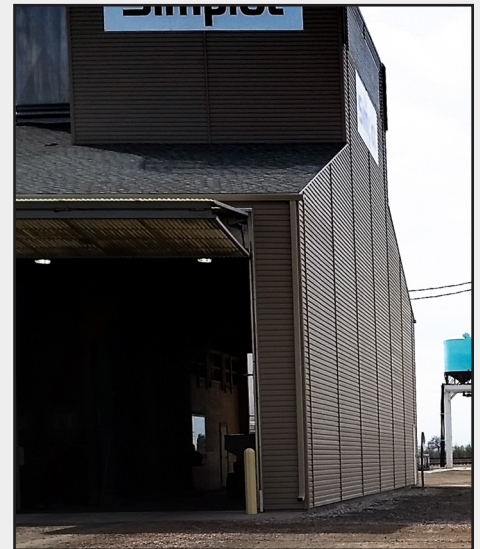
During the field survey, each component of each structure in the Analysis Area was examined to determine whether it is in sound condition or has minor, major, or critical defects. Two types of building components were evaluated. These included:

- **Major Components**

These components include the basic structural elements of any building; the foundation walls, load bearing walls and columns and roof structure.

- **Minor Components**

These components include the necessary secondary elements of any building; the wall surfaces and condition, paint or wall covering condition, the roof condition, windows, doors, porches, steps and stairways, fire escapes, chimneys and vents, gutters and downspouts, etc.



*A **Sound** structure has been and can be kept in good condition with normal maintenance.*

*A **Minor Deficient** structure requires only minor repairs.*



*A **Major Deficient** structure is considered deteriorating, requiring major repairs.*



analysis of substandard factors

*A **Substandard** structure may not be economically repairable.*



*A **Dilapidated** structure (example, left) is uninhabitable and should be razed. **Few buildings** in the analysis area fall into this category at this time.*

Both the major and minor components were evaluated and ranked in one of four categories and each category was assigned a numerical value as follows:

<u>Ranking Category</u>	<u>Numerical Value</u>
No Problems	1
Minor Problems	2
Major Problems	3
Critical Problems	4

The numerical rankings of each major and minor component were then combined to generate an overall building condition evaluation comprised of five categories as follows:

Major Component Numerical Ranking	Minor Component Numerical Ranking	Combined Numerical Ranking	Overall Building Condition
2 or less	6 or less	8 or less	Sound
3 to 5	7 to 8	10 to 13	Minor Deficiencies
6 to 7	9 to 17	14 to 24	Major Deficiencies
7 to 9	18 to 19	25 to 29	Substandard
10 or more	20 or more	30 or more	Dilapidated

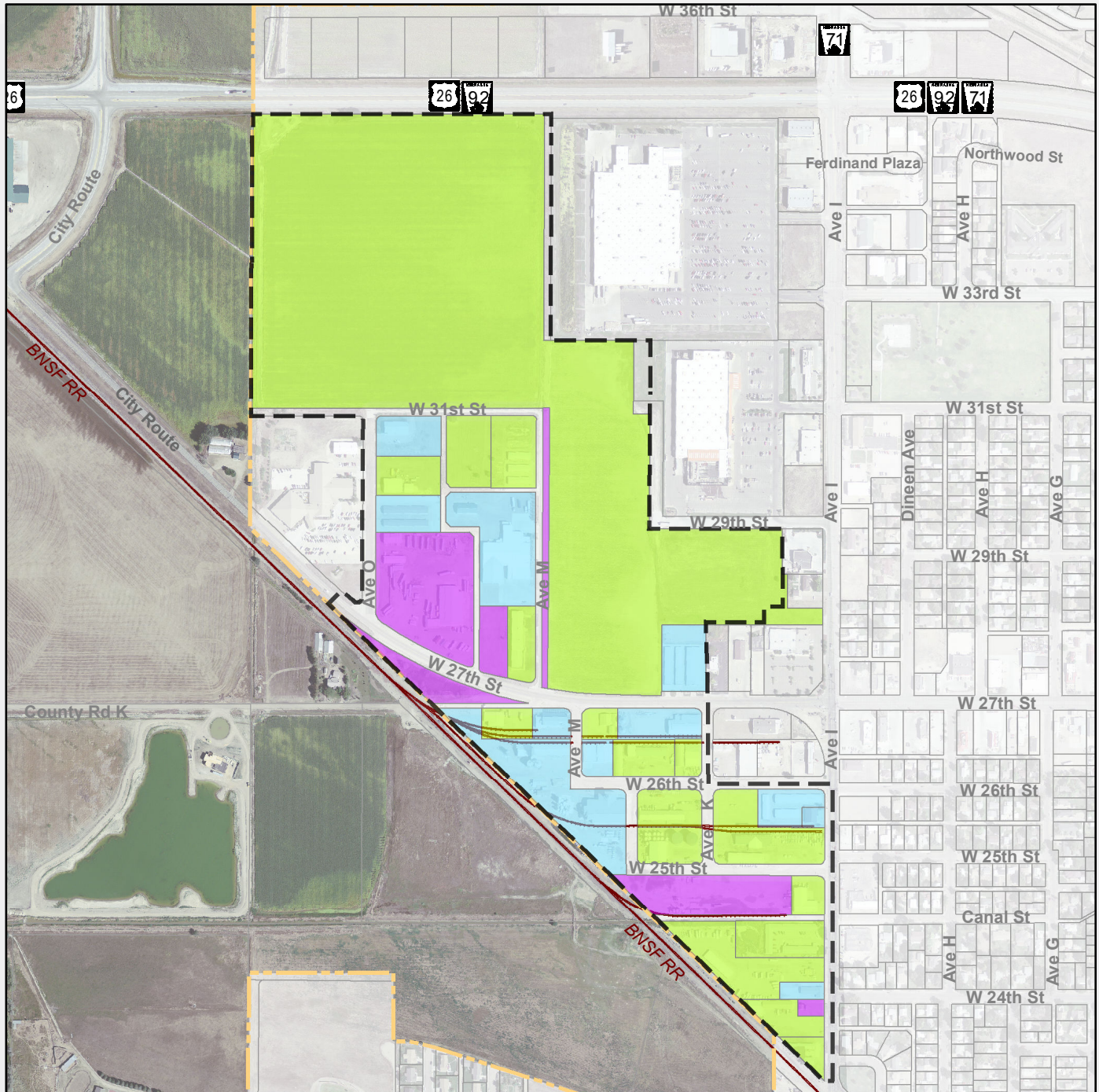
The overall building conditions are defined as follows:

SOUND: A sound building is one that has been and can be kept in good condition with normal maintenance. A sound building has no major component defects, no minor component defects ranked as major or critical or with major deficiencies, but may have up to three minor components ranked as having minor defects.

MINOR DEFICIENT: Buildings ranked as minor deficient are those that require only minor repairs, which have not more than one major component defect that is minor in nature, which has not more than one minor component defect that is ranked as major in nature, nor more than three minor component defects ranked as minor in nature.

MAJOR DEFICIENT (DETERIORATING): Buildings ranked as major deficient are buildings that require major repairs, which have not more than one major component ranked as critical or not more than two ranked as having deficiencies that are major in nature, nor more than five minor component defects ranked as major in nature.

figure 3



Overall Condition Rating

City of Scottsbluff
Scotts Bluff County, NE

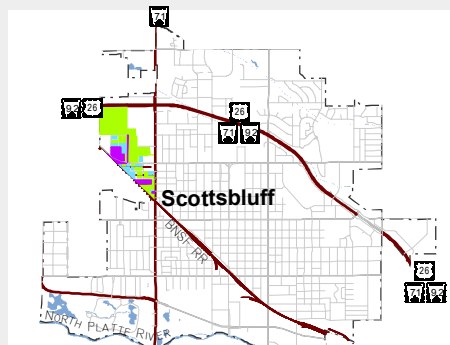
Data Sources:
Land Use: City, 2005 with field updates
Parcels: Scotts Bluff County, 2016



Condition: Overall Rating

- 1—Good
- 2—Fair
- 3—Poor
- Blight Study Area
- Corporate Limits
- Railroad Tracks

Overall condition ratings obtained during physical site survey completed in April, May, July, 2017 by M.C. Schaff



SUBSTANDARD: A structurally substandard building contains defects which are so serious and so extensive that the building may not be economically repairable. Buildings classified as substandard have not more than two major component defects ranked as critical or major in nature, nor more than four minor component defects ranked as critical.

DILAPIDATED: A dilapidated building contains such a combination of serious defects that there is no question that the building is uninhabitable and should be razed. All major components of a dilapidated building have defects that are major or critical in nature or a combination of less serious major component defects together with at least four minor component defects that are ranked as critical in nature.

Field Survey Results

As indicated in **Table 2**, the field survey of exterior building conditions in this Analysis Area indicates the following:

Table 2

Exterior Building Conditions - Scottsbluff Blight Analysis Area
Scottsbluff, Nebraska

Building Type	Sound	Deficient (Minor)	Deficient (Major)	Sub-standard	Dilapidated	Total Buildings	Total Sub-standard Buildings	% of Total
Agricultural	0	0	0	0	0	0	0	0%
Commercial	7	44	2	4	1	58	5	5%
Industrial	11	22	3	5	1	42	6	6%
Public Streets & Alleys	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
Vacant / Undeveloped Land	n/a	n/a	n/a	n/a	n/a	n/a	n/a	n/a
TOTAL	18	66	5	9	2	100	11	11%

Source: M.C. Schaff & Associates, Inc., Field Survey, April-July, 2017

- **84** out of **100** (84%) primary structures in the Blight Analysis Area are classified as being in sound condition or as having only minor defects.
- Combined, **16** of the total **100** structures, or **16%** of all structures in this Blight Analysis Area, are classified, in accordance with the Nebraska Community Development Law, as being deteriorated, substandard or dilapidated.

As indicated in **Table 3 (page 13)**, the structures with major deficiencies or in worse condition are distributed throughout the Analysis Area. This distribution of substandard / obsolete structures is an indication that a majority of the Redevelopment Analysis Area is experiencing deterioration. The location of older and deteriorating structures within this Area significantly diminishes the marketability of property, as well as, redevelopment potential throughout the Area and, as a result, is a factor contributing to the substandard conditions within the Redevelopment Analysis Area.

Conclusion

The results of the field survey of exterior building conditions indicate that there are a number of structures that have major deficiencies or are in substandard condition and probably cannot be economically rehabilitated. One in every ten structures within this Analysis Area can be classified by the Nebraska Community Development Law as being substandard. The existence of this level of substandard structures constitutes a reasonable presence of substandard conditions in this Redevelopment Analysis Area.

2. Age or Obsolescence

As presented in *Table 3*, observations made and data collected with regard to age of structures indicates the following *Table 3*. A map displaying structure age is provided in *appendix c (page 36)*.



Table 3

Age of Structures - Scottsbluff Blight Analysis Area
Scottsbluff, Nebraska

Source: M.C. Schaff & Associates, Inc., Field Survey, April/May 2017

Building Type	New to 1 Year	1-5 Years	6-10 Years	11-20 Years	21-40 Years	41 Years or Older	Total Structures	Percent over 40 Years Old
Agricultural	0	0	0	0	0	0	0	0%
Commercial	1	2	4	18	13	20	58	34%
Industrial	0	3	4	9	7	19	42	45%
Public Streets & Alleys	0	0	0	0	0	0	0	0%
Vacant / Undeveloped Land	0	0	0	0	0	0	0	0%
TOTAL	1	5	8	27	20	39	100	39%

Conclusion

The findings of the field survey and analysis and interpretation of the resulting data indicates that over **39%** of all the structures in the Redevelopment Analysis Area are in excess of 40 years old. In order for an area to be designated substandard, the law specifies that there must be a predominance of older structures. In this analysis the word predominance is defined as meaning “most frequent” or “a majority”. In accordance with this definition, structures which are in excess of 40 years old are not in the majority of this Area, thus this Area should not, at this time, be considered to be substandard by reasons of structure age and / or obsolescence.

3. Inadequate Provisions for Ventilation, Light, Air, Sanitation or Open Space

During the field survey conducted to determine building conditions, building and lot conditions were also evaluated with regard to factors that present on-going negative conditions or impacts and thus contribute to the physical decline of any developed urban area. The lack of adequate ventilation, sun light, clean air, proper sanitation facilities and open space can be a contributing factor to the decline of any urban area and the presence of any or all of these in reasonable numbers or intensity is considered, under Nebraska Community Development Law, to contribute to the substandard character of any urban area.



A few small, structures (perhaps used for storage) did not appear to have any ventilation, located in close proximity to one another (right); and another lot's land use contributes to a lack of open space, with vehicles parked in the public right of way. However, the survey did not reveal many appreciable problems with ventilation of structures, or where the size of the building on the lot and / or the small lot size itself contributes to situations where there is a lack of sunlight and lack of open space. There was adequate front and side yards according to adopted zoning regulations.

Conclusion

The field investigation documented that there are few properties within the Redevelopment Analysis Area where the lack of adequate provisions for ventilation, light, air or open space contribute to the substandard factors of the Redevelopment Analysis Area. However, there is an existing sanitary sewer line which crosses through the middle of Parcel 010327274, which could be detrimental to the development of said parcel. As underground mains and service lines continue to age, recurrent maintenance and repairs become more widespread.



4. Existence of Conditions which Endanger Life or Property by Fire or other Causes

The field survey indicated that there are several conditions which endanger life or property to varying degrees within the Analysis Areas. There are **eleven (11)** sites in the Redevelopment Analysis Area where various amounts of combustible items are stored or where there are junk, debris or waste tires stored very near or against the walls of the primary building on the lot. The presence of this combustible material, junk and debris constitutes a substantial fire hazard which could endanger both life and property.

The analysis of the average age of structures within the Analysis Area indicate that over 39% of such structures in the Area are **in excess of 40 years old**. The age of these structures implies that the wiring within these structures may be outdated and in many instances potentially reaching a point of being overloaded. This combination of old and potentially overloaded wiring combined with wood frame construction or combustible contents also presents a substantial potential for endangerment of life and property.



An existing sanitary sewer line crosses through Parcel 010327274 (below).

The substandard determination addresses predominance of buildings or improvements. Almost 100% of the sites in the analysis area are not served by sidewalks (*see Figure 4, page 22*). The non-existence of sidewalks and the condition of some existing sidewalks contributes to generating traffic hazards for children and other pedestrians in this Area as pedestrians are forced to walk along the side of streets—their safety, well-being and health at risk. Sixteen (16) developed blocks in the Redevelopment Analysis Area are served by unimproved streets with gravel surfaces ranging in condition from fair to poor. This lack of paved streets creates dust issues in this Area and can result in limitations of access during period of heavy rain.

Conclusion

A number of conditions which endanger life or property through fire or other causes, do now exist in this Redevelopment Analysis Area. These conditions are sufficient in number and distribution to be a contributing factor to a blighted designation.



5. Any Combination of Factors which are Conducive to Ill Health, Transmission of Disease, Infant Mortality, Juvenile Delinquency and Crime, and is Detrimental to the Public Health, Safety, Morals or Welfare

The above listed factors indicate substandard conditions that do exist in the Redevelopment Analysis Area. These conditions also present potentials for detrimental effects on the safety and health of the citizens residing within the Analysis Area when two or more of the substandard conditions occur in the Area. An evaluation of the various combinations of substandard conditions listed above produced the following findings.

The combination of older structures, type of structures and a high percentage of junk or debris and overgrown vegetation present within the Area (all factors listed above), combine to create negative factors that are detrimental to the public health, safety, morals and welfare of the citizens residing within this Analysis Area:

- The combination of the presence of flammable junk and debris create a fire-spreading hazard resulting in possible property loss and endangerment of life.
- The presence of junk and debris on several lots not only create potential fire hazards, but also create unsanitary conditions, as well as, diminishes the overall physical appearance of the Area. In addition, this combined with the fact that mosquitos and rats and other vermin frequently utilize these areas for breeding grounds; all conditions that are detrimental to the health and welfare of the citizens.

Conclusion

The combination of these types of substandard factors throughout the Redevelopment Analysis Area can affect the local population working and residing in this Area. The level of impacted population is sufficient to conclude that this combination of negative factors is a contributing factor to a blighted and substandard designation.



Analysis of Blight Factors

1. Presence of a Substantial Number of Deteriorated or Deteriorating Structures

As presented in the previous evaluation of the “Substandard Factors”, a total of 11 of the 72 primary structures in the Analysis Area are judged to be in deteriorating or worse condition. These deteriorating buildings represent 10% of all structures in the Redevelopment Analysis Area.

Conclusion

The presence of one (1) substandard structure for every ten (10) structures in the Redevelopment Analysis Area indicates that deteriorating and deteriorated structures represent a reasonable number of the total structures in the Analysis Area. This level of substandard structures is a contributing condition of blight.



2. Existence of Defective or Inadequate Street Layout

The street pattern in the Redevelopment Analysis Area consists primarily of a network of arterials, and local streets that provide access to locations throughout the area. The street system in the Analysis Area, for the most part, is a typical grid pattern that provides reasonable access to individual properties. The southern half of the Analysis Area is bordered on the west by railroad tracks. There appears to be no public access ROW between the railroad ROW and the properties, with a few structures built to the property line that abuts the railroad ROW. Also, 18 parcels, or approximately 44% of the properties are accessed using unpaved streets.

Conclusion

The Analysis Area has some inadequacies in the form of traffic movement capabilities and real property access. Several streets, off-street parking areas and driveways are gravel surfaced or unimproved and deteriorating. Defective or inadequate street layout thus may be considered a factor contributing to blighted conditions in this Area.



3. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness

The field survey, combined with investigations of property ownership and plat maps indicate that one problem lot exists relative to lot layout, lot size, adequacy, accessibility and usefulness within the Analysis Area.

Conclusion

Faulty lot layout and usefulness within this Analysis Area is therefore considered a factor contributing to blighted conditions in this Analysis Area.



4. Unsanitary and Unsafe Conditions

As stated previously in the analysis of “substandard” factors, there are several instances within the Analysis Areas where unsanitary and unsafe conditions exist. These include:

- The 14 instances in the Blight Analysis Area where various amounts of combustible items are stored or where there are junk, debris or waste tires stored very near or against the walls of the primary building on the lot. The presence of this combustible material, junk and debris constitutes a substantial fire hazard, which creates unsafe conditions within the Area.
- The average age of commercial/industrial structures within the Analysis Area indicate that 35% of such structures in the Area are in excess of 40 years old. These types of structures are by nature highly flammable.
- Nearly all of the block fronts within the Analysis Area do not have sidewalks (example, lower right). The lack of quality sidewalks contributes to the increased risk for pedestrians throughout the Analysis Area, as pedestrians must use the streets/roads to move from one portion of the Area to another.

Conclusion

There are numerous instances in the Redevelopment Analysis Area where unsanitary and unsafe conditions exist. These conditions do contribute to the unattractiveness of the Area and can thus be considered a major contributing factor to a blighted condition.



5. Deterioration of Site and Other Improvements

The field survey also included an evaluation of the condition of site improvements including street surface conditions, curbs and gutters, street width adequacy, sidewalks, driveways, and off-street parking facilities, sanitary sewer facilities, and drainage facilities. The data presented in **Table 4** document the present conditions of these improvements in the Analysis Area. The lack of or deterioration of site improvements include:

- Sixteen (16) developed blocks in this Redevelopment Analysis Area are served by unimproved streets which have gravel surfaces which range in condition from fair to poor. This lack of paved streets creates dust issues in this Area and can result in limitations of access during period of heavy rain.
- Two (2) of the unimproved streets are of inadequate width and do not allow for off-street parking. A few unpaved streets in the central portion of the Analysis Area afford no discernable difference between street ROW and parcel and appear to have inadequate drainage.
- **Almost 100% of the sites are not served by a sidewalk system.** In addition, there are two (4) developed sites where sidewalks exist, but two are in poor condition. The non-existence of sidewalks and the condition of some existing sidewalks contributes to generating traffic hazards for children and other pedestrians in this Area as pedestrians are forced to walk along the side of streets—their safety, well-being and health at risk.
- Nearly 38% of the developed sites presently have driveways or off-street parking areas which are not surfaced, or which are surfaced only with gravel or crushed rock. These driveways and parking areas, particularly those associated with commercial uses and higher traffic volumes, result in dust production which impacts uses in proximity of the Area.
- Over 45% of the lots in this Area are unkept and / or contain substantial amounts of junk and debris. This relatively high level of poorly maintained properties within this Redevelopment Analysis Area represents a considerable blighting factor.



Conclusion

A combined rating of overall site improvements, as indicated on **Table 4 (page 19)**, indicates that more than one third of overall site improvements are in good condition. Over **60%** of the existing lots contain deteriorating site improvements creating a fair or poor rating, which implies that the Area is experiencing deterioration thus strongly contributing to the blighted conditions already present. In addition, the lack of site improvements in locations throughout the Redevelopment Analysis Area also serves to be a limiting factor to future development in the Area and thus is an additional factor contributing to blight.

Table 4
 Site Component Conditions - Scottsbluff Area Corridor
 Scottsbluff, Nebraska

	Total	Industrial	Commercial	Public ROW
Street Construction				
Concrete/Asphalt	23	4	19	0
Gravel/Dirt	18	7	11	0
Street Width				
Adequate	29	8	21	0
Inadequate	2	0	2	0
Street/Curb and Gutter Condition				
Good	10	1	9	0
Fair	14	2	11	1
Poor	22	14	6	2
Sidewalk Condition				
Good	1	0	1	0
Fair	1	0	1	0
Poor	2	0	2	0
No Sidewalk	32	8	23	1
Driveway/Off-Street Parking				
Concrete/Asphalt	14	5	9	0
Gravel/Dirt	23	8	14	0
None	4	0	3	1
Appearance				
Good	12	2	10	0
Fair	12	5	7	0
Poor	8	1	7	1
Surface Drainage				
Adequate	15	1	14	0
Minor Problems	14	5	9	0
Major Problems	3	2	1	0
Overall Site Condition				
Good	11	2	9	0
Fair	13	5	8	0
Poor	6	1	3	2

Source: M.C. Schaff & Associates, Inc., Field Survey, August 2017



6. Diversity of Ownership

Stability and the livelihood of any urban area are dependent to a large extent on slow, but consistent, renewal of the area through maintenance and modernization or replacement of the existing development. The ability to renew an area is thus partially dependent on the ability of the private and public sectors to acquire land of sufficient size to develop new housing or other land uses. The existence of smaller than optimal lots, under separate ownership make it difficult and expensive, if not impossible, to consolidate a sufficient amount of land to facilitate such renewal or redevelopment. Analysis of assessment records and online maps of the Redevelopment Analysis Area indicate that, although the majority of platted lots are individually owned, the vast majority of the platted lots are of sufficient size to respond to the markets. Research of public records from the Scotts Bluff County office indicates that 25 individuals or corporations own property in the Study Area.

Conclusion

While present, diversity of ownership is not a significant factor contributing to blight in the Analysis Areas.

7. Tax or Special Assessment Delinquency Exceeding the Fair Value of the Land

A complete review of the online databases for the Scotts Bluff County Treasurer's Office, as well as, the Scotts Bluff County Assessor's Office indicated that there are no tax or special assessment delinquencies in excess of the fair value of the property within this Analysis Area. Two properties are identified as having full exemption from property taxes, while one vacant property is of unknown ownership (*see the following item, 8. Defective or Unusual Conditions of Title*).

Conclusion

Tax or special assessment delinquencies exceeding the fair value of the land are not found to be a significant factor contributing to blight in the Analysis Areas.

8. Defective or Unusual Conditions of Title

A complete examination of deeds and encumbrances on properties within the Analysis Areas was conducted as part of this Blighted and Substandard Area Determination Analysis. The examination indicated that one defective or unusual condition of title exists within this Blight Analysis Area. This irregularly shaped lot (*outlined at right*) is not only prohibitive for development, but is also of unknown ownership according to Scotts Bluff County. No records exist for the property bound by the BNSF Railroad ROW on the west, County Road K ROW on the south and West 27th/City Route ROW on the northeast.

Conclusion

One defective or unusual conditions of title was found to be a significant factor contributing to blight in the Analysis Area.



9. Improper Subdivision and Obsolete Platting

The field surveys, combined with investigations of property ownership and plat maps, indicate that no problems exist in the Analysis Areas with regard to improper subdivision or obsolete platting.

Conclusion

Improper subdivision is not a factor contributing to blight in the Analysis Areas. There are no areas where platting has occurred that appears to be obsolete in nature. The parcel mentioned in **Section 8. Defective or Unusual Conditions of Title** (above) will most likely never develop in a method designed by the platting. Development has not taken place in this area and it is used frequently for no purpose other than allowing vegetation to grow unchecked and trash and debris to accumulate.



10. Existence of Conditions with Endanger Life or Property by Fire and other Causes

The same factors listed in the “substandard factor” analysis that endangers life or property by fire and other causes can directly be correlated to conditions that cause blight. Therefore, those factors also contribute to the blighted character within the Areas. These factors include:

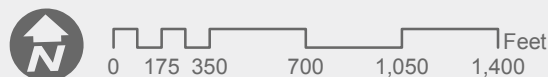
- The **14 instances** in the Blight Analysis Area where various amounts of combustible items are stored or where there are **junk, debris or waste tires** stored very near or against the walls of the primary building on the lot. The presence of this combustible material, junk and debris constitutes a substantial fire hazard which could endanger both life and property.
- The analysis of the average age of commercial/industrial structures within the Blight Analysis Area indicate that **35% of such structures** in the Area are **in excess of 40 years old** and the field survey indicates that a majority of these structures are of steel frame or other nonflammable material construction. The age of these structures implies that the wiring within these structures is outdated and in many instances probably reaching a point of being overloaded. This combination of old and potentially overloaded wiring presents a potential for endangerment of life and property.
- **Almost 100% of the sites are not served by a sidewalk system.** (See **Figure 4, page 22** for a graphical depiction of sidewalk availability and condition.) In addition, there are two (2) developed sites where sidewalks exist, but are in poor condition. The non-existence of a sidewalks and the condition of some existing sidewalks contributes to generating traffic hazards for children and other pedestrians in this Area.



Conclusion

A number of conditions which endanger life or property through fire or other causes now exist in this Analysis Area. These conditions, listed above, are sufficient in number and distribution in this Analysis Area to qualify as a blighting factor.

figure 4



Blight Study Area

Sidewalk Type—Condition

Concrete/Asphalt—Good

Concrete/Asphalt—Fair

Concrete/Asphalt—Poor

Gravel/Dirt—Poor

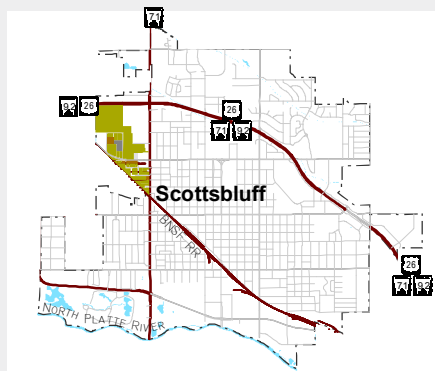
No Sidewalk

Railroad Tracks

Parcels

Corporate Limits

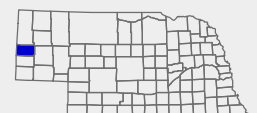
Observed sidewalk condition during physical site survey completed in April—July, 2017 by M.C. Schaff & Associates.



Overall Sidewalk Condition Rating

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Land Use: City, 2005 with field updates
Parcels: Scotts Bluff County, 2016



11. Any Combination of Blighting Factors

Section 18-2103 of the Nebraska Community Development Law, in its definition of blighted area, indicates that an area may be considered blighted if there exists any combination of the above factors which substantially impairs or arrests the sound growth of the community, retards the provisions of housing accommodations or constitutes an economic or social liability.

The combination of the above factors throughout the Analysis Area is sufficient to conclude that the older commercial and industrial structures, high percentage of junk and debris present in the area, nearly 100% lack of sidewalks, and high percentage of unimproved streets and parking areas with resulting dust are detrimental to the public health, safety, morals and welfare of the citizens residing within the Analysis Area:

- The combination of the presence of flammable junk and debris create a fire-spreading hazard with the result of possible property loss and endangerment of life.
- The presence of junk and debris on the lots not only creates potential fire hazards, but also creates unsanitary conditions, diminishes the overall physical appearance of the Area. Rats and other vermin frequently utilize these areas for breeding grounds, creating conditions that are detrimental to the health and welfare of the citizens.
- The existence of an inadequate surface system in the central unpaved portion of the Area presents additional threats to health. The lack of sufficient drainage structures allows water to pond and stagnate, creating not only a physical hazard, but also increased potential for multiplying mosquito production, an additional health hazard to area residents.

Conclusion

The combination of these types of substandard factors throughout the Analysis Area significantly effects the local population working and living in this Area. The level of population is sufficient to conclude that this combination of negative factors is in and of itself a contributing factor to the blight and substandard designation.

12. Detrimental to the public health, safety, morals, or welfare in its present condition and use and in which there is at least one of the following present:

- *Unemployment in the designated area is at least one hundred twenty percent (120%) of the state or national average;*
- *The average age of the residential or commercial units in the area is at least forty (40) years;*
- *More than half of the platted and subdivided property in the area is unimproved land that has been within the City for forty (40) years and has remained unimproved during that time;*
- *The per capita income of the area is lower than the average per capita income of the City in which the area is designated; or*
- *The area has had either stable or decreasing population in the last two decennial censuses.*

The **average age of the commercial units** in the area is **35 years**. Examination of U. S. Census data completed as part of this Analysis indicates the existence of the following conditions which impede the sound growth of the Redevelopment Analysis Area:

- There is one **residential** unit in the area, which was built in 1963, with an age of **54 years**;
- The area has had either stable or decreasing population in the last two decennial censuses with reference to the 1990, 2000, and 2010 U.S. Census data. (*See Appendix c.*)

Conclusion

The combination of the above factors which limit sound development of the City, impede development and redevelopment and produce an ongoing economic liability, are sufficient to be considered blighting factors in the Redevelopment Analysis Area. In addition, in accordance with the requirements of this Section of the law, while the average age of the commercial structures is under 40 years, the average age of residential structures is well over 40 years (56 years), and the Area has had a stable or decreasing population during the last two decennial censuses, see Appendices 3-5.



13. Other Blighting Factors

In Section 18-2102, the Legislative Findings and Declarations (Introduction) of the Community Development Law, states in part some additional criteria for identifying blighting conditions including “economically or socially undesirable land uses”. Factors which are commonly used to evaluate undesirable land uses include:

- 1) poorly designed and implemented sanitary sewer main in need of relocation;
 - 2) economic obsolescence of the land uses or the land uses ability to compete in the market place; and
 - 3) functional obsolescence of the land uses or the physical utility of the land and structures.
- This Redevelopment Analysis Area has a number of properties where the unsecured storage of junk and other debris constitutes a fire hazard and potential health hazards and where poor surface drainage results in problems with access to property and mosquito health hazards. Considerable amounts of junk and debris and poor drainage are “unattractive” environmental factors which contribute to undesirable land usage.
 - Existing public sanitary sewer mains and public water mains cross the middle of a parcel, impeding the development of said parcel.

Also documented in this report, there is a predominance of the factors regarding the characteristics of buildings and improvements, as set forth in the Nebraska Community Development Law. In fact, **6 of the 12 factors** set forth in the law are present in the Analysis Area and thus the Area can be considered blighted in accordance with the Law.

Present to a Reasonable Degree

- Defective or unusual conditions of title;
- Existence of defective or inadequate street layout;
- A substantial number of deteriorated or deteriorating structures;
- Unsanitary and unsafe conditions;
- Deterioration of site and other improvements; and
- Existence of conditions which endanger the life or property by fire and other causes.

Not Present

- Faulty lot layout in relation to size, adequacy, accessibility or usefulness;
- Tax or special assessment delinquency exceeding the fair value of the land;
- Improper subdivision or obsolete platting;
- The average age of commercial structures is at least 40 years; and
- Diversity of ownership. (Present, but determined to not be a factor in this study.)

analysis of blight factors

Combinations of these blighting factors which substantially impair or arrest the sound growth of the community, retards the provisions for housing accommodations and constitute an economic and social liability and which area detrimental to the public health, safety and welfare are present to a reasonable degree. In addition, two of the five **critical factors** for blight determination are present as follows:

Present

- The average age of residential is at least 40 years.
- The area has had either stable or decreasing population in the last two decennial censuses.

The land area contained within the Analysis Area, as set forth in **Figure 1**, meets the requirements of the Nebraska Community Development Law for designation as both a “substandard” and “blighted” area. As documented in this report, there is a varying, but reasonable distribution of 5 of the 6 factors that indicate that Analysis Area is substandard. These substandard factors and the intensity of occurrence are as follows:

Present to a Reasonable Degree

- Age and obsolescence of buildings and improvements; and
- Existence of conditions which endanger life or property by fire and other causes; and
- Dilapidation and deterioration of buildings and improvements; and
- Combinations of these factors which are conducive to ill health and detrimental to the public health, safety and welfare; and
- Inadequate Provisions for Ventilation, Light, Air, Sanitation or Open Space.

Not Present

- High density of population or overcrowding.



DETERMINATION OF NEED FOR PUBLIC INTERVENTION

Section 18-2102 of the Nebraska Community Development Law requires that in determining whether or not any area is blighted or substandard, the conditions of the area must be such that arresting of the blight and substandard conditions within the area be beyond the remedy and control of the City solely by regulatory control and exercise of the police power and cannot be effectively dealt with by the ordinary operations of private enterprise without the aids provided under this law.

Evaluation of the conditions of the Redevelopment Analysis Area, as determined by the analysis of each substandard or blight factor, indicate that although Scottsbluff can encourage long-term improvement of conditions within the Redevelopment Analysis Area through implementation of zoning districts and zoning regulations, through replacement or improvement of streets, sidewalks, alleys, and utilities, and through improved overall law enforcement, it cannot overcome these problems without substantially increasing property taxes or creating property assessment districts to finance the improvements needed. Increasing taxes or assessments over the existing levels will only serve to reduce spendable incomes in the City resulting in a further decline in the maintenance and thus the quality of structures and infrastructure within the area.

In summary, if the blighting and substandard conditions in the Redevelopment Analysis Area are to be effectively arrested within a timeframe that will minimize further deterioration of the Area, the City of Scottsbluff and private enterprise working together through actions of local investors, government officials, the aids provided through Tax Increment Financing (TIF), and the use of other grant funds targeted to arrest the causes of the blighted and substandard conditions, identified herein, are necessary, essential and warranted.



appendix

**LEGAL DESCRIPTION
SCOTTSSLUFF ANALYSIS AREA
Scottsbluff, Nebraska**

***Beginning** at the northwestern corner of Parcel 010303294, otherwise known as the unplatted triangular sliver of land of unknown ownership located between the southern right-of-way (ROW) line of City Route/West 27th Street, the northeastern ROW line of Burlington Northern Santa Fe (BNSF) Railroad, and the northern ROW line of the easterly extension of County Road K;*

***thence** northeasterly, and perpendicular to the BNSF main track centerline, to the northern ROW line of City Route/West 27th Street;*

***thence** southeasterly on the northern ROW of City Route/West 27th Street to the west ROW line of Avenue O;*

***thence** north on west ROW of Avenue O to the northeast corner of Block 1, Case Subdivision;*

***thence** continuing west on the north line of Block 1, Case Subdivision to the north-south centerline of Section 15, Township 22 North, Range 55 West (15-22-55), also known as the west corporate limits line of the City of Scottsbluff;*

***thence** north on the north-south centerline of Section 15-22-55, to the south ROW line of US Highway 26;*

***thence** east on the south ROW line of US Highway 26 to the northwest corner of Lot 7A, Block 1, Frank Friedlan Addition Replat;*

***thence** south on the west line of said Lot 7A, Block 1, Frank Friedlan Addition Replat to the southwest corner of said Lot 7A, Block 1, Frank Friedlan Addition Replat;*

***thence** east on the south line of said Lot 7A, Block 1, Frank Friedlan Addition Replat to its intersection with the northerly extension of the west ROW of Avenue K;*

***thence** south on the northerly extension of the west ROW of Avenue K and continuing on the west ROW of Avenue K to the south ROW of West 29th Street;*

***thence** east on the south ROW of West 29th Street to the northwest corner of Lot 1, Bjorling Addition;*

***thence** south on the west line of Lot 1, Bjorling Addition to the southwest corner of said Lot 1;*

***thence** continuing on the southerly extension of the west line of Lot 1, Bjorling Addition to its intersection with the westerly extension of the south line of Lot A, Replat of Baltes Addition;*

***thence** westerly on the westerly extension of the south line of Lot A, Replat of Baltes Addition to the northerly extension of the east line of Lot 1, Block 5, Baltes Second Addition;*

***thence** south on the northerly extension of the east line of Lot 1, Block 5, Baltes Second Addition to the northeast corner of said Lot 1, Block 5 Baltes Second Addition;*

***thence** west on the north line of Baltes Second Addition to the northeast corner of Block 1, Alf Addition;*

***thence** south on the east line of Block 1, Alf Addition to the southeast corner of said Block 1, Alf Addition;*

***thence** south to the intersection of the centerlines of West 27th Street and Avenue K;*

***thence** south on centerline of Avenue K to the intersection of the centerlines of Avenue K and West 26th Street;*

***thence** east on the centerline of West 26th Street to the intersection of the centerlines of West 26th Street and Avenue I;*

***thence** south on the centerline of Avenue I to a point perpendicular to the southeast corner of Parcel Number 010159754, also known as PT SE NE TL 1, Unplatted Lands 22-22-55 (.37 acres);*

***thence** west on the this said perpendicular line to the southeast corner of said Parcel Number 010159754, said point also being on the northeastern ROW line of BNSF Railroad;*

***thence** northwesterly on the northeastern ROW line of BNSF Railroad to the **Point of Beginning**.*

No parcels shall be excepted from the above described boundary, as none of the parcels within the described boundary are owned by members of the Scottsbluff City Council.

The referenced Analysis Area, in the city of Scottsbluff, Nebraska, includes the following identified Additions, Blocks and/or Lots, and unplatted lands:

Alf Subdivision

Block 1

Burlington Northern Subdivision:

Block 2: Lots 1, 2, 3, 4, 5 (amended plat of Blk 2)

Block 3: Lots 1-6, 7-12

Block 4: Lots A, 3A, 4A, 7-20

Block 5: Lots 1-3, E23' Lot 4, W27' Lot 4, Lots 5-8; Lot 19 (replat)

Block 6: Lot 1A (replat of Lots 1-2-3); Lots 4-16

Case Subdivision

Block 2: Lot 1A (replat), Lot 2A, Lot 3B (amended plat of Lots 3A & 5), Lot 6, Lot 7 & 8, Lot 9, Lot 10, Lot 11

Sumner Addition Replat

Block 1: Lot A, Lot B1

Westside Addition Replat

Block A

Unplatted lands

West 30 feet of SE SE 15-22-55 unplatted lands (.89)

Part SE SE (between BN RR & Business US Highway 26 & North of 27th Street) 15-22-55

Part North 1/2 SE, Part SE SE 15-22-55 (61.05)

Part SE NE Tax Lot 1, unplatted lands 22-22-55 (.37)

Part SE NE Tax Lot 2, unplatted lands 22-22-55 (1.06)

Part SE NE Tax Lot 3 (73.35"X120") unplatted lands 22-22-55 (.20)

Winter Creek Canal north of Lot 1A Sumner Addition in the NE 22-22-55

The **parcel numbers** for the 33 identified lots and/or blocks and unplatted lands in this Analysis Area are:

010000105, 010108106, 010150269, 010150277, 010156143, 010159746, 010159754,
010226664, 010230424, 010245219, 010246207, 010246223, 010246266, 010246282,
010246290, 010246304, 010246312, 010274391, 010296956, 010297200, 010297243,
010297367, 010297391, 010297405, 010297421, 010297642, 010303294, 010306382,
010327274, 010333886, 010341501, 010341803, 010361125

The **primary streets and roads** within the Analysis Area include:

E—W: W 25th Street, W 26th Street, W 27th Street, City Route, W 29th Street, W 31st Street;
N—S: Avenue I, Avenue K, Avenue L, Avenue M, Avenue O.

Date	
Project No.	RM130258-00
Parcel No.	
Address	

• **Structure** •
• **Site** •
• **Infrastructure** •
Data Sheet

Description of Parcel

Type of Use	<input type="radio"/> Residential	<input type="radio"/> Commercial	<input type="radio"/> Industrial	<input type="radio"/> Public/Semi-Public	<input type="radio"/> Other
Type of Unit	<input type="radio"/> Single Family	<input type="radio"/> Duplex	<input type="radio"/> Multi-Family	<input type="radio"/> Mobile Home	<input type="radio"/> Manufactured Home
Unit Status	<input type="radio"/> Occupied	<input type="radio"/> Vacant <input type="radio"/> Habitable <input type="radio"/> Uninhabitable	<input type="radio"/> Under Construction	<input type="radio"/> Being Rehabilitated	<input type="radio"/> For Sale
Vacant Parcel	<input type="radio"/> Developable	<input type="radio"/> Undevelopable	<input type="radio"/> Flood Hazard		

Building / Structure Components

Major Components	Type	Critical Problems	Major Problems	Minor Problems	No Problems
Roof (Structural)					
Foundation					
Walls (Structural)					

Minor Components	Type	Critical Problems	Major Problems	Minor Problems	No Problems
Wall Surface					
Roofing					
Windows					
Doors					
Porches/Steps/Fire Escapes					
Chimney/Vents					
Paint					
Gutter/Spouts					
Driveway					

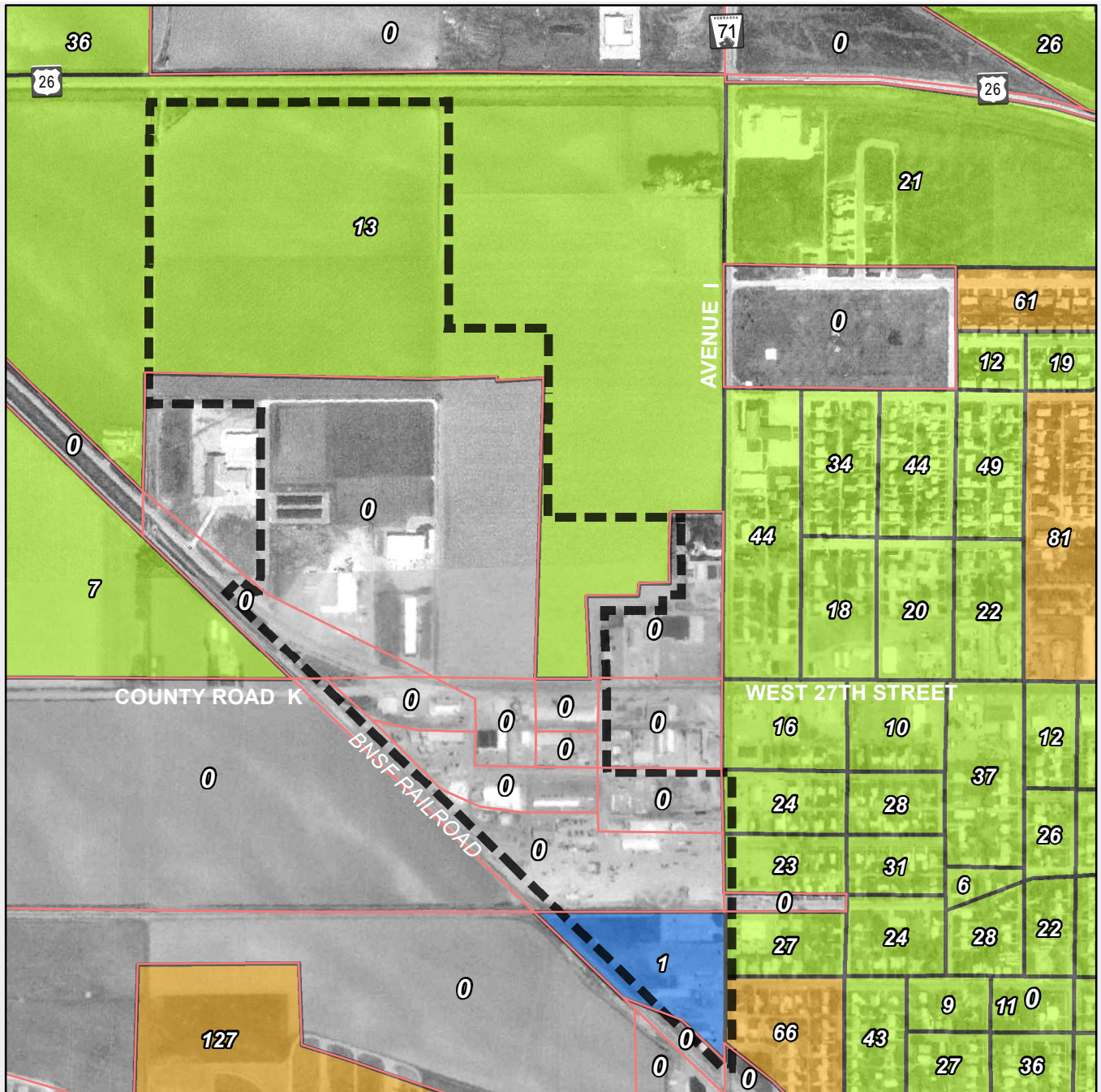
Building/Structure Combined Rating	<input type="radio"/> Sound	<input type="radio"/> Minor Deficiencies	<input type="radio"/> Major Deficiencies	<input type="radio"/> Substandard	<input type="radio"/> Dilapidated
Building/Structure Age	<input type="radio"/> New-1 year <input type="radio"/> 40+ years	<input type="radio"/> 1-5 Years <input type="radio"/> Unknown	<input type="radio"/> 6-10 Years	<input type="radio"/> 11-20 Years	<input type="radio"/> 20-40 Years

Site Conditions		G	F	P
Street Condition	<input type="radio"/> Concrete/Asphalt <input type="radio"/> Gravel/Dirt			
Street Width	<input type="radio"/> Adequate <input type="radio"/> Inadequate			
Alley Condition	<input type="radio"/> None <input type="radio"/> Concrete/Asphalt <input type="radio"/> Gravel/Dirt			
Sidewalks	<input type="radio"/> Concrete/Asphalt <input type="radio"/> Gravel/Dirt <input type="radio"/> Brick <input type="radio"/> None			
Sidewalks on all Frontages	<input type="radio"/> Yes <input type="radio"/> No			
Off-Street Parking	<input type="radio"/> Concrete/Asphalt <input type="radio"/> Gravel/Dirt <input type="radio"/> None			
On-Street Parking	<input type="radio"/> None Permitted <input type="radio"/> One-Side <input type="radio"/> Both Sides			
Lot/Site Condition	<input type="radio"/> Unkept <input type="radio"/> Junk/Debris			
Fencing Condition	<input type="radio"/> None			
Sign Condition	<input type="radio"/> None			
Outbuilding Condition/Age	Number of Outbuildings _____ <input type="radio"/> New-1 Yr <input type="radio"/> 2-5 Yrs <input type="radio"/> 6-10 Yrs <input type="radio"/> 11-20 Yrs <input type="radio"/> 20-40 Yrs <input type="radio"/> 40+ yrs <input type="radio"/> Unk			
Surface Drainage	<input type="radio"/> Adequate <input type="radio"/> Minor Problems <input type="radio"/> Major Problems			
Adjoining Railroad	<input type="radio"/> Yes <input type="radio"/> No			
Front Yard Set-Back	<input type="radio"/> Very Limited <input type="radio"/> Adequate			
Side/Rear Yard Set-Back	<input type="radio"/> Very Limited <input type="radio"/> Adequate			
Public Utility Impacts	<input type="radio"/> None <input type="radio"/> Minor Negative Impact <input type="radio"/> Major Negative Impact			
Adjacent Land Use Compatibility	<input type="radio"/> Compatible <input type="radio"/> Minor Land Use Conflicts <input type="radio"/> Major Land Use Conflicts			

Overall Site Condition Rating **GOOD** **FAIR** **POOR**

Comments

Reviewer _____



1990 US Census Population

City of Scottsbluff
Scotts Bluff County, NE

**1990 US Census
Block
Population**

	0		6 - 50
	1		51 - 127
	2 - 5		Blight Study Area

Data Sources:

1990 Census shapefile and population data:
Minnesota Population Center. National Historical Geographic Information System: Version 11.0 [Database]. Minneapolis:
University of Minnesota. 2016. <http://doi.org/10.18128/D050.V11.0>. <https://data2.nhgis.org>

Imagery: NAIP, 1993 <ftp://dnrftp.dnr.ne.gov/pub/data/CoqArea/1993SPCOQQs/41103/>





2000 US Census
Block Population

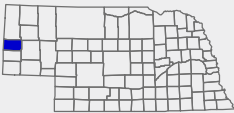
BLIGHT_AREA  Blight Study Area

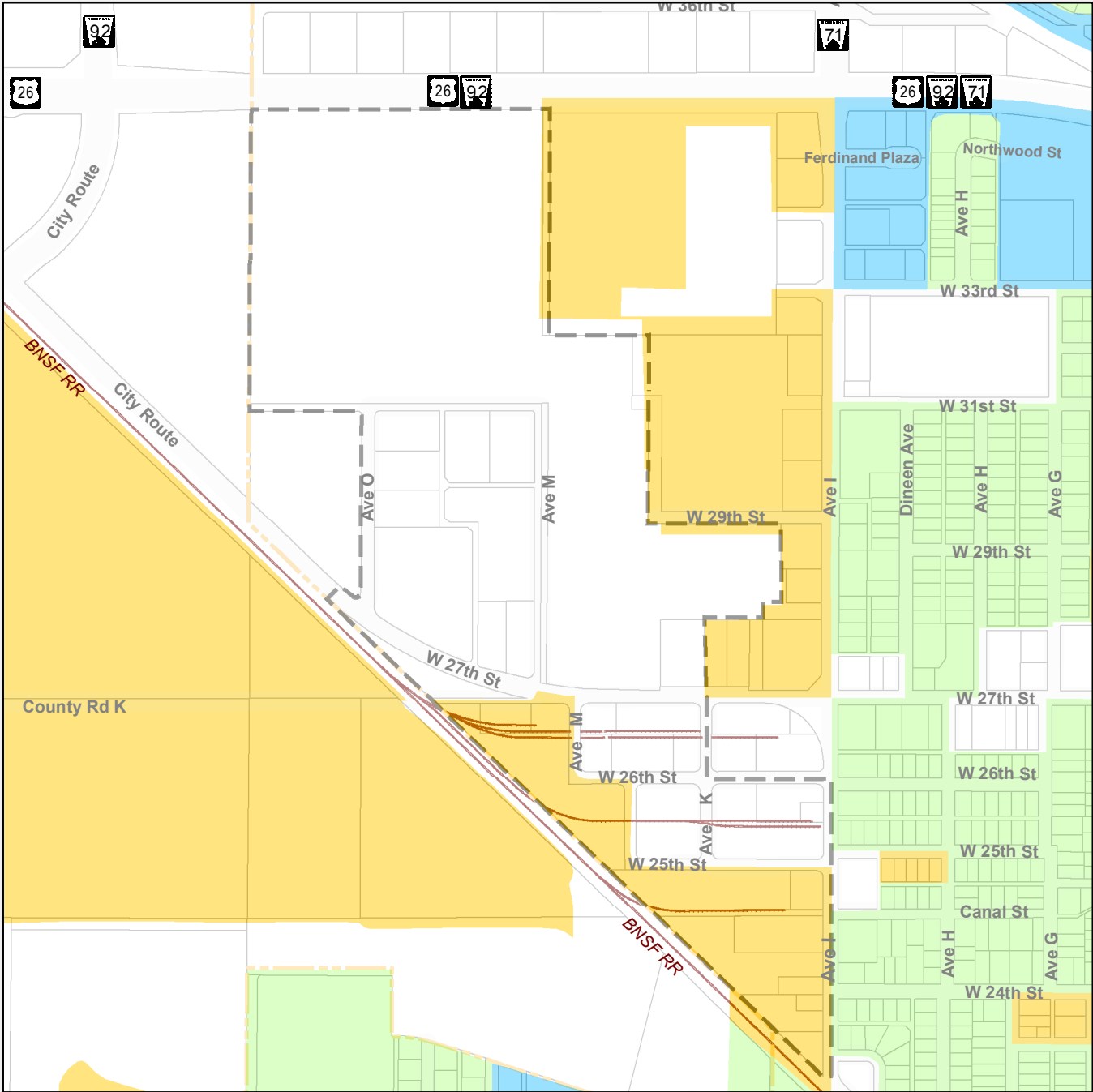
**2000 US
Census
Population**

0 2-5 51-273
1 6-50

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Population: 2000 US Census Blocks
www2.census.gov/plmap/pl_blk/st31_Nebraska/c31157_ScottsBluff/PB31157_031.pdf and
www2.census.gov/plmap/pl_blk/st31_Nebraska/c31157_ScottsBluff/PB31157_043.pdf
Population block level data sourced from the DEC_00_SF1_P002 table, www2.census.gov
Aerial: FSA, USGS Digital Orthophoto Quarter-Quadrangles, 1999

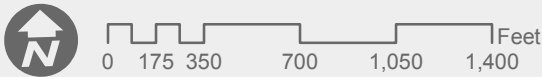




2010 US Census
Population

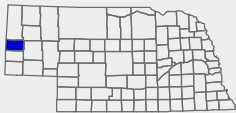
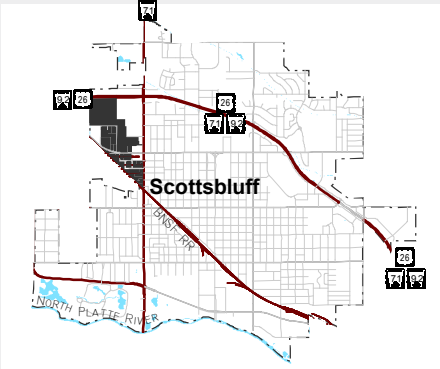
City of Scottsbluff
Scotts Bluff County, NE

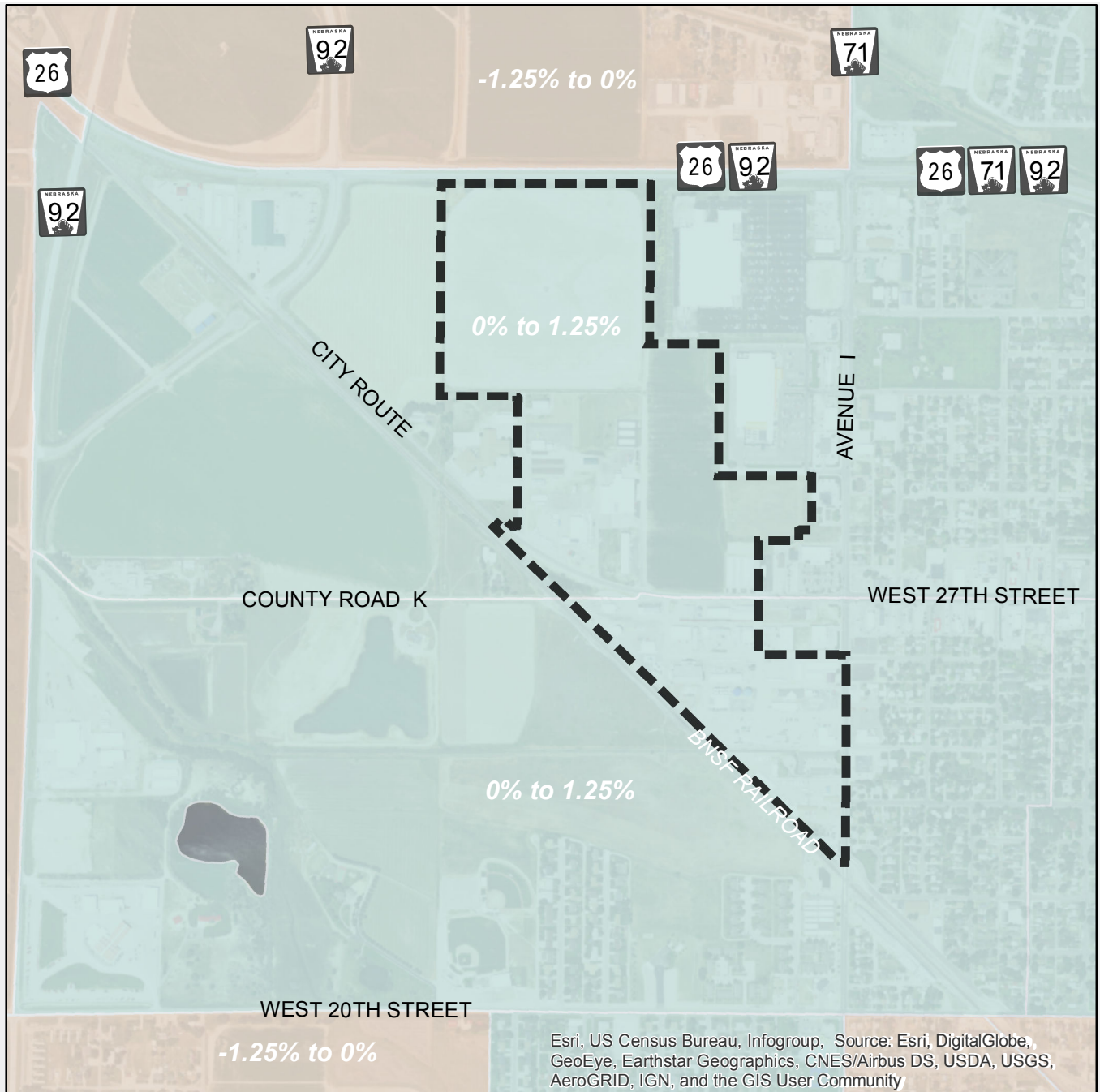
Data Sources:
Land Use: City, 2005 with field updates
Parcels: Scotts Bluff County, 2016



US Census Blocks 2010
Population

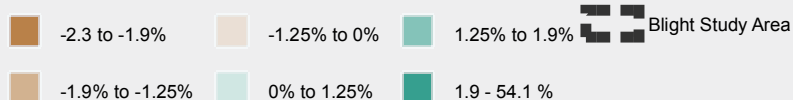
- 0
- 1-5
- 6-50
- 51-100
- 101-251
- Blight Study Area
- Corporate Limits
- Railroad Tracks
- Parcels





Projected 2016-2021 USA Population Growth

Projected 2016-2021 Pop Growth

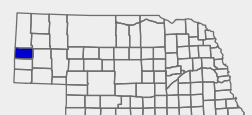


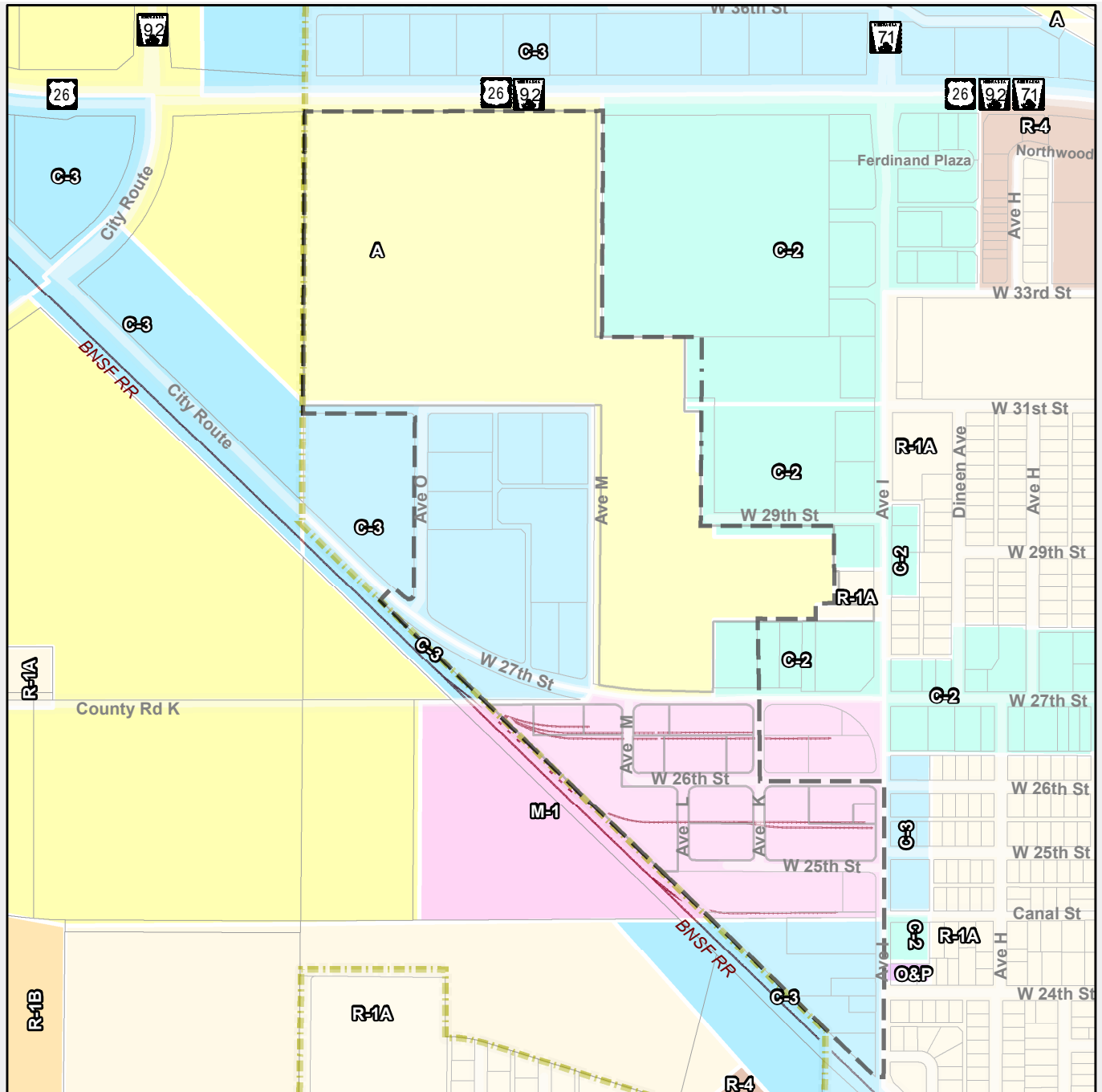
City of Scottsbluff
Scotts Bluff County, NE

Data Sources:

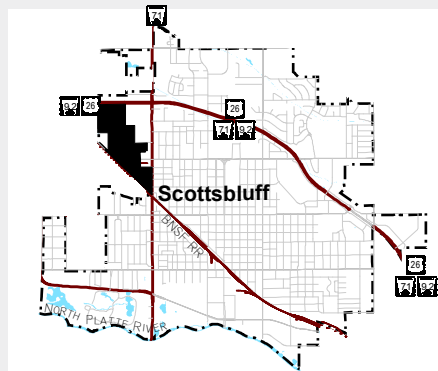
Esri's Updated Demographics, Census Data, Tapestry Segmentation, and Business Summary data for the United States. http://go.to.arcgisonline.com/demographics6/USA_Demographics_and_Boundaries_2016.

Imagery: Esri, USDA NAIP, July 2014





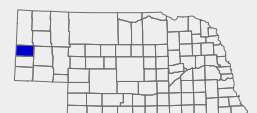
- Zoning**
- A
 - C-2
 - C-3
 - M-1
 - R-1A
 - R-1B
 - R-4
 - R-4A
 - O&P
- Blight Study Area
- Corporate Limits

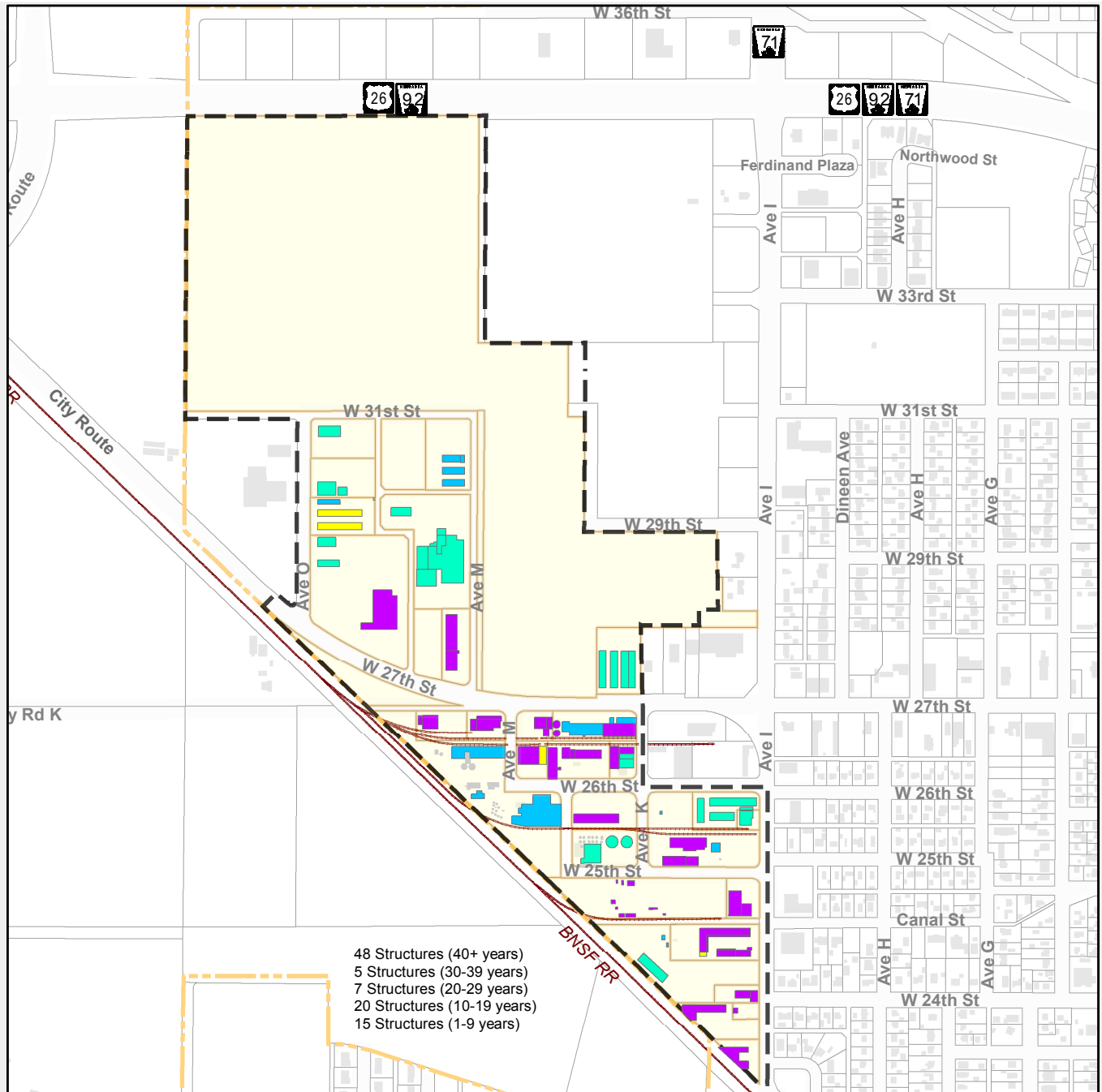


Existing Zoning

City of Scottsbluff Scotts Bluff County, NE

Data Sources:
Land Use: City, 2005 with field updates
Parcels: Scotts Bluff County, 2016
Aerial: US Army Corps of Engineers, 2011

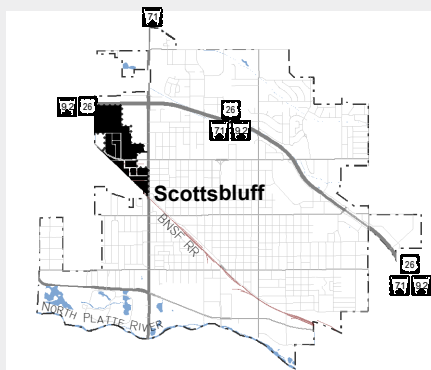




Structure Age (Year Built)

- Unknown
- 40+ Years (1926-1977)
- 30-39 Years (1978-1987)
- 10-29 Years (1988 - 2007)
- 1-9 Years (2008 - 2016)
- Blight Study Area
- BlightStudyParcels
- Corporate Limits

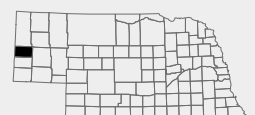
Data Sources:
 Parcels: Scotts
 Bluff County, 2016



Structure Age

City of Scottsbluff
 Scotts Bluff County, NE

Structure age obtained from
 Scotts Bluff County Assessor
 online data sheets, July, 2017.



WEST SCOTTSBLUFF REDEVELOPMENT AREA							
	TOTAL	PERCENT	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	VACANT	OTHER
STREET SURFACE TYPE							
None	0	0%					
Concrete	3	6%		1			2
Asphalt	28	53%	1	19	4	3	1
Gravel	21	40%		10	7	3	1
Dirt	1	2%		1			
Brick	0	0%					
TOTAL	53						
STREET CONDITION							
None	0	0%					
Excellent	1	2%					1
Good	13	30%	1	9	1	1	1
Fair	18	42%		10	6	1	1
Poor	11	26%		7	1	2	1
TOTAL	43						
PARKING SURFACE							
None	7	14%		6			1
Concrete	16	31%	1	8	7		
Asphalt	3	6%		3			
Gravel	17	33%		11	6		
Dirt	8	16%		2	3	3	
Brick	0	0%					
TOTAL	51						
PARKING SPACES							
Ranges	0	0%					
None	1	2%					1
Hard Surfaced	15	37%	1	9	5		
Unimproved	25	61%		14	8	3	
TOTAL	41						
PARKING SPACES							
None	10	26%		6		3	1
1 to 2	3	8%			3		
3 to 5	5	13%		4	1		
6 to 10	3	8%		2	1		
11 to 20	8	21%		6	2		
21 or More	9	24%	1	6	2		
TOTAL	38						
DRIVEWAY CONDITION							
None	25	27%		8	13	3	1
Sound	17	19%		9	8		
Minor	32	35%	1	25	6		
Substandard	13	14%		12	1		
Critical	4	4%		1	3		
TOTAL	91						
RR Track/ROW COMPOSITION							
None	20		1	16		2	1
Excellent	0						
Good	6			3	3		
Fair	6			2	4		
Poor	5			3	1	1	
TOTAL	37						

WEST SCOTTSBLUFF REDEVELOPMENT AREA							
	TOTAL	PERCENT	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	VACANT	OTHER
SIDEWALK CONDITION							
None	64	93%		34	20	5	5
Excellent	0	0%					
Good	2	3%		2			
Fair	1	1%	1				
Poor	2	3%		2			
TOTAL	69						
SIGN CONDITION							
Good	19	46%	1	14	3		1
Poor	7	17%		5	2		
None	15	37%		9	3	3	
TOTAL	41						
AGE OF STRUCTURE							
1-5 Years	1			1			
6-10 Years	5			2	3		
11-20 Years	8			4	4		
21-40 Years	38			18	20		
41-100 Years	40		1	20	19		
100+ Years	0						
ROOF STRUCTURE CONDITION							
None	1	1%		1			
Sound	14	16%			14		
Minor	61	69%	1	50	10		
Substandard	10	11%		6	4		
Critical	2	2%		1	1		
TOTAL	88						
ROOF TYPE							
Asphalt Shingles	19	22%	1	11	7		
Rolled Asphalt	2	2%		1	1		
Steel	66	75%		46	20		
Cedar	0	0%					
Combination	1	1%			1		
Other	0	0%					
TOTAL	88						
ROOF SURFACE							
None	2	2%		2			
Sound	13	15%		1	12		
Minor	66	74%	1	53	12		
Substandard	7	8%		2	5		
Critical	1	1%			1		
TOTAL	89						
CHIMNEY/VENTS							
None	22	8%	1	11	10		
Sound	34	13%		12	22		
Minor	193	73%		167	26		
Substandard	14	5%		7	7		
Critical	0	0%					
TOTAL	263						

WEST SCOTTSBLUFF REDEVELOPMENT AREA							
	TOTAL	PERCENT	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	VACANT	OTHER
GUTTER, DOWNSPOUTS							
None	32	16%		15	17		
Sound	36	18%		27	9		
Minor	113	57%	1	106	6		
Substandard	16	8%		15	1		
Critical	0	0%					
TOTAL	197						
PORCHES / STEPS / FIRE ESCAPES							
None	51	68%		37	14		
Sound	7	9%		6	1		
Minor	12	16%	1	7	4		
Substandard	5	7%		2	3		
Critical	0	0%					
TOTAL	75						
FOUNDATION TYPE							
Concrete	70	81%	1	43	26		
Stone	0	0%					
Rolled Asphalt	0	0%					
Brick	12	14%		9	3		
Other/None	4	5%		4			
TOTAL	86						
FOUNDATION							
None	1	1%		1			
Sound	13	15%		1	12		
Minor	58	66%	1	50	7		
Substandard	15	17%		5	10		
Critical	1	1%		1			
TOTAL	88						
WALL FOUNDATION							
None	1	1%		1			
Sound	12	14%			12		
Minor	58	67%	1	50	7		
Substandard	15	17%		5	10		
Critical	1	1%		1			
TOTAL	87						
DOORS							
None	4	1%		1	3		
Sound	297	45%		242	55		
Minor	306	47%	1	279	26		
Substandard	34	5%		22	12		
Critical	17	3%		14	3		
TOTAL	658						
WINDOWS							
None	40	16%		30	10		
Sound	74	29%		50	24		
Minor	118	46%	1	113	4		
Substandard	23	9%		7	16		
Critical	0	0%					
TOTAL	255						

WEST SCOTTSBLUFF REDEVELOPMENT AREA							
	TOTAL	PERCENT	RESIDENTIAL	COMMERCIAL	INDUSTRIAL	VACANT	OTHER
WALL SURFACE TYPE							
Frame	1	1%		1			
Masonry	17	18%		10	7		
Siding	11	12%		7	4		
Combination	8	9%	1	6	1		
Stucco	3	3%		2	1		
Metal	51	55%		31	20		
Other	1	1%		1			
TOTAL	92						
WALL SURFACE							
None	1	1%		1			
Sound	25	27%		13	12		
Minor	51	55%	1	39	11		
Substandard	13	14%		4	9		
Critical	2	2%		1	1		
TOTAL	92						
PAINT							
None	28	36%		21	7		
Sound	14	18%		8	6		
Minor	22	28%	1	15	6		
Substandard	11	14%		4	7		
Critical	3	4%		1	2		
TOTAL	78						
FINAL STRUCTURAL RATING							
Sound	7	12%		7			
Deteriorating-Minor	45	78%	1	44			
Deteriorating-Major	2	3%		2			
Dilapidated	4	7%		4			
TOTAL	58			1			
FENCE CONDITION							
Good	9	26%	1	7	1		
Poor	4	12%		4			
None	21	62%		13	7		1
TOTAL	34						
DEBRIS							
None	9	24%		6	3		
Major	16	43%	1	9	4	2	
Minor	12	32%		8	2	1	1
TOTAL	37						
EXISTENCE OF VAGRANTS							
None	18	51%		13	5		
Major	4	11%		2	1	1	
Minor	13	37%	1	7	2	2	1
TOTAL	35						
OVERALL SITE CONDITION							
Excellent	0	0%					
Good	12	32%		10	2		
Fair	15	41%	1	7	5	1	1
Poor	10	27%		7	1	2	
TOTAL	37						

simply smart solutions



M.C. SCHAFF
AND ASSOCIATES, INC.

PGE PANHANDLE
GEOTECHNICAL &
ENVIRONMENTAL

(e) ENVIROSERVICE

City of Scottsbluff, Nebraska

Monday, October 9, 2017

Regular Meeting

Item NewBiz3

Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees

Amend subdivision code to change the way runoff from new development is managed. Impose impact fee for development which creates additional runoff.

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Stormwater Department
Date: October 9, 2017
Subject: Stormwater Post-Construction Ordinances and Related Amendments

Currently, the City requires all new subdivisions to install stormwater retention basins on-site. After installation, the developers are also required to maintain these facilities in perpetuity. This has proven to be very impractical and difficult to enforce, as it is very unappealing for developers to sacrifice developable land for stormwater facilities, and once the lots have been sold off, the developer does not want to remain responsible for the ongoing maintenance of the facilities. Previously, developers' agreements have stated that homeowners associations will be created to fund the ongoing maintenance of stormwater facilities; however, in practice, these associations have not been established, leaving no entity to take responsibility for the stormwater facilities. In addition, many other communities that have attempted similar requirements have had issues with the responsible entity ceasing to pay taxes on the parcel that houses the stormwater facility, so the responsibility of maintaining the facility will then fall back on the City. The City is also facing new regulatory requirements that ultimately hold the City responsible for ensuring that adequate maintenance is performed on all of these facilities; this is extremely difficult to accomplish when these facilities are privately owned.

In order to alleviate the burden on developers to build and maintain stormwater treatment facilities, and to relieve the City of the challenge of enforcing maintenance requirements on private property owners, City staff is proposing that from now on, when property is developed or redeveloped, resulting in increased stormwater runoff, that runoff should be routed to City facilities. The City will install and maintain these facilities in perpetuity. In order to fund this, an impact fee will be charged for any new impervious cover (streets, driveways, buildings, etc.) that is installed. This will be a one-time fee that is charged any time a building permit or paving permit is issued. The paving permit will be established to allow the City to track and charge an impact fee for any new paving of over 1,000 square feet. This will better allow the City to accommodate the increased runoff from large paving projects throughout the City. Regular maintenance activities on existing pavement (overlays, repair, etc.) will not be required to pay an impact fee. This will also allow the City to fulfill the requirements of its NPDES permit by ensuring that they have access to and control over all future retention facilities, allowing them to ensure regular maintenance is performed.

At the September 11 Planning Commission Meeting, several questions were raised as to how the fee was determined and how it would be implemented for certain properties. These questions are to be addressed at tonight's meeting, and the ordinance can be recommended for approval or disapproval with or without requested changes.

RECOMMENDATION

Approve

Move to recommend approval of the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 with the following conditions:

Move to recommend denial of the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 for the following reasons:

Move to table recommendation on the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11; Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 for the following reasons:

NPDES Permit Requirements

The City of Scottsbluff must comply with the requirements of the National Pollutant Discharge and Eliminates System (NPDES) Storm Water Phase II Municipal Separate Storm Sewer System (MS4) General Permit administered by the Nebraska Department of Environmental Quality (NDEQ).

This unfunded mandate concentrates on six points including post-construction runoff from new and re-developed sites.

The City feels the best long term and sustainable option to address this requirement is to build municipally owned and maintained stormwater treatment facilities.



City of Scottsbluff Stormwater

Mail: 2525 Circle Drive
Scottsbluff, NE 69361

Office: 3702 Rebecca Winters Road
Scottsbluff, NE 69361

Phone: 308-630-8011
E-mail: stormwater@scottsbluff.org

Stormwater
City of Scottsbluff

Stormwater Impact Fee



Stormwater Tel: 308-630-8011

Why do we need a Stormwater Impact Fee?

Stormwater is surface runoff created by rain, hail, sleet, or snow. As development increases, so does impervious surface which increases stormwater volume, pollution and load on the municipal separate storm sewer system (MS4). Without proper infrastructure stormwater creates flood and pollution issues.



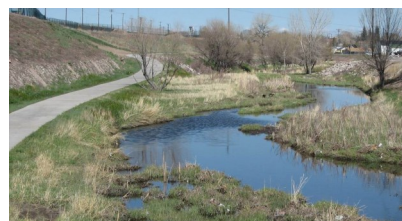
Stormwater runoff

The City's current stormwater retention requirements for new subdivisions are not effective for managing stormwater. Current regulations require developers to use their private land for stormwater treatment facilities (STFs) and place the responsibility of STF maintenance on the property owner. This reduces lot availability and increases flood and safety risks from improper or negligent maintenance.

Revenue generated from the Stormwater Impact Fee will build and maintain municipal stormwater treatment facilities (STFs) to provide flood and pollution control as development expands in the city. Revenue will also fund capital improvement projects, like opening the Scotts Bluff Drain, reducing flood threats to life and property that currently exist.

How will the fee be assessed?

A stormwater impact fee is considered the fairest method to generate funding to build, operate and maintain the stormwater infrastructure necessary to safely manage the City's stormwater runoff. The amount



Cheyenne Greenway

each developer or builder pays is based upon the amount of impervious area on their property. The \$1.50 per square foot fee will apply to all projects building or adding 1,000 square feet or more of impervious surface and assessed during the building permit process.

In exchange, ***developers and builders no longer have to retain stormwater on their property.*** This opens previously reserved stormwater retention space for the developer or owner's use, releases the developer or builder from state mandated maintenance and inspections, and insures that City will be able to adequately handle the runoff from the development or building.

Can I avoid the fee if I manage my site's stormwater?

Not at this time. State regulation requires design standards, maintenance, and inspection be guaranteed ***in perpetuity***, including arrangements if the owner or business should leave. Since it is difficult to predict the longevity of a business or owner on a property the City will route stormwater to municipally owned and maintained facilities.



Antelope Creek, Lincoln

Can I reduce the fee?

Yes! Incorporating more permeable surfaces into the site can reduce the amount of the impact fee. Permeable pavement, green spaces or other structures increase permeable space and reduce runoff generated by a site. Promoting infiltration of runoff can reduce cost. Rethink design to promote permeable surfaces including smaller driveways and more landscaping.



Permeable Pavement

ORDINANCE NO. _____

AN ORDINANCE FOR THE CITY OF SCOTTSBLUFF, NEBRASKA, PROVIDING FOR A NEW PAVING PERMIT REQUIREMENT ADDED TO CHAPTER 4, ARTICLE 11 OF THE CODE, ALSO AMENDING THE SUBDIVISION REQUIREMENTS IN CHAPTER 21 OF THE CODE, AMENDING THE BUILDING PERMIT REQUIREMENTS FOUND AT ARTICLE 6 CHAPTER 6 AND AMENDING SECTION 6-6-2 RELATING TO BUILDING PERMITS AND ADDING ARTICLE 4 TO CHAPTER 24 RELATED TO POST-CONSTRUCTION DESIGN STANDARDS FOR STORM WATER AND STORM WATER POLLUTION CONTROL, PROVIDING FOR PUBLICATION IN PAMPHLET FORM AND PROVIDING FOR AN EFFECTIVE DATE.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SCOTTSBLUFF, NEBRASKA:

Section 1. Chapter 4 of the Scottsbluff Municipal Code is amended by adding the new Article 11 as follows:

“Chapter 4, Article 11. Paving Permit

4-11-1 Paving Permit

A paving permit is required for the addition or replacement of **1,000 square feet (100 feet by 10 feet) or more** of paving. Re-surfacing existing paving does not require a paving permit. If removing existing paving and replacing it, a paving permit is required once the 1,000 square foot limit is reached. Paving activity will be included as part of a building permit, a separate paving permit will not be required.

1. Pavement is a hard surface that slows down or prevents stormwater from seeping into the soil. Areas considered pavement include, but are not limited to:

- Parking lots
- Walkways
- Patios
- Driveways
- Storage areas

Section 2. Chapter 6, Article 6 of the Scottsbluff Municipal Code is amended by amending Section 6-6-2 and adding additional language, repealing the existing language in Section 6-6-2 to provide as follows:

“6-6-2. Building Permit.

(1) The fees for a permit for the construction or alteration of a building or structure, and for an incidental certificate of occupancy shall be as follows:

<u>New Construction</u>	
	<u>Cost</u> <u>Fee</u>
Commercial	First \$1,000 \$80.00
	Excess \$5.00 per \$1,000 or part thereof
	\$1.50 per square foot of impervious surface to be constructed
All other	First \$1,000 \$30.00
	Excess \$5.00 per \$1,000 or part thereof
	\$1.50 per square foot of impervious surface to be constructed

(2) Definitions.

Any term used in this Article which is defined in Chapter 25, Article 2 of the municipal code shall, for the purpose of this Article, bear the meaning assigned to it in Chapter 25, Article 2. As used in this Article, the following terms have the following meaning:

- a. Commercial means any construction for use other than (1) a single or two family dwelling, or (2) a use accessory to a single or two family dwelling.

- b. Cost means the estimated cost of construction determined as provided elsewhere in this section.
- c. Excess means the estimated cost in excess of one thousand dollars (\$1,000.00).
- d. Impervious Surface is any surface in the landscape that cannot effectively absorb or infiltrate rainfall. This includes, but is not limited to, driveways, streets, parking lots, rooftops and sidewalks.

(3) Determination of cost for the purposes of this section the estimated cost of construction shall be calculated as follows:

- a. For commercial construction: one hundred fifty dollars (\$150.00) per square foot of improvement.
- b. For one and two family dwellings: one hundred dollars (\$100.00) per square foot of improvement.
- c. For detached garages: fifteen dollars (\$15.00) per square foot of improvement.
- d. For fences, roof repair or replacement, carports and sheds of a size less than two hundred square feet, and for the removal of a building or structure, the reasonable, good faith estimate of the applicant for the permit.

Section 3. Chapter 21 of the Scottsbluff Municipal Code is amended to include new provisions found at Sections 39 and 52, which will amend and include post-construction design standards and procedures to aid in storm water pollution prevention, to read as follows:

**“Chapter 21, Article 1: Subdivision Drainage Code Revision.
21-1-39 Drainage System; required; standards.**

- (1) An adequate system to control the adverse impacts associated with increased storm water runoff shall be constructed.
- (2) Site grading and drainage for all sites shall be designed to prevent storm water from outside of the design area from entering the area.
- (3) All conveyance systems for proposed projects shall be analyzed, designed and constructed for existing tributary off-site runoff and developed on-site runoff from the proposed project. Conveyance systems in residential areas shall be designed to carry a 2-year intensity storm. A 10-year intensity storm shall be used to check the hydraulic grade of the pipe system. The hydraulic grade line shall be limited to 5 inches of water in the gutter.
- (4) In commercial and industrial areas, the design storm intensity shall be a storm of 5-year frequency, the check intensity for hydraulic grade calculations shall be a 10-year frequency with the hydraulic grade limited to the gutter evaluation.

21-1-52 Preliminary plat; contents.

The preliminary plat shall be drawn to scale of not less than one (1) inch to the one hundred (100) feet.

It shall contain the following drawings and information:

- (1) legal description, acreage and name of the proposed subdivision,
- (2) name and address of the owner, name of the person who prepared the plat, and date,
- (3) north point and graphic scale,
- (4) contours at five (5) foot intervals,
- (5) sketch map showing relationship of the subdivision site to the surrounding area,
- (6) names of adjoining subdivisions and streets,
- (7) location of existing lot lines, streets, public utility easements, water mains, sewers, drain pipes, culverts, water courses, bridges, railroads and buildings in the proposed subdivision,
- (8) layout of proposed blocks and lots, including the dimensions of each, the block and lot numbers in numerical order, and building setback lines,
- (9) locations, widths, other dimensions and names of proposed streets, alleys, roads, easements, parks and other open spaces or reserved areas,
- (10) grades of proposed streets and alleys, which shall refer to and include a permanent

- bench mark extended from the Base Survey Bench Mark,
- (11) the present zoning classification of the land to be subdivided and of the adjoining land, and
- (12) drainage report; to include at a minimum:
- (a) proposed routes to municipal owned STFs and/or retention facilities,
 - (b) the estimated amount of impervious cover, including proposed roadways, parking, building footprints, and other structures,
 - (c) the estimated amount of runoff to be mitigated off-site at regional facilities (Regional STFs) or addressed by other means approved by the City,
 - (d) Site topography including existing contours, property lines and easements, utilities, and site features such as existing water bodies, trees and shrubs, pavement and other structures,
 - (e) proposed contours, and
 - (f) proposed inlets, storm sewer, culverts, and drainageways.

The preliminary plat of a subdivision within, or proposed to be included within, the City shall show, in addition:

- (a) a cross-section of the proposed streets showing width of roadway, location and type of curb and gutter, paving, where required, and sidewalks to be installed, and
- (b) the layout and grades of proposed water mains, sewers, drains, power lines, and other utilities. The arrangement and design of the features shown in the preliminary plat shall comply with the requirements in the preceding sections of this Article.

In addition to submitting the drawing, the applicant shall electronically submit the plat containing the information described above in AutoCAD drawing format, latest version.

Information relating to plat datum to state plane coordinates shall be provided on the plat so that the plat can be included in the City of Scottsbluff and County of Scotts Bluff GIS data. Each entity shall be responsible for adding the data to the GIS. For plats less than 20 acres, the Point of Beginning of the plat shall be referenced to State Plane Coordinates. The datum shall be NAD 83 (in feet), or the current datum adopted by the City at the time of plat submittal. Information on existing monuments that have established state plane coordinates can be obtained from the Scotts Bluff County Surveyor. The reference can be in the form of a note on the plat that includes a description of the reference point, the coordinates in feet, and the average scale factor. For plats larger than 20 acres the Point of Beginning and one additional point at the opposite corner of the Point of Beginning shall be referenced to State Plane Coordinates. The reference can be in the form of a note on the plat that includes a description of the reference points, coordinates in feet, and the average scale factor. The applicant shall also submit one paper copy of the preliminary plat on a sheet not to exceed 11"x17".

Section 4. Chapter 24 of the Scottsbluff Municipal Code is amended to include new Article 4 which will amend and include post-construction design standards and procedures to aid in storm water pollution prevention, to read as follows:

**“Chapter 24, Article 4: Post-Construction Design Standards and Procedures.
24-4-1 Purpose/Intent:**

The post construction program addresses water quantity, potential flood, and water quality issues. The following policies help meet the requirements of the City’s National Pollutant Discharge Elimination System (NPDES) Municipal Separate Storm Sewer System (MS4) Permit and promote sustainable watershed management policies. The framework includes establishment of minimum treatment and design standards, submittal and review process procedures, fees as provided for in Chapter 6, Article 6, as well as maintenance, inspection and enforcement protocol.

24-4-2 Applicability:

Post construction storm water program requirements shall be applicable to all construction activity and land developments requiring; including, but not limited to site plan applications, subdivision applications, building applications, and right-of-way applications from the City, unless exempt below.

This Article applies to:

- (a) the City of Scottsbluff’s Extraterritorial Zoning Jurisdiction,
- (b) to all re-development and additions creating more than 1,000 square feet of impervious area than what previously existed,

(c) to all portions of any common plan of development or sale which would cause the disturbance of at least one acre of soil even though multiple, separate and distinct land development activities may take place at different times on different schedules.

The following activities are exempt from this Article:

- (1) Any emergency activity that is necessary for the immediate protection of life, property, or natural resources,
- (2) Construction activity that provides maintenance and repairs performed to maintain the original line and grade, hydraulic capacity, or original purpose of a facility,
- (3) Agricultural buildings.

24-4-3 Additional Definitions

70th Percentile Rain Event: A rainfall storm event equivalent to a depth of rainfall which is not exceeded in 70 percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified using local precipitation data. The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

80th Percentile Rain Event: A rainfall storm event equivalent to a depth of rainfall which is not exceeded in 80 percent of the historic runoff producing rainfall events. The depth of rainfall to be used shall be that which is identified using local precipitation data. The depth of rainfall is used in hydrologic calculations to determine the water quality volume or rate of discharge to be controlled for.

Best Management Practices "BMPs": Schedules of activities, prohibitions of practices, general good housekeeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to storm water, receiving waters, or storm water conveyance systems.

To avoid confusion with temporary and permanent BMPs used during construction; best management practices associated with the post construction storm water management program shall be referred to as storm water treatment facilities "STFs".

Builder: shall mean the general contractor responsible for permitting, payment of fees and constructing a structure and associated construction activity.

Common Plan of Development or Sale: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, on different schedules, but under one proposed plan which may include, but is not limited to, any announcement or piece of documentation (including a preliminary or final plat, sign, public notice or hearing, sales pitch, advertisement, drawing, permit application, zoning request, computer design, etc.) or physical demarcation (including boundary signs, lot stakes, surveyor markings, etc.) indicating construction activities may occur on a specific plot.

Construction Activity: Such activities include but are not limited to clearing and grubbing, grading, excavating, demolition and other land disturbing actions.

Construction Site: Any location where construction activity occurs.

Contractor: Any person performing or managing construction work at a construction site, including, but not limited to, any construction manager, general contractor or subcontractor, and any person engaged in any one or more of the following: earthwork, pipe work, paving, building, plumbing, mechanical, electrical, landscaping or material supply.

Clearing: Any activity that removes the vegetative surface cover.

Drainage Design Guidance or Manual: Documentation that references design criteria and guidance suggested by the City for storm water management.

Disturbed Area: Area of the lands surface disturbed by any work or activity upon the property by means including, but not limited to, grading; excavating; stockpiling soil, fill, or other materials; clearing; vegetation removal; removal or deposit of any rock, soil, or other materials; or other activities which expose soil. Disturbed area does not include the tillage of land that is used for agricultural production.

Earthwork: The disturbance of soil on a site associated with construction activities.

EPA - Environmental Protection Agency: an independent federal agency, created in 1970, that sets and enforces rules and standards that protect the environment and control pollution.

Final Drainage Plan: A plan that indicates the characteristics of the complete project. The plan will also indicate the future conditions post construction STF's will be maintained under.

Grading: Excavation or fill of material, including the resulting conditions thereof.

Impervious Surface: Any surface in the landscape that cannot effectively absorb or infiltrate rainfall. This includes, but is not limited to, driveways, streets, parking lots, rooftops and sidewalks.

Municipal Separate Storm Sewer System "MS4": City owned facilities by which storm water is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, catch basins, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human made or altered drainage ditches/channels, reservoirs, and other drainage structures.

Land Development: Any land change, including, but not limited to, clearing, digging, grubbing, stripping, removal of vegetation, dredging, grading, excavating, transporting and filling of land, construction, paving, and any other installation of impervious cover.

MS4 Boundary: The boundary defined by the city boundary that is subject to the requirements of the MS4 program. In no instance shall the MS4 boundary be less inclusive than the Urbanized Area map boundary prepared by the U.S. Census Bureau, the minimum boundary adopted by the EPA for Phase II communities as part of the MS4 program.

National Pollutant Discharge Elimination System "NPDES" Storm Water Discharge Permit: A permit issued by the EPA (or by a State under authority delegated pursuant to 33 U.S.C. § 1342(b) i.e. Nebraska Department of Environmental Quality) that authorizes the discharge of pollutants to waters of the State.

Owner: The person who owns a facility, development, part of a facility, or land.

Person: Means any individual, association, organization, partnership, firm, corporation, cooperative, limited liability company or other entity recognized by law.

Pollutant: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, ordinances, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coli form and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure; wastes and residues that result from mobile washing operations; and noxious or offensive matter of any kind.

Pollution: The presence in waters of the State of any substances, contaminants, pollutants, or manmade or man induced impairment of waters or alteration of the chemical, physical, biological, or radiological integrity of water in quantities or at levels which are or may be potentially harmful or injurious to human health or welfare, animal or plant life, or property or which unreasonably interfere with the enjoyment of life or property, including outdoor recreation unless authorized by applicable law.

Post Construction Storm water Management: Permanent storm water management for a site that controls storm water runoff for a set duration after a storm. The management of storm water includes the use of STF's that meet minimum site performance standards in accordance with the city's MS4 permit. STF's are intended to provide storm water treatment during this time period and are considered functional after vegetation has been established.

Post Construction Storm water Management Plan: Documentation supporting analysis, design, maintenance and inspection of STF's installed on a site in order to meet minimum site performance standards in accordance with the city's MS4 permit.

Receiving Water: Any water of the State of Nebraska, including any and all surface waters that are contained in or flow in or through the State of Nebraska, all watercourses, even if they are usually dry, irrigation ditches that receive municipal storm water, and storm sewer systems owned by other entities.

Sediment: Soil (or mud) that has been disturbed or eroded and transported naturally by water, wind or gravity, or mechanically by any person.

Site: The land or water area where any facility or activity is physically located or conducted, including adjacent land used in connection with the facility or activity.

Storm water: Any surface flow, runoff, and drainage consisting entirely of water from any form of natural precipitation, and resulting from such precipitation.

Storm water Treatment Facilities "STFs": Permanent best management practices put in place to provide control and treatment of storm water runoff after construction activity for land development is complete. These facilities are physical in nature and sometimes referred to as "structural" BMPs.

Subdivision: Includes activities associated with the platting of any parcel of land into two or more lots and all construction activity taking place thereon.

Utilities: Infrastructure constructed to provide services that support land development such as water, sanitary sewer, storm sewer, electric, gas, telephone, television and communication services.

Waters of the State: Any and all surface and subsurface waters that are contained in or flow in or through the State of Nebraska. The definition includes all watercourses, even if they are usually dry.

24-4-4 Requirements

The City maintains minimum programmatic requirements for new and redevelopment projects that disturb one acre of soil or more within city limits. This collection of requirements is generally referred to as the Permanent Storm water Treatment for Post Construction program, available for review upon request. According to the Nebraska Department of Environmental Quality "NDEQ", five content areas must be satisfied according to Part IV.B.4 of the MS4 Permit. The five content areas include:

- 1. Minimum Site Performance Standards
- 2. Site Plan Review
- 3. Maintenance of Controls
- 4. Tracking Controls
- 5. Inspection and Enforcement

24-4-4.1 Design Guidance

The most recent versions of the following design guides and manuals are approved for general use in the design of STF's:

- City of Omaha, "Omaha Regional Storm water Design Manual – Chapter 8: Storm water Best Management Practices"
- City of Lincoln, "Drainage Criteria Manual - Chapter 8: Storm water Best Management Practices"
- NDOR, "Drainage and Erosion Control Manual – Chapter 3: Storm water

Treatment within MS4 Communities”

- Urban Drainage and Flood Control District (UDFCD), “Urban Storm Drainage Criteria Manual, Volume 3: Best Management Practices”

The designer is encouraged to adopt one design guide/manual for use on a project to the extent practicable.

24-4-4.2 Impact Fee: Impact fees pay for the construction, operation, and maintenance of municipal storm water treatment facilities (STFs) that manage the storm water runoff created by the increased impervious surfaces of new development. The specific fee is detailed in Chapter 6, Article 6: Permits Relating To Buildings and Construction (6-6-2).

24-4-5 Platting and Site Plan Review

Land development that meets the land disturbance criteria in this Article must address storm water runoff quality through the use of STFs. STFs shall be provided for in the drainage plan for any subdivision plat, annexation plat, development agreement, subdivision agreement or other local development plan.

24-4-5.1 Procedures

A.) Platting: For major subdivision applications drainage and post construction shall be discussed at the pre application conference. This would be followed by an initial review of the general design at the preliminary platting stage and detailed design carrying over into final design review.

The plat applicant shall identify in the drainage report:

- how the runoff will be routed to the City’s retention facilities
- the estimated amount of impervious cover
- the estimated amount of runoff to be mitigated off site at regional facilities (Regional STFs) or addressed by other means approved by the City.

B.) Building Permits: When seeking a building permit, the applicant will need to provide to the City the square footage of all impervious surfaces to be constructed on the lot.

24-4-3.2 Submittals - Post Construction Storm water Management Plan (PCSMP)

Post Construction Storm water Management Plan (PCSMP) Submittal. The PCSMP submittal will include the following components:

A.) Plans. Plans showing topographic survey information along with proposed grading, storm water infrastructure (including routes to municipal STFs), pavement and structures shall accompany any PCSMP submittal. Specifically, plans shall include the following information:

- Site topography including existing contours, property lines and easements, utilities, and site features such as existing water bodies, trees and shrubs, pavement and other structures
- Proposed contours
- Proposed inlets, storm sewer, culverts, and drainageways
- Proposed routes to municipal-owned STFs and/or detention facilities
- Proposed roadways, parking, building footprints, and other structures

Final plans shall be representative of the intended construction bid package.

B.) Calculations

All calculations for water quality volume and water quality volume discharge rate shall be submitted to the City as part of the site development drainage study.

Section 4. Previously existing Sections 6-6-2, is repealed and all other Ordinances and parts of Ordinances in conflict herewith are repealed. Provided, this Ordinance also provides new Articles in Chapter 4 and chapter 24, this Ordinance shall not be construed to affect any rights, liabilities,

duties or causes of action, either criminal or civil, existing or actions pending at the time when this Ordinance becomes effective.

Section 5. This Ordinance shall become effective upon its passage, approval as provided by law, and publication shall be in pamphlet form.

PASSED AND APPROVED on _____, 2017.

Mayor

ATTEST:

City Clerk (Seal)

Approved to form:

City Attorney

City of Scottsbluff, Nebraska

Monday, October 9, 2017

Regular Meeting

Item NewBiz4

Election of Officers

Staff Contact: