



SCOTTSBLUFF CITY

PLANNING COMMISSION AGENDA

Monday, November 13, 2017, 6:00 PM
2525 Circle Dr,

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 Minutes**
- 7. NEW BUSINESS:**
 - A Approval For The Vacation of an AEDS 190439 County Road J**
 - B Creation of An AEDS at 190439 County Road J**
 - C Creation of An AEDS at 230550 County Road J**
 - D Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees**
- 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, November 13, 2017
Regular Meeting

Item Appr. Min.1

Minutes

Staff Contact:

**Planning Commission Minutes
Regular Scheduled Meeting
October 9, 2017
Scottsbluff, Nebraska**

The Planning Commission of the City of Scottsbluff, Nebraska met in a regularly scheduled meeting on Monday, October 9, 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 29, 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 Aguallo, Becky Estrada, and Mark Westphal. 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 September 11, 2017 meeting were reviewed.

Conclusion: A motion was made by Aguallo and seconded by Westphal to approve the minutes from the meeting on September 11, 2017. **"YEAS":** Gompert, Westphal, Estrada, Aguallo, and Chadwick.

"NAYS": None. **ABSTAIN:** None **ABSENT:** Zitterkopf, Weber, Huber, and Wayman. Motion carried.

ITEM 7A: Planning Commission opened a public hearing for the review of a replat of an Ag Estate Dwelling Site (AEDS) located at 190439 County Road J. Folck stated that 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 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. Staff recommended approval of the replat.

Conclusion: A motion was made by Gompert and seconded by Westphal to approve the Replat of the AEDS located at 190439 CR J, situated in the NE ¼ of the NW ¼ of Section 16, T 22N, R55W. **"YEAS":** Gompert, Westphal, Chadwick, Aguallo, and Estrada. **"NAYS":** None. **ABSTAIN:** None **ABSENT:** Weber, Huber, Zitterkopf, Wayman. Motion carried.

ITEM 7B: The Planning Commission opened a public hearing to consider designating an area located on west of Avenue I, south of Highway 26, and north of the BNSF railroad tracks as blighted and substandard. Folck reported that a study has been done and submitted for review in an area located west of Avenue I, south of Highway 26, and north of the BNSF railroad tracks. The study stated that there were several dilapidated and deteriorating structures within the area, as well as substandard infrastructure in the area. There is no functional storm drainage system, and many of the streets are unpaved. These are the main factors influencing the study's recommendation that the area be designated as blighted and substandard.

Folck stated that 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.

Commissioner Westphal asked who had commissioned the study. Folck stated that the study was done on behalf of the City, as they are trying to be more proactive in encouraging redevelopment and enabling the use of incentives such as Tax Increment Financing (TIF). Westphal asked if there are currently any issues with flooding in the area. Folck answered that because there are no storm drains in the area, it does periodically become inundated with stormwater. This is particularly apparent on the Panhandle Coop property west of Avenue I and south of 27th Street. Rex Morse, representing Aulick Leasing, inquired how this designation would benefit property owners. Folck stated that the blight designation makes properties in that area eligible for TIF to be used as an incentive for development. Eric Reichert, representing Eric Reichert Construction, asked if areas that had previously been designated as blighted could be taken out of that designation. Folck said that this is a possibility, and that there are several areas, such as where the Reganis dealership and Fairfield Inn were built, where this could be done, since TIF had already been used for redevelopment.

Westphal asked Folck for her thoughts on the proposed blight designation. Folck answered that the study was put together while she was on maternity leave, so she had not been a part of the process, but reviewing what was submitted, it looked like they had done a good job documenting several factors that contribute to a blight and substandard determination. Westphal asked if the entire area is within City limits. Folck responded that it is. Aguallo asked if any of the property is owned by the City. Folck stated that it is all private property.

Conclusion: A motion was made by Aguallo and seconded by Chadwick recommend approval of the study designating an area located west of Avenue I, south of Highway 26, and north of the BNSF railroad tracks as blighted and substandard **"YEAS"**: Gompert, Westphal, Chadwick, Aguallo, and Estrada. **"NAYS"**: None. **ABSTAIN**: Wayman, Huber, Weber, Zitterkopf **ABSENT**: None. Motion carried.

ITEM 7C: The Planning Commission opened a public hearing to consider an ordinance instituting a stormwater impact fee and new requirements for stormwater retention on new developments. Annie Folck gave an overview of the ordinance, stating that 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. 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.

Folck stated that at the previous Planning Commission meeting, there were questions about how the impact fee amount had been determined. She introduced Dave Schaff, contracted as the City engineer, who then explained the process that he used to recommend the fee of \$1.50/ft² of impervious area. He stated that they evaluated many other communities and how they charge impact fees. Nebraska is somewhat behind other states in stormwater requirements, and this is an issue that all communities our size or larger are struggling with. Scottsbluff's current ordinance regulates runoff from new subdivisions, but it does not address water quality, and so does not meet the requirements of the City's stormwater permit through NDEQ. The current ordinance is also difficult to enforce consistently, developers do not always follow through with implementation, and detention ponds are sometimes filled in by subsequent property owners. In order to effectively meet the requirements of the City's NPDES permit, the City needs to be able to have control over stormwater facilities that will treat runoff to improve water quality. Due to the unique nature of the City's stormwater system with the majority of the community draining into the Scottsbluff Drain, the city can treat runoff within the stormwater system itself. However, they need a viable funding source to pay for improvements to the Drain to address quantity and quality of runoff and to maintain and operate the system. The proposed impact fee of \$1.50 per square foot of impervious area will fund capital improvements that are needed throughout the system.

Schaff continued to explain that as the City's ordinance is written now, developers must locate retention areas on their own property. This typically takes up about 10% of developable land. When factoring in the amount of developable property that must be sacrificed to be used for retention, engineering costs for a drainage report and retention design, legal fees for setting up a homeowner's association, and ongoing costs for maintenance and monitoring of the retention area, the cost for developers to build their own retention areas is much more than the proposed impact fee. Schaff stated that this will actually be a net savings for developers, while also being a much more workable solution for the City. He added that they were primarily looking at costs for residential construction and trying to keep the costs reasonable for residents, because commercial developments generally have many other options to help offset the costs, such as LB840 and tax increment financing.

Commissioner Westphal asked if the impervious surface areas for which the fee would be charged included sidewalks, streets, and driveways. Schaff stated that he felt it would be best to only charge for impervious surfaces on the lot itself, so nothing would be charged for the streets or sidewalks that are within the City's right of way. He said that in considering how the fee should be structured, they looked at charging based on lot size, but ultimately decided that this would unfairly penalize large lots that have little impervious cover. By basing the fee on impervious surfaces, it is more equitable for the property owner as the fee charged is in proportion with the amount of runoff they are contributing to the stormwater system. Commissioner Gompert asked if there was anything on paper explaining the process used to determine the fee. Schaff stated that there is, and it is the intent of the City to put together some educational materials explaining the fee and how it was determined.

Westphal asked if they had calculated how much extra costs this would add to development. Schaff stated that based off the national average of 1500-1800 ft² homes, the impact fee should amount to 1-3% of the cost to build. He added that this additional costs theoretically should be offset by lower priced lots, as the developer will have more developable ground and reduced costs from not needing to have a drainage report and engineered retention areas installed. Westphal asked if there would be anything property owners could do to reduce the impact fee by attempting to retain more stormwater on site. Schaff stated that they could reduce their impervious cover by using pervious pavers, reducing driveway size, etc. Folck stated that the City did not want to allow property owners to get credit for on-site retention because in order for the City to meet permitting requirements, they would have to track and inspect all of these retention areas. Additionally, in the past, there have been many retention areas that were installed as the property developed that were later filled in by subsequent property owners, with the additional runoff inundating the City's stormwater system.

172 Reichert asked how if an analysis had been done of how much a fee like this would have generated over
173 the last few years. Schaff answered that such an analysis had not been done, but that all the money
174 generated would go to capital improvements, especially those located within the Scottsbluff drain. These
175 improvements would improve retention capacity and water quality. He said it would be possible to look at
176 building permits over the last few years, but his estimate is that the amount generated would be far less
177 than the amount necessary to make the needed improvements to the Drain. Westphal asked what the
178 overall goal for the Drain is. Schaff stated that it was originally built to dewater areas to allow them to be
179 developed, but it silts in quickly, and there is a lot of additional surface water resulting from developments
180 above the drain that is well beyond the capacity of the Drain. The overall goal would be to daylight the
181 section of the drain that goes underground, as this is the section that is over capacity, and if this was
182 made into an open channel, facilities could be added with that channel that would address water quality.
183 Additionally, a daylighted drain could also be an attractive recreational opportunity, with a pathway
184 alongside the channel. Gompert asked who maintains the Drain. Schaff answered that it is jointly owned
185 and maintained by the City and the County.

186
187 Gompert asked Leann Sato to provide a little background on the NPDES permit requirements. Sato
188 stated that in the Nebraska, the NPDES program is administered by the Nebraska Department of
189 Environmental Quality. Nebraska is a little behind other states in this program, as they are just now
190 starting their second permit term in 2018, while many other states are on their third or fourth permit terms.
191 She stated that the new permit is trying to catch up on requirements to address water quality, velocity,
192 etc. The post construction ordinance is something that is mandated by the permit. The ordinance should
193 demonstrate that all runoff from new or redevelopment is being treated to improve water quality. Folck
194 added that this all a part of the Clean Water Act and essentially amounts to an unfunded federal mandate.
195 Compliance with the permit is required, but the City is not receiving funding to help with this requirement.
196 Westphal asked if there would be any more ordinances that would need to be passed to stay in
197 compliance with the permit. Sato said no, because the City has already passed ordinances addressing
198 illicit discharge detection and elimination and runoff from construction sites, so the post construction
199 ordinance should be the final one. Folck stated that the benefit of the ordinance that is being proposed is
200 that in addition to helping the City come into compliance with regard to water quality, it will also allow the
201 City to improve the way it addresses additional runoff from new development.

202
203 Kelly Strey, representing B & C Steel, stated that it is already hard to get people and businesses to come
204 to this community, and that there is already a lot of development out at the airport just because it is
205 outside of the City's zoning jurisdiction and they don't have to follow the same requirements. He felt that
206 the City is expecting new construction to pay to fix everyone else's problem. Schaff stated again that he
207 believes that the impact fee will actually be more economical for developers, and for commercial projects,
208 there are many incentives such as LB840 and TIF. Reichert asked why everyone in the community
209 couldn't be charged to pay for the needed improvements to the stormwater system. Schaff stated that in
210 Nebraska, there is currently no legislation that would authorize the City to implement a stormwater utility.
211 Strey asked if City owned retention facilities means that there would be any additional liability to the City
212 in the event of a flood. Schaff stated that there would be no more liability than the City already has.
213 Reichert asked what other communities that have been audited by the EPA have been required to do.
214 Sato stated that they are required to get policies in place to meet requirements.

215
216 Gompert stated that flooding is definitely an issue, and the City is behind many communities in Colorado
217 when it comes to water quality issues, so it seemed that everyone agrees that something needs to be
218 done, but the biggest issue is cost. He inquired if the City could split costs of improvements with the
219 developers. Schaff stated that the City would have to find the money in the budget somewhere, and with
220 the budget difficulties that they had been experiencing, it would be unlikely that they would have anything
221 available. Gompert asked what would happen if no new buildings were built; how would the City fund
222 improvements? Sato stated that if there was no new growth, then they would not have to add any new
223 facilities to meet permit requirements.

224 Reichert questioned where money from new developments goes. When a new development generates
225 additional sales tax and property tax, the City does not have additional day to day costs, so where does
226 the extra money go? He said that the City may lose revenue from businesses choosing to locate in other
227 communities or just outside City limits. Folck stated that, similar to other communities across the nation,

228 the City has been seeing a decline in sales tax due to online shopping and tends to struggle just to keep
229 up with inflation. Anthony Murphy added that many businesses will only come to a community with a
230 good ISO rating. He explained that an ISO rating is based on how well the fire department can protect
231 properties, which affects insurance costs. Many franchises will only locate in a community with an ISO of
232 3 or better. Scottsbluff is rated at a 3, but that is only within city limits. So there are benefits to locating in
233 Scottsbluff that other communities in the area cannot offer.

234
235 Reichert asked what would happen if the City were to approve a fee at 50 cents per square foot to get
236 started on meeting permit requirements. Schaff stated that the costs of needed improvements are so
237 significant that a smaller dollar amount would not show that the City is taking this issue seriously.
238 Westphal asked how many meetings had been held with developers. Schaff stated that there had been
239 one meeting with developers, and Folck added that a newsletter had gone out to all the contractors and
240 developers for whom the City has contact information informing them that the City is considering this
241 issue and inviting them to attend Planning Commission meetings to voice any concerns. Strey asked if
242 there is any way to make adjustments to the fee if it is determined that it is hindering development. Folck
243 answered that the ordinance could be amended at any time through the same process that is used to
244 pass it in the first place. Morse stated that he still felt that properties in the ETJ that are not served by
245 storm drains should not have to pay the same fee as properties that are served by storm drains. Schaff
246 stated that it is assumed that areas within the ETJ will eventually be annexed and that the City should
247 look at the storm drain system as a whole to determine where improvements are needed.

248
249 **Conclusion:** A motion was made by Westphal and seconded by Chadwick to recommend approval
250 approval of the post-construction ordinance Chapter 24, Article 4 and revisions to Chapter 4, Article 11;
251 Chapter 6, Article 6; and Chapter 21, Article 1, Sections 39 and 52 **"YEAS"**: Westphal, Chadwick,
252 Aguallo, and Estrada. **"NAYS"**: Gompert. **ABSTAIN:** None **ABSENT:** Wayman, Huber, Weber,
253 Zitterkopf. A majority of those present voted in favor; however a majority of the Planning Commission is
254 required to make a recommendation (5 votes minimum). Motion failed, and ordinance will be brought
255 back to next Planning Commission meeting to be considered again.

256
257 **ITEM 7D: Election of Officers.** Folck stated that Estrada has served as chair of the Planning Commission
258 for three years now, so her term has been completed. It is typical for the vice-chair to become chair and a
259 new vice chair elected. Angie Aguallo is the current vice-chair.

260
261 **Conclusion:** A motion was made by Estrada and seconded by Chadwick to nominate Aguallo as chair of
262 the Planning Commission. **"YEAS"**: Westphal, Gompert, Chadwick, Aguallo, and Estrada. **"NAYS"**:
263 None **ABSTAIN:** None **ABSENT:** Wayman, Huber, Weber, Zitterkopf. Motion carried.

264
265 A motion was made by Estrada and seconded by Westphal to nominate Gompert as vice chair of the
266 Planning Commission. **"YEAS"**: Westphal, Gompert, Chadwick, Aguallo, and Estrada. **"NAYS"**: None
267 **ABSTAIN:** None **ABSENT:** Wayman, Huber, Weber, Zitterkopf. Motion carried.

268
269 **ITEM 8: Unfinished Business:** None.

270
271 There being no further business, a motion to adjourn was made by Westphal and seconded by Chadwick.
272 The meeting was adjourned at 7:20 p.m. **"YEAS"**: Westphal, Gompert, Chadwick, Aguallo, and Estrada.
273 **"NAYS"**: None **ABSTAIN:** None **ABSENT:** Wayman, Huber, Weber, Zitterkopf. Motion carried.

274
275
276 _____
277 Becky Estrada, Chairperson

278
279 Attest: _____
280 Annie Folck

City of Scottsbluff, Nebraska

Monday, November 13, 2017

Regular Meeting

Item NewBiz1

Approval For The Vacation of an AEDS 190439 County Road J

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: November 13, 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

Vacation of AEDS

WHEREAS, A PETITION HAS BEEN FILED BY ALL THE OWNERS OF THE FOLLOWING DESCRIBED AGRICULTURAL ESTATE DWELLING SITE:

A tract of land situated 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, more particularly described as follows.

Properties to the west, south, and north are all zoned agricultural, with the property east zoned heavy commercial. This is located in the City Extra Territorial jurisdiction.

The Planning Commission meeting of October 9, 2017, the applicant(s), Henry Huber and wife, and Larry Reisig had requested 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. After be approved at the October 9, 2017 meeting, when the instrument was filed with the Register of Deeds it was noted that the property is only surveyed and not be plated, the survey occurred and was recorded in 2007, #4108 with the Register of Deeds. According to the Register of Deeds, a surveyed property cannot be platted. What is required is for the AEDS to be vacated and a new AEDS be created for the above described property.

The parcel is currently an Ag Estate Dwelling Site (AEDS). The applicant is requesting a vacation 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

Final Plat Request, Page 1

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 vacation 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 vacation 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 vacation 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):

City of Scottsbluff, Nebraska

Monday, November 13, 2017

Regular Meeting

Item NewBiz2

Creation of An AEDS at 190439 County Road J

Staff Contact:

SCOTTSBLUFF CITY

PLANNING COMMISSION STAFF REPORT

To: Planning Commission
From: Development Services Department
Date: November 13, 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 requested the creation 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 in an Ag Estate Dwelling Site (AEDS). The applicant is requesting the creation 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 creation 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 creation 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 creation 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):

City of Scottsbluff, Nebraska

Monday, November 13, 2017

Regular Meeting

Item NewBiz3

Creation of An AEDS at 230550 County Road J

Staff Contact:

City of Scottsbluff, Nebraska

Monday, November 13, 2017

Regular Meeting

Item NewBiz4

Ordinance Change Chapter 21 Subdivision Code and Chapter 6 Fees

Staff Contact:



SCOTTSBLUFF PLANNING COMMISSION Staff Report

To: Planning Commission
From: Stormwater Department
Date: November 13, 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: