

City of Scottsbluff, Nebraska

Monday, May 3, 2021

Regular Meeting

Item Consent4

Council to set a public hearing for May 17, 2021 at 6:00 p.m. to submit question of whether an area generally described as properties and tracts of land

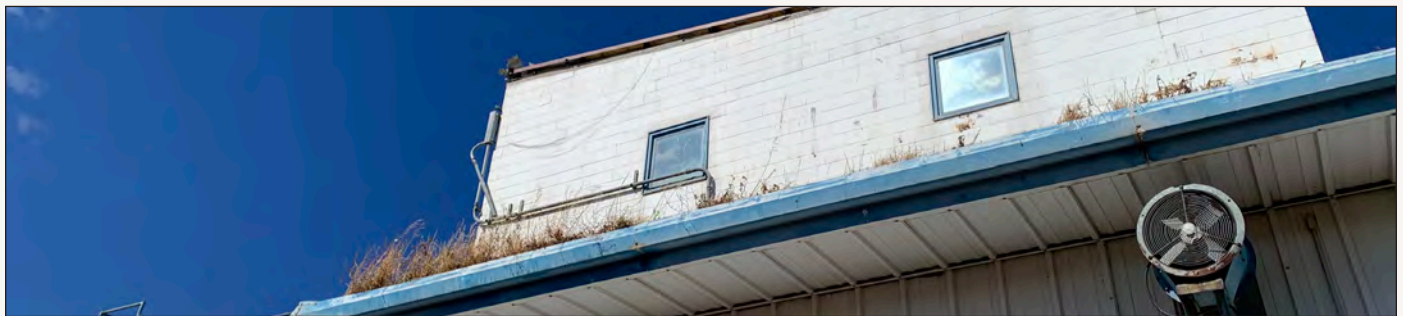
within the general vicinity south of the Burlington Northern Santa Fe railroad right-of-way, east of 9th Avenue, west of 13th Avenue and north of and including South Beltline Highway East in the southeastern portion of the City of Scottsbluff is blighted and substandard.

Staff Contact: City Council



STUDY AREA #15

BLIGHT & SUBSTANDARD DETERMINATION STUDY City of Scottsbluff, NE



PRESENTED TO
City of Scottsbluff
Community Redevelopment

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

PROJECT
RS100094-2103

April 1, 2021





Site conditions in Study Area #15



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Purpose of this Analysis

The Blighted and Substandard designation opens the door for stimulating new development and allowing developers, in fact all citizens, the ability to make significant public improvements related to their project. The mechanism allows property owners the use of real estate property taxes (normally paid to other government agencies) for improvements including land acquisition and site preparation. Tax money can be used up to 15 years for this purpose.

This designation allows use of most of the new taxes generated by way of redevelopment. An owner pays the property tax but it is “refunded” for the purpose of land acquisition, site preparation and placing public improvements on the site. The program has worked well for Scottsbluff’s downtown and more recently, the Reganis Auto Dealership, hotel adjoining the dealership, and the Monument Mall. So, while the term may seem objectionable the results can be very positive for the entire community.

The Nebraska Unicameral enacted legislation which addressed the existence of areas within communities that needed incentives to redevelop. These areas tended to be older and out of date. Often spotty improvements had been made but the general condition was not attracting expansion of existing business nor new development and investment. On its face, this appeared to be true of the Study Area shown in Figure 1, so a decision was made to give the area a closer look.

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.

Like other areas designated as Blighted and Substandard, much of the Study Area has not kept pace with overall community standards while other areas in the community have seen steady growth and development. Developments around the study area have seen hardships based on grade, land use, and utility locations. The Community Development Law enables cities to take steps to address these forms of decline through acquisition, clearance and disposition of property for redevelopment or through the conservation and rehabilitation of property.

This study examines existing conditions of land use, buildings, infrastructure, development patterns and general health, safety welfare aspects within the designated Study Area in the City of Scottsbluff. This has been done in an effort to determine its eligibility for redevelopment activities. Proposed Study Area #15 is generally described as being in the Automobile Commercial District in south central Scottsbluff east of 9th Avenue along the north side of South Beltline Highway East. A number of opportunities for redevelopment exist along and adjacent to this corridor allowing the community to overcome some of the challenges in the Proposed Study Area #15.

The South Beltline Highway corridor as it continues to the west of Study Area #15 has some long-standing successful businesses, some of which have seen rejuvenation. However, reinvestment in the Study Area is almost non-existent—not on par with the overall community’s growth and level of private investment. The Study Area has remained unchanged for the most part for several decades, with no new investment or rehabilitation to improved structures. Study Area #15 appears to be an excellent opportunity to provide incentives triggering new activity where adequate market forces are not present to move development in a positive direction.



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Study Area #15 Site Conditions

Nebraska Revised State Statutes

Nebraska's Community Development Law clearly provides guidelines for communities to address concerns and develop strategies for the rehabilitation and redevelopment of deteriorating areas as well as the prevention and elimination of substandard and blighted areas. This tool is provided in Neb Rev Stat §§18-2101 to 18-2154.

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 the Community Development Law, 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 the Community Development Law, including the formulation of a workable program, the approval of community redevelopment plans consistent with the general plan for the development of the city, the exercise of its zoning powers, the enforcement of other laws, codes, and regulations relating to the use 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."

The law states that there are a number of reasons an area goes beyond remedy and control solely by the regulatory process and cannot be dealt with effectively by ordinary police powers or ordinary operation of



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private enterprise without aid. Such things as overcrowding, unsafe, unsanitary conditions, inadequate planning, lack of proper light, air and open space, defective design and arrangement of buildings, faulty street layout and economically undesirable land uses are among the reasons.

The law goes on to provide the city with the ability to declare an area blighted and substandard followed by creating a workable program to utilize private and public resources to address specific conditions to be improved. The statute provides a means for the governing body to address and develop strategies for rehabilitation and redevelopment of the community. The main substance of a workable program is an adopted redevelopment plan for the defined area based in part on an adopted comprehensive plan.

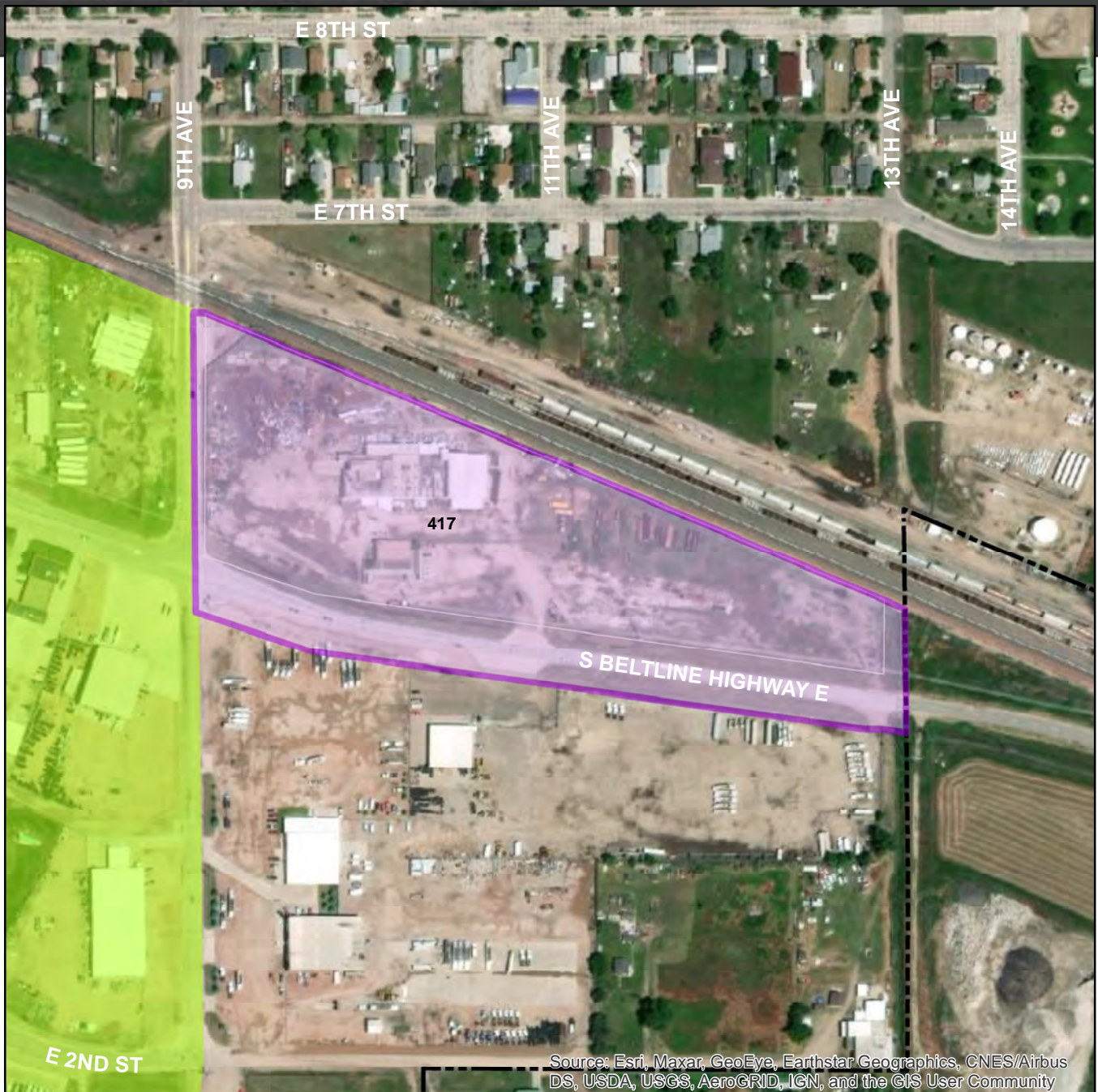
Implementing this strategy for a Designated Study Area is intended to give the Community Redevelopment Authority and City Council a basis for determining the existence of blight and substandard conditions within the delineated Study Area. The general area considered for inclusion in the Study Area is shown in **Figure 1. Study Area #15** on page 4 of this report, with the area boundary described on page 5, and parcel list with legal description provided in Appendix A. The Study Area can generally be described to include land bounded by the BNSF Railroad on the north, South Beltline Highway on the south, 9th Avenue on the west, and the Scottsbluff corporate limits on the east.

The study looks at existing land-uses, platting, structures and infrastructure systems to determine whether Study Area #15 or a part of it meets the statutory requirements for the designation as a Blighted and Substandard Area. With the growing interest and use of this valuable tool the State has taken an increased interest in assuring all using the tool use it in accordance with the statutes. For this reason, it is imperative the City of Scottsbluff closely adhere to the provisions set forth in the Nebraska Revised State Statutes.

The findings of this study will serve to guide the general redevelopment. The previously approved 2016 Comprehensive Plan and this Blighted and Substandard Study will present appropriate land uses, strategies for improved traffic circulation, economic development activities, and utilities and other improvement in accordance with the law.



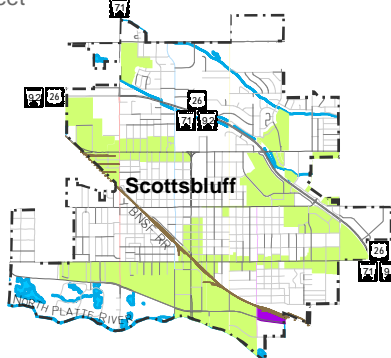
Examples of Structural Conditions within the Study Area



Redevelopment Areas

- Existing Redevelopment Areas
- Study Area #15
- Parcel Address
- Corporate Limits

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



Study Area #15

City of Scottsbluff
 Scotts Bluff County, NE



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Redevelopment Study Area (Site 15): The redevelopment study area consists of properties and tracts of land within the general vicinity south of the Burlington Northern Santa Fe railroad right-of-way, east of 9th Avenue, west of 13th Avenue and north of South Beltline Highway East in the southeastern portion of the community. The site contains approximately 13.590 acres and is more particularly described as:

Situated in the South Half of the Southeast Quarter of the Northwest Quarter, and in the North Half of the Northeast Quarter of the Southwest Quarter of Section 25, Township 22 North, Range 55 West of the 6th P.M., Scotts Bluff County, Nebraska, more particularly described as follows;

Beginning at the northwest corner of PT TR 1 N OF HWY & PT TR 8, UNION LIVESTOCK ADD (Parcel #010152393), said point also being on the southern right-of-way line of the Burlington-Northern Santa Fe (BNSF) railroad right-of-way;

Thence, southeasterly on said southern line of BNSF railroad right-of-way to its intersection with the southerly extension of the northerly-southerly right-of-way centerline of 13th Avenue, said point also being on the City of Scottsbluff corporate limits line;

Thence, southerly on the City of Scottsbluff corporate limits to its intersection with the southern right-of-way line of South Beltline Highway East;

Thence, westerly and northwesterly on said southern right-of-way line of South Beltline Highway East to its intersection with the centerline of the northerly-southerly 9th Avenue right-of-way;

Thence, northerly on said 9th Avenue right-of-way centerline to its intersection with the south line of the BNSF railroad right-of-way, said point also being a northwesterly extension of the north line of Parcel #01052393;

*Thence southeasterly on said northwesterly extension of the north line of said Parcel #01052393 to the northwest corner of said Parcel #01052393, said point also being the Point of Beginning, said redevelopment study area containing an area of **13.590 acres**, more or less.*



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The requirements for detailed planning beyond the Comprehensive Plan treatment include but should not be limited to:

1. Boundaries of the area, existing land use and condition of improvements
2. A land-use plan
3. A map showing population density, land coverage and building concentrations
4. An outline of proposed changes in ordinance, layout or other related ordinances
5. A site plan of the area
6. A statement outlining any additional public facilities or utilities required to support new land uses after redevelopment.

The Blighted and Substandard study highlights locations and opportunities for improvement and revitalization. Once the area is designated, the City can guide future development in this area and provide financial incentive for development. Using the Nebraska Community Development Law, the City can reduce or eliminate factors impeding redevelopment and implement programs or projects to improve conditions and minimize the negative impacts of blight and substandard conditions.

Substandard and Blight Eligibility Analysis

Substandard and Blight Definitions and Explanation

Substandard areas are defined by State Statute **§18-2103(31)**, 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(3)**, 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;”



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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

By statute a substandard area means one where a predominance of building or improvements (residential or nonresidential) having one or more of the following characteristics:

- 1. Dilapidating or deteriorated**
 - a. Unacceptable standard for walls, foundation, roof, gutters, roof surface, chimney, fire escapes, weatherizing, steps, exterior paint and site conditions. Chipping, cracks, loose components, missing pieces, sags and other signs of substandard condition all qualify for this condition.
- 2. Age (obsolescence)**
 - a. A 40 years or more criteria was used for estimate.
- 3. Inadequate ventilation, light, air, sanitation, or open spaces**
 - a. Things like junked cars and other accumulated debris, antiquated infrastructure, unpaved parking, outdoor storage
- 4. Other conditions**
 - a. High density population or overcrowding (census)
 - b. Other conditions which could be unsafe or unsanitary endangering life or property.
 - c. Any combination of factors conducive to poor health, disease, mortality, delinquency or crime. Any combination that is detrimental to public health, safety, morals or welfare. This may include inadequate infrastructure as well as statistical data.

Structural conditions were evaluated using the U.S. Department of Housing and Urban Development standard definitions:

No Problem

- No structural or aesthetic problems are visible

Adequate Condition

- Slight damage to porches, steps, roofs
- Slight wearing of mortar between bricks/stone/block
- Small cracks in walls or chimneys
- Cracked windows
- Lack of paint
- Slight wear on steps, doors and frames

Deteriorating Conditions

- Holes, open cracks, rotted, loose, or missing material in parts of the foundation, walls (1/2 of the wall) or roof (1/4 of the roof)
- Shaky, broken, or missing steps or railings
- Numerous missing and cracked window panes
- Rotted or loose windows or doors no longer water-proof

Dilapidated Condition

- Holes, open cracks, rotted, loose or missing material over a large area of the foundation, on wall or on roof
- Substantial sagging of roof, floors, or walls
- Extensive fire, flood, or storm damage
- Inadequate original construction such as building elements made of scrap materials or conversion of structures not adequate for housing.



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Blighted Area Definition

The blighted area designation is based on a number of criteria or indicators of substandard conditions. These are specified in the law and outlined below.

1. The presence of a substantial number of deteriorated or deteriorating structures. This takes the form of structural problems, exterior paint, cracks, chimney, site conditions, roof and similar problems with the building.
2. Existence of a defective or inadequate street layout. This includes dead ends, railroad crossings, linear downtown, narrow alleys and blind crossings, as well as poor vehicular access and/or internal circulation, substandard parking definition and parking layout (lack of curb cuts, awkward entrance/exit points), offset or irregular intersections, substandard or nonexistent pedestrian circulation.
3. Faulty lot layout in relation to size, adequacy, accessibility, or usefulness. Such things as landlocked parcels, odd shaped lots, undersized lots, and poor accessibility.
4. Unsanitary or unsafe conditions. Examples here include age and physical condition of structures, buildings located within the flood plain, lack of public infrastructure, unsanitary conditions and ventilation. Additional examples include graffiti or other forms of vandalism or vagrant activity, poorly lit and unlit areas, the existence of trash or debris or weeds, abandoned vehicles, uneven grading or steep slopes, environmental contamination, cracked or uneven sidewalks, a high incidence of reported crime.
5. Deterioration of site or other improvements. Such things as off-street parking, poor storm drainage, junk cars, dilapidated structures, neglected properties, debris, on-site storage, unscreened trash or mechanical storage areas, deterioration of parking surfaces, lack of landscaping, general site maintenance problems are examples.
6. Diversity of ownership. This condition exists when numerous lots are needed to develop to up to date standards. Assemblage is difficult without some form of public assistance.
7. Tax or special assessment delinquency exceeding the fair value of the land.
8. Defective or unusual conditions of title. Liens, improper filings are examples.
9. Improper subdivision or obsolete platting. Examples include undersized lots, improper zoning, lot configuration, easements and accessibility are problems that often are present.
10. The existence of conditions which endanger life or property by fire or other causes. Such things as inoperative infrastructure, site access, on-site storage, secluded areas for pests to thrive, poor surface drainage, poor street and poor sidewalk condition are examples.
11. 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. Here incompatible land uses, obsolescence and inability for a property to compete in the market place.
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 conditions:
 - a. Unemployment in the area at least 100% of state or national average census data
 - b. The average age of residential and commercial units is over 40 years as determined by field observations
 - c. More than half of the plotted/subdivided property has been unimproved for 40 years using public record
 - d. Per capita income of the area is lower than the average of the city from census data.
 - e. The area has a stable or declining population based on the last two decennial censuses.



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*Study Area #15 on-site storage*

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, referred to as the Study Area. The valuation, tax amount and any delinquent amount was examined for each of the properties, and public records were examined to determine the number of property owners in the Study 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 Statute, 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.

Analysis of the Study Area

Scottsbluff Designated Study Area #15

The City selected the Designated Study Area for evaluation to be within the corporate limits. Bordered on the north by Burlington-Northern Santa Fe rail line, the Study Area is industrial, and is surrounded by industrial, commercial, office & professional, and single family residential uses. This particular area was selected for several reasons.

1. The Study Area is within an active commercial corridor.
2. There is a need to improve infrastructure due to substandard existing conditions.
3. There is obvious economic decline and functionally obsolete uses within the Study Area.
4. There was the presence of blighted and substandard characteristics within the Study Area.
5. A need is apparent for public intervention to stimulate the development and redevelopment of vital infrastructure systems to support private redevelopment efforts.
6. The adjacent proximity of the Study Area to an existing blighted and substandard area.

The City is in a position to remove negative factors and implement programs and projects to improve conditions thereby removing the blighted and substandard conditions. This not only benefits the corridor/study area but the entire community through private reinvestment and enhanced quality of life.

The field survey of the Study Area within the City was conducted in February 2021 to determine if this area, in fact, has experienced structure and/or site deterioration or if the area is experiencing other negative influences that decrease the potential for redevelopment or new development. The following information describes this Study Area in detail and specifies methods and procedures used to determine whether this Study Area should be declared blighted and substandard under the Nebraska Community Development Law.

The total acreage within the City of Scottsbluff city limits is 4275.95 acres, and the city currently has approximately 1085.7 acres designated as "Blighted and Substandard"—approximately 25.4% of the City's total acreage. The proposed additional "Blighted and Substandard" area consists of 13.85 acres. Adding this proposed area to the existing "Blighted and Substandard" area brings the total Blighted and Substandard area to 1099.55 acres or 25.7% of the total area of the City of Scottsbluff. This remains well within the allowed 35% providing future opportunity to add more.

Existing Land Use

The land uses that now exist within the Study Area are depicted on Figure 2 (Page 11), and consist of land uses which can be placed in three categories, including:

- Industrial
- Public Streets



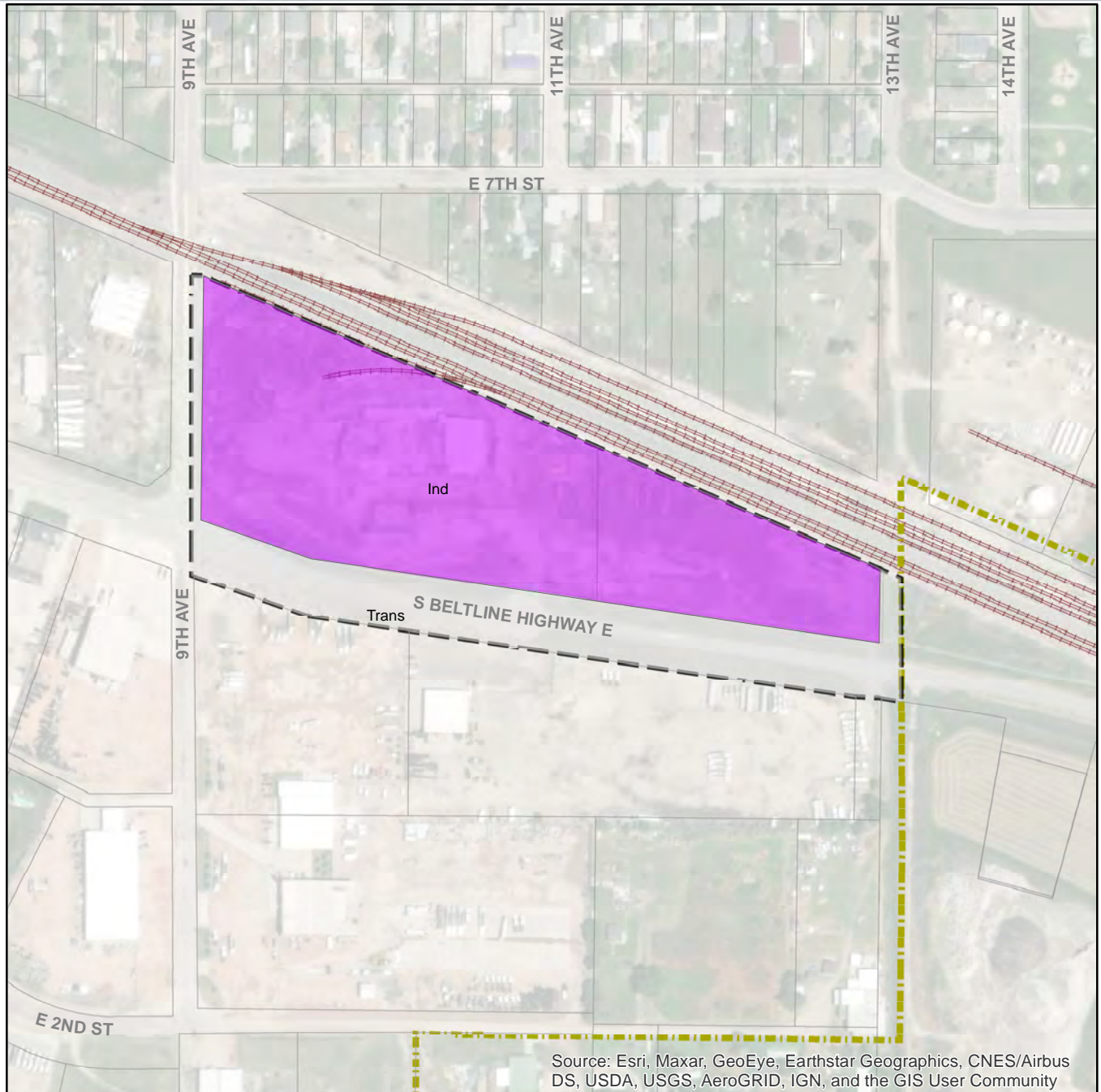
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- Corporate Limits
- Blight Study Area
- Parcel
- Industrial
- Roads

Existing Land Use

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Land Use: MCS Field Survey, 2021
Parcels: Scotts Bluff County, 2019
Aerial: ESRI Basemap



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The land uses indicated for the Study Area on Figure 2, (page 11), are analyzed further in Table 1, below. The data detail the breakdown of land uses within this Study Area, as well as the total acreage within this Study Area.

Table 1
Existing Land use - Scottsbluff Blight Study Area #15
Scottsbluff, Nebraska

Land Use Category	Blight Study Area 15	
	Area(Acres)	Percent of Total Area
Public Streets & Alleys	3.847	28.3%
Industrial (Includes Storage)	9.743	71.7%

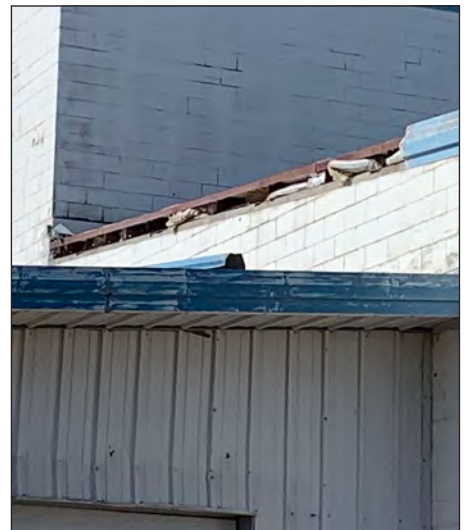
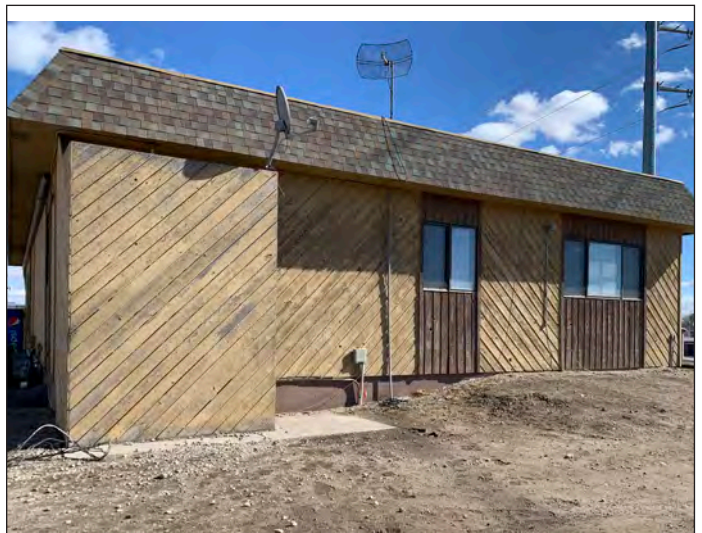
Source: M.C. Schaff & Associates, Inc., Field Survey, February 2021

As indicated in Table 1, the largest land use in this Study Area is that of industrial land. This use comprises approximately 9.74 acres, or nearly 72% of the Study Area.

Public Streets occupies the remaining nearly 3.85 acres of land or just over 28% of the Study Area.



Examples of Site Conditions within the Study Area



Examples of Structural Conditions within the Study Area



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Examples of Sidewalk, Curb & Gutter, and Street Conditions within the Study Area

Findings and Contributing Factors

The intent of this study is to determine whether the subject area has experienced structural and site deterioration and whether there are other negative factors which are decreasing the potential to develop. The field survey work was done in February 2021 and strongly supported initial impressions that the area had in generally declined below community standards. What follows are the factors evaluated to determine if there is a reasonable presence of blight and substandard conditions within the designated area. This section reviews the building and structure conditions, infrastructure and land use found in the area based on statutory definitions, and observations and explains the identified contributing factors.

As set forth in Nebraska legislation, a blighted area means an area which by reason of the presence of:

1. Presense of Substantial Number of Deteriorated or Deteriorating Structures

Exterior Inspection of Buildings

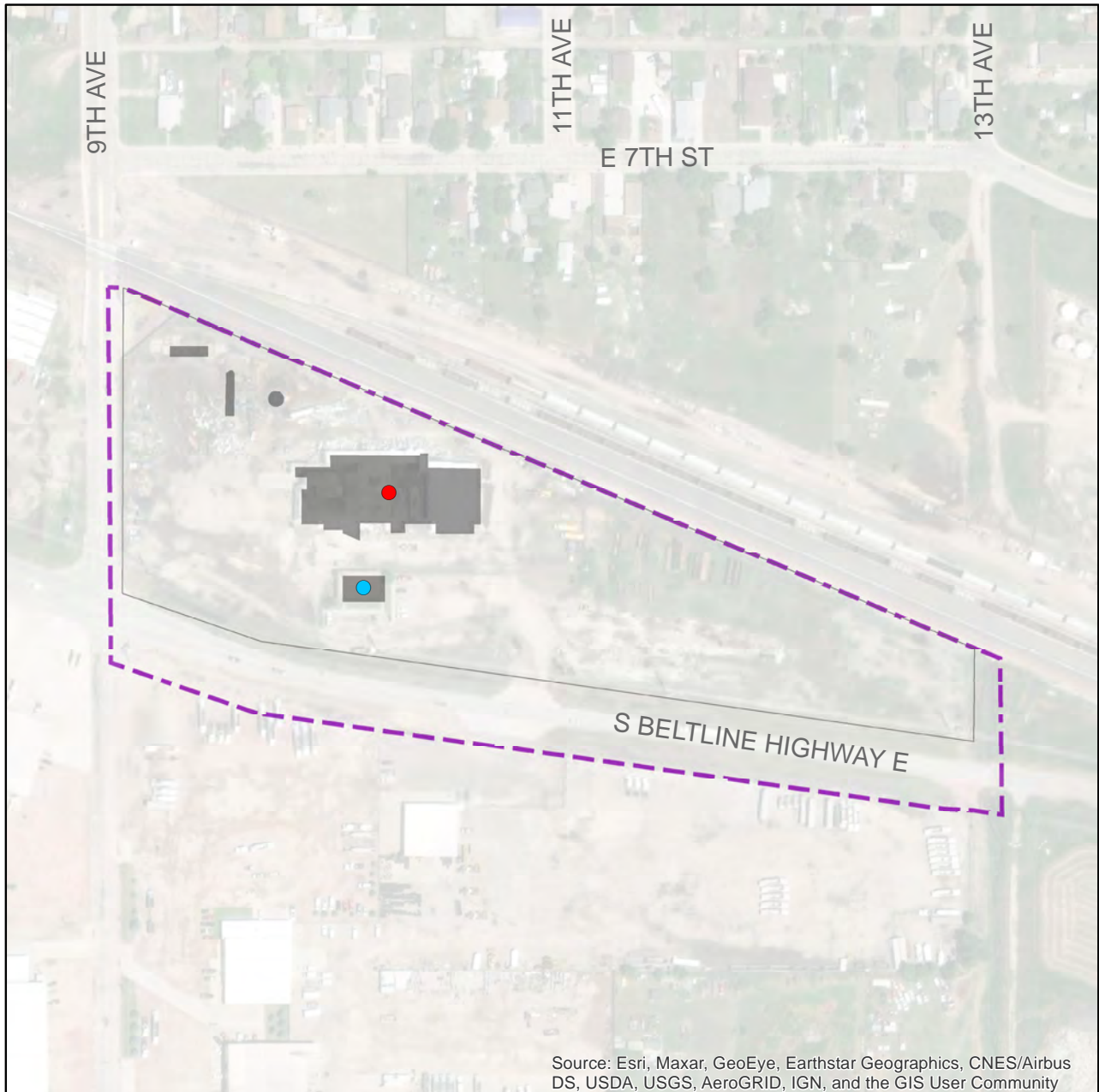
There were a total of 2 structures evaluated using the Blighted and Substandard criteria as described on page 7 of this report. Only the primary structures were evaluated under the Blighted and Substandard definition. No other structures were were not included in the survey. Thus the boundary for the Blighted and Substandard designation includes 2 buildings, with a combined average age of 53 years. Field surveys concurred with Scotts Bluff County Assessor online building appraisal data sheets and concluded that 0% were acceptable, 50% were deteriorating (average) and 50% were dilapidated (worn out). For structure age see **Table 3**, below and in **appendix b**, as well as **Figure 3** on page 15. Structure condition is summarized in **Figure 4**, located on page 16.

Table 3

**Existing Land use - Scottsbluff Blight Study Area #15
Scottsbluff, Nebraska**

Year Built	Effective Age	No of Units	Cumulative Age
1955	67	1	67
1983	39	1	39
Total Cumulative		2	106
Average Age			53.00

Source: M.C. Schaff & Associates, compiled from information obtained from Scotts Bluff County Assessor's online database, February 2021.



Study Area Structure Year

- 1910-1981 (1 Structure
- Built 40 or More Years Ago)
- 1982-2021 (1 Structure
- Built Less Than 40 Years Ago)
- Study Area Building
- Study Area
- ▭ Study Area



Structure Age

City of Scottsbluff
Scotts Bluff County, NE

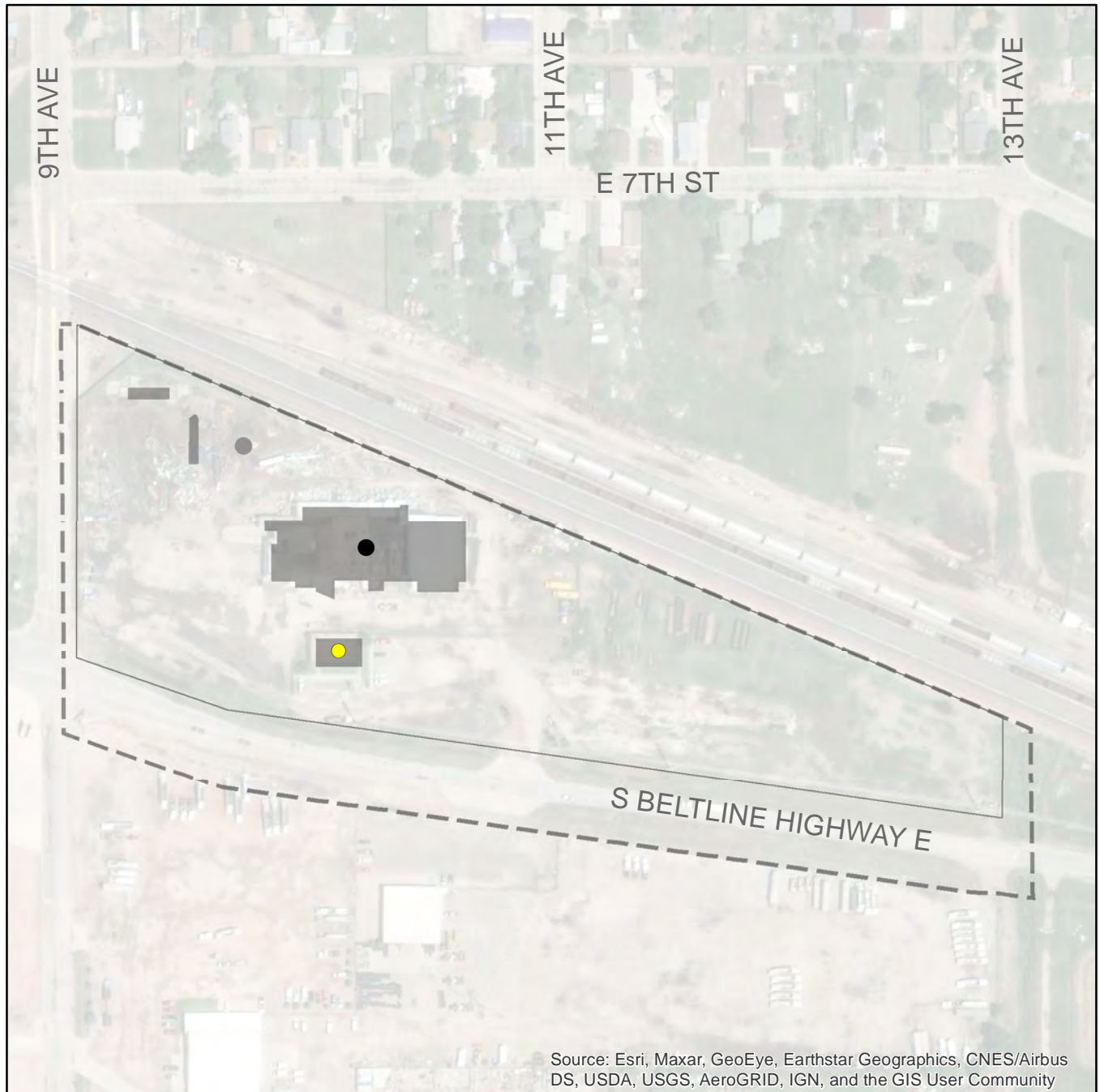
Structure age obtained from
Scotts Bluff County Assessor
online data sheets, Feb. 2021.



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Blight Study | City of Scottsbluff, NE

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0 55 110 220 330 440 Feet

Structure Condition

● Good (0)

● Average (1)

● Fair (0)

● Badly Worn (0)

● Worn Out (1)

■ Study Area Building Footprint

□ Study Area Parcel

▬ Study Area Boundary

Structure Condition

City of Scottsbluff, NE

Structure condition obtained from Scotts Bluff County Assessor online data sheets, and adjusted following field verification, Feb. 2021.



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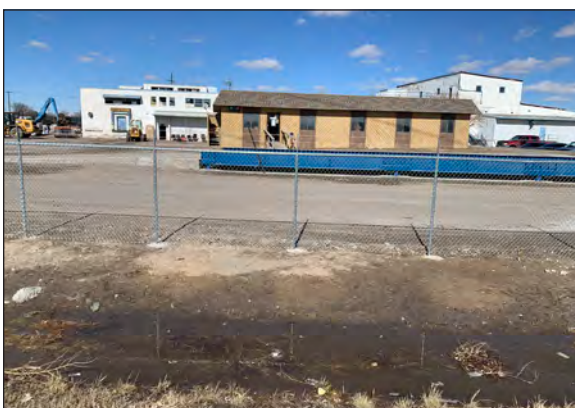
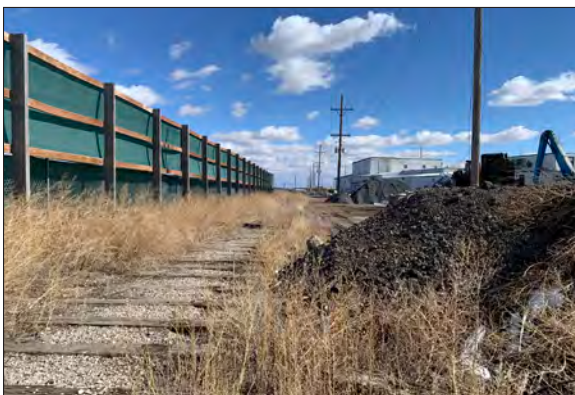
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Examples of Site Conditions within the Study Area

2. Defective or Inadequate Street Layout—Street Conditions and Accessibility

Inadequate infrastructure, street conditions and accessibility as well as inability to safely move traffic through an area is a contributing factor to the blight and substandard conditions.

The surface condition of public roads in the Study Area is generally fair to good with dilapidated sections. Most of the surfaces have been maintained to community standards. The study area lacks an alley as it is bordered by railroad right of way on the north, is inaccessible from the east, and while it has a flattened curb on the west, is bordered by a fence along its western and northern borders.

- a. Virtually no sidewalk—the only sidewalk in the Study Area is at the intersection of 9th Avenue and South Beltline, on the northeast corner radius. Pedestrians have no sidewalk to traverse through the Study Area. Redevelopment will likely add to traffic counts, and consideration should be given to providing sidewalks as well as to enhance the pedestrian experience with landscaping.
- b. Gravel and unimproved surface parking.
- c. Alleys are not present.

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

An active railroad right of way borders the entire northern border of the Study Area parcel. A railroad crossing is located on the northwest corner of the Study Area. The western edge of the Study Area is bordered by a divided street with a concrete median located just south of the railroad crossing. The eastern edge of the Study Area is occupied by the Scottsbluff Drain, which outfalls into an open channel on the south edge of the railroad right-of-way and then travels under South Beltline via culvert.

4. Unsanitary or Unsafe Conditions

Age of Structure is a contributing factor to the blighted and substandard conditions in the Study Area with half (50%) of the structures over 40 years of age. The statute allows the inclusion of this factor, regardless of structure condition, where there is a predominance of structures 40 years of age or older. See **Appendix B—Table 3** for a summary of structure ages. Structure condition also contributes to unsanitary and unsafe conditions as the dilapidated structure is home to flocks of pigeons that have open access via numerous missing and broken windows. Trees of substantial height are seen growing on the neglected roof.



Sidewalk / Curb / Gutter Condition

- Good
- Fair
- Poor
- None

Street Surface

- Good
- Deteriorating
- Dilapidated
- None



Surface Condition

City of Scottsbluff
Scotts Bluff County, NE

Conditions observed during
MCS field survey, Feb. 2021.



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5. Deterioration of Site or Other Improvements

Debris

A significant amount of debris accumulates in ditches and along fences. Several significant examples of debris were noted in field observation. This debris included everything from construction materials, and on-site storage to excessive discarded debris and alcohol bottles accumulating along fencing. Numerous (somewhat less severe) additional instances are present as well suggesting the problem is growing.

Truck traffic on unpaved surfaces degrades air quality conditions. The risk of the spread of fire is amplified across the eastern section of vegetation within the Study Area.



Dilapidated Structures

Structure conditions were examined both using Scotts Bluff County Assessor's online database of building appraisal and confirmed/adjusted through field evaluation. The data and rating system from the Scotts Bluff County Assessor's database was used to evaluate properties in the area, rating structures as either: Excellent, Good, Average, Fair, Badly Worn, and Worn Out. Rating terms are defined as follows:

Excellent: Typically newer construction or property that has been completely upgraded.

Good: Typically no major defects or aging conditions in field analysis.

Average: Typically minor defects showing up, 25% or less of the following—degrading roofing materials, masonry joints in need of tuck-pointing, or small cracks in foundation, broken glass, painted surfaces beginning to peel.

Fair: Similar to Average, conditions are worsening and cover a larger portion of structure.

Badly Worn: Structure is showing many of the conditions mentioned, and extent of aging and deterioration may require demolition to eliminate the conditions.

Worn Out: Aging, deterioration and conditions point toward demolition to eliminate the conditions.



Examples of Site Conditions within the Study Area

Based on these ratings, it is assumed that Average condition and less would constitute less than desirable conditions due to age and structure status. It is common for older structures to require considerable maintenance and upkeep to maintain good and excellent condition, while an Average structure can show signs of deterioration that can more quickly become a dilapidated structure if not addressed.

Findings of the study show 50% of the structures were dilapidated and pose a threat as well as 50% deteriorating. The combined average age of structures in the Study Area is well over 40 years—one of the structures was built in 1983 while the other main structure complex is 67 years old. Thus, structure age and obsolescence *within the Study Area* **is** a contributing condition of blight and substandard.



6. Diversity of Ownership—The Study Area contains only one parcel, therefore, diversity of ownership is not considered to be a factor.

7. Tax or Special Assessment Delinquency Exceeding Fair Value of Land—No tax or special assessment delinquency was discovered in *Nebraska Taxes Online* data review, therefore, it is not considered a factor.

8. Defective or Unusual Conditions of Title—None identified, therefore, not considered a factor.

9. Improper Subdivision or Obsolete Platting

The entire Study Area is lower in elevation than its perimeter road network. Storm pipes under property access entrance appear to be partially blocked. While much of the area is now either unpaved or under cover of vegetation, the area does not appear to have sufficient drainage, rather than properly draining to the southeast of the Study Area. A railroad crossing is located at the northwest corner of the Study Area. The Study Area is long triangular shape, which limits its capabilities for development. See *appendix d—Figure 11* for a current zoning map of the area.



10. Conditions that Endanger Life or Property by Fire or Other Causes

Figure 6, on the following page, provides an overview of the blighted and substandard conditions located and photographed during field observations.

Poor Sidewalk and Street Conditions

The entirety of the Study Area is not serviced with sidewalks. The condition of the street paving shows signs of age with cracks, gaps, patches, and missing pieces. Where it exists, street curb and gutters also show signs of aging with cracks and missing pieces along 9th Avenue. The remainder of the roadway, South Beltline Highway East, has no sidewalk and no curb and gutter system. All storm water along this roadway flows into adjacent ditches and properties.



On-Site Storage

The Study Area has sites of outdoor heavy industrial on-site storage, integral to its industrial land use. These findings point to an impediment for development or upgrades in the neighborhood and should be evaluated for screening from adjacent residential and professional office uses.

Poor Surface Drainage

Storm water drainage problems exist in the western portion of the Study Area in particular. During field analysis, several areas of standing water were noted as poor drainage exists in localized areas within the parcel, and parking lots were noted lacking proper drainage at various locations throughout the Study Area.



0 125 250 375 500 Feet

Blighted and Substandard Conditions Locations

City of Scottsbluff, NE

- | | | |
|--------------------------|------------------|------------------|
| ● Debris and/or Graffiti | ● Sidewalk | ● Parking |
| ● On Site Storage | ● Infrastructure | ● Structure |
| ● Curb & Gutter | ● Drainage | ● Roads/Concrete |

Conditions observed during
MCS field survey, Feb. 2021



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11. Any Combination of Such Factors—The combination of all blight and substandard conditions found within the Study Area could be considered a factor in substantially arresting sound growth in the area and obsolescence contributes toward an inability of property within the area to compete in the market place.

12. Detrimental to Public Health, Safety, Morals, Welfare in Present Condition

While a minimum of at least one of the following factors is required for this condition to be met, at least two of the factors are confirmed to be present in the Study Area.

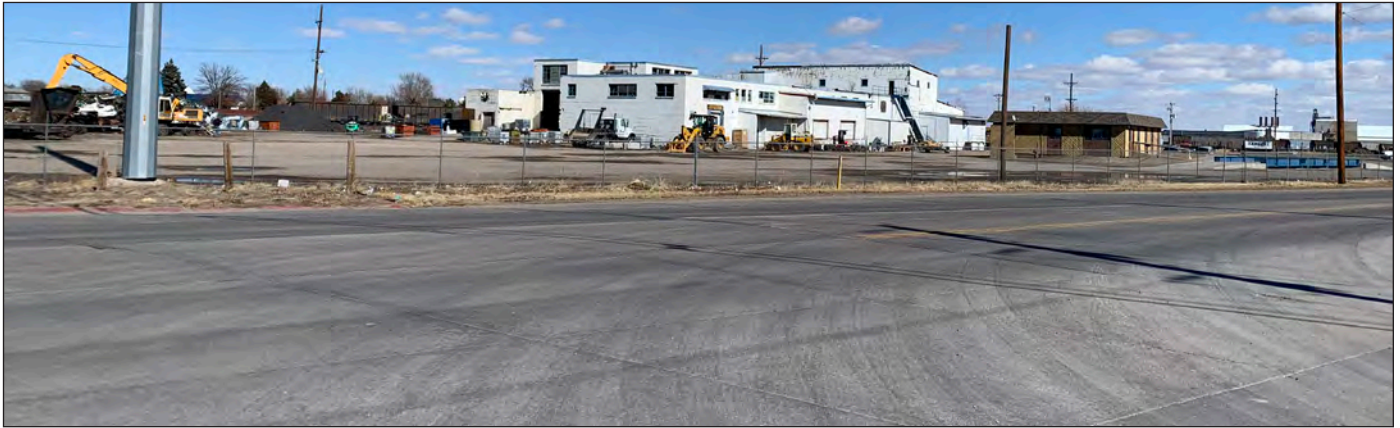
a. Unemployment Rate At Least 100% of State or National Average—was not considered a factor and was not researched as part of this study beyond determining that the unemployment rate in Scotts Bluff County, NE was 4.208% in 2020, while the US had an unemployment average of 8.1%, and Nebraska averaged 4.242% for the year.

b. Average Residential and Commercial Structures Age Over 40 Years—is a factor. The median age of the two (2) primary non-public structures in the area is **53** years. Age of the structures within the designated Study Area is provided through the Scotts Bluff County Assessor's online database and field verification. Only those structures built before 1982 qualify for the 40 years and older structures designation in the State of Nebraska laws. The Study Area contains two primary structures, one built in 1983, and one built in 1955.

c. Subdivided/Platted Property Unimproved for 40 Years—not considered as a factor.

d. Per Capita Income Level—While the median income of the residential census tracts adjacent to the Study Areas is lower than the average median income of Scotts Bluff County and the average of the census tracts within the City for the previous census, this factor was not investigated as part of this study—not a factor.

e. Decreasing Population—is a factor. The Study Area contains no residential properties, yet is located in census tracts of which the census data reports population from 2000, and 2010 decennial census. Map **Figures 7-10** provided in **appendix c** illustrate the 1990, 2000, and 2010 decennial census as well as the projected 2020-2025 population change for census tracts covering and surrounding the Study Area. Based on the data illustrated on the maps, the Study Area and adjacent populated areas display a stable or decreasing population based on the last two decennial census; and a stable or decreasing population is also projected for 2020-2025 according to ESRI demographics data, which is based on the decennial census, Infogroup business data, other public and proprietary data sources, and proprietary models.



Conclusion of Blighted and Substandard Analysis

Based on this analysis the Study Area meets the criteria of both blighted and substandard conditions. The area displays the presence of criteria required for a finding of a blighted and substandard condition as defined by the State of Nebraska Legislature.

The primary conditions leading to this conclusion include the following blighted and substandard conditions:

- a. The Study Area has inadequacies in the form of traffic movement capabilities and real property access. While a few off-street paved parking areas exist, the remaining interior private drives, off-street parking areas and driveways are deteriorating gravel surfaced or unimproved. Defective or inadequate street layout thus may be considered a factor contributing to blighted conditions in this Study Area.
- b. Storm water drainage in the Study Area is inadequate and does not drain properly from the property. The Study Area is generally lower in elevation than the surrounding transportation improvements with which it is surrounded.
- c. The field survey included an evaluation of the condition of site improvements inclusive of street surface as well as curb and gutter conditions, street width adequacy, sidewalks, and driveways. Additionally, off-street parking facilities, sanitary sewer facilities, and drainage facilities and inadequacies or deterioration of site improvements were identified:
 - Gravel and unimproved internal driveways, no internal streets. Lack of paved parking and proper site grading creates various unnavigable areas following heavy rain.
 - The Study Area is lower in elevation than the surrounding roadways. The single roadway access to the property is located along South Beltline. Surface water is intended to flow towards the southwest corner of the Study Area where two 36" drainage pipes are located to carry drainage out of the area to the south. The two 36" pipes empty into one 12" pipe flowing south.
 - Street as well as curb and gutter paving along 9th Avenue shows major signs of age with wide-spread conditions of heavy cracking as well as gaps, and missing pieces. South Beltline also contains broken/patched panels.
 - There is no sidewalk system serving any of the Study Area. Two developed structures are not served by public sidewalks. The non-existence of sidewalks contributes to generating traffic hazards for children and other pedestrians in this Area as pedestrians are forced to walk along the edge of streets—their safety, well-being and health at risk.
 - There are no roadway accesses along the north, west, and east sides of the Study Area. An active railroad corridor parallels the entire northern border, while the eastern end is bordered by the Scottsbluff Drain.



- d. The Study Area contains a metal recycling yard, and is only buffered on the north (partially) and west sides with a green fence screen. However, the salvaging operations far exceed the green fence screen in height. Over half of the Study Area appears unkept and / or contains substantial amounts of weeds and numerous examples of debris in addition to the heavy industrial operations. This relatively high level of poorly maintained property represents a considerable blighting factor. One of the two structures located within the Study Area is dilapidated to the point that trees of substantial height are growing on the roof and flocks of pigeons make their home within the structure. The lack of site improvements to existing structures in the Study Area also serves to be a limiting factor to future development in the Study Area and thus is an additional factor contributing to blight.
- e. The Study Area has lot layout faults in relation to size, adequacy, accessibility or usefulness. Due to its proximity to the railroad along with access limitations, faulty lot layout in relation to accessibility or usefulness within this Study Area **may be** considered a factor contributing to blighted conditions in this Study Area.
- f. Conditions **exist** which endanger life or property by fire and other causes. According to City GIS data layers and visible fire hydrants, the nearest municipal water distribution lines are located along the west side of the 9th Avenue north-south right-of-way. The southeast corner of the Study Area parcel is approximately 1,350 feet from the nearest public fire hydrant.
- g. Conditions **exist** which are detrimental to the public health, safety, morals and welfare in the present condition with the existence of graffiti, debris, on-site storage, inadequate drainage and lack of any public sidewalks. Average structure age is over 53 years. The existence of an inadequate surface drainage system of the Study Area presents additional threats to health. The lack of sufficient engineered drainage and 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 located in the adjacent residential area to the north.

Blighted conditions not evaluated and/or do not appear to be present

- a. According to a review of Nebraska Taxes Online completed in March 2021, there are no taxes or special assessment delinquency exceeding the fair value of the land. No further evaluation was performed.
- b. Defective or unusual conditions of title were not discovered during Scotts Bluff County online data review performed in March 2021.
- c. There is but one parcel in the Study Area—upon this parcel, improvements have been made. The parcel, including the unimproved eastern half, has been within the city limits for over 40 years.
- d. The Study Area includes one industrial use and no residential uses, therefore per capita income and unemployment of the area were not determined as part of this study.
- e. Diversity of ownership is not a factor.



Comprehensive Plan / Surrounding Property

According to the City's 2016 Comprehensive Plan, the Study Area is located in the southeast **Automobile Commercial District**. The Comprehensive Plan provides the following applicable principles for sustainable development in this area:

Interconnection of neighborhoods and amenities

- *Transportation amenities should prioritize pedestrians. Increase bicycle accommodations throughout the city no matter the mode of transportation (vehicles, bicycles, pedestrians) through city-wide system connectivity and targeted hardscape improvements. This includes southeast bicycle facilities and connectivity within the citywide cycling loop.*
- *Enhance pedestrian facilities and connectivity: prioritizing areas with high populations and those without vehicles (children, poor, elderly); obstruction free connectivity and safe crossings.*
- *Promote safety and efficiency of movement for vehicular traffic. Major arterial corridors (South Beltline) should be enhanced by beautification, wayfinding improvements, and problem point reduction. Improve collector roads (9th Avenue) by enhancing neighborhood safety, while promoting active transportation.*
- *Plan for land uses with high intensity vehicle traffic, particularly commercial vehicle traffic along South Beltline.*
- *Promote neighborhood commercial centers that serve the needs of the surrounding neighborhood, are residential in scale, accommodating pedestrian traffic, and allowing adequate vehicular access.*
- *Route legibility to attractions and amenities tied to community identity.*

Sustainable development

Development should be responsive to the market and social needs of the region and city infrastructure and policies should accommodate development's swift responsiveness. City investments should be fiscally conservative and equitable throughout the city. Growth will not saddle future generations with long term environmental or economic burdens. Development and redevelopment will best respond to the needs of the community if the community is involved in shaping those plans. Included in this strategy are:

- *Land use decisions should ensure compatibility of neighboring land use intensities, using hours, transportation access, mass, and emissions as a guide.*
- *Neighborhoods and corridors should have land use intensities appropriate for those areas to maximize land use utility.*
- *Prioritization of infill development through incentives, residential home rehabilitation, and brownfields redevelopment.*



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- *Redevelopment in blighted areas that holistically address the economic, social, business, and physical health needs of the community.*
- *Work regionally to aggressively market, prepare, and certify sites most suited for industry and business recruitment.*
- *Build a strong community core through placemaking, mixes of uses, integration of motorized and non-motorized transportation options, and strategic investments for social and economic stability.*
- *Ensure growth is guided in a data-driven manner that promotes cost effective extension of the current utilities system while providing for future capacity and location demands—preserve areas where future utilities servicing would be logical and growth would be in demand.*
- *Actively work to improve quality of stormwater runoff. At a minimum, meet all requirements of the City's Phase II NPDES stormwater permit. The City should set an example for residents by using best management practices that minimize stormwater pollution.*
- *Environmentally responsible growth that minimizes conflict with flood plains, wildlife, wetlands, waste, and preserves natural beauty.*
- *Encourage preservation of open space in floodplain areas. If floodplain areas are to be developed, ensure that buildings are elevated properly.*
- *Ensure that any development in the floodway does not result in elevated flood levels.*
- *Utilize landscaping to minimize the negative effects of the built environment. For example, tree planting can help keep streets and parking lots cool in summertime, and landscaping with native plants can provide habitat for wildlife, such as birds and butterflies. Native or well-adapted plant choices can minimize the amount of irrigation water necessary to a landscape.*

Access to culture and recreation

Recreational and entertainment amenities should be woven into the fabric of the community. These amenities include parks and outdoor spaces, playgrounds, sidewalks and walking trails, pools, concert venues, restaurants, and plazas. Integrating these amenities into the shared spaces in the community works to promote a community where people want to be and improve the wellness of the community. Included in this strategy are:

- *Walking accessibility by all households in city limits to a community park or playground.*
- *Walking and cycling paths with connectivity to all areas of the community and looped service.*
- *Coordinated transportation for all ages to cultural and recreation centers.*
- *Promotion, way-finding and ease of motorized and non-motorized access to natural environments and recreation opportunities such as the riverfront.*



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Strong neighborhoods and places, rooted in our unique character

- *Clean neighborhoods where trash, nuisance, and road problems are identified, communicated, and acted upon.*
- *Ensure security and safety throughout the community- especially in neighborhoods and destination corridors.*
- *Beautification of entryway and heavily trafficked community corridors.*
- *Cultivation of a community identity in public spaces with inspiration from the local natural environment, old west heritage, and cultural heritage of residents.*
- *Community design standards in neighborhood commercial areas and downtown that promote human scale interaction and promote cultural assets of the community's citizens.*

The development potential of property is determined by the property conditions themselves, and the conditions of surrounding property. This is particularly true for the Study Area. The Study Area abuts to another blighted and substandard redevelopment area (the South Beltline Highway East commercial district).

The blighted and substandard factors from the adjacent blighted and substandard redevelopment area to the west that have not yet been completely addressed, should be referenced along with this study.

Adjoining the Study Area with the current adjacent blighted and substandard areas is necessary to accomplish the sound redevelopment planning and program of the City. In order to achieve the above principles of sustainable development from the City's Comprehensive Plan, it is vitally important to adjoin the Study Area with the adjacent blighted and substandard areas. This will enhance the development potential of the Study Area and the current adjacent blighted and substandard areas and create a continuous, harmonious redevelopment area along the South Beltline southeast arterial entrance into Scottsbluff.

Blighted and Substandard Area Declaration

Based on the findings in this report the Study Area may be declared blighted and substandard in keeping with and conforming to the Nebraska Community Development Law. This finding will make this area available for redevelopment activities. The General Redevelopment Plan, when prepared, shall be composed in a manner consistent with the City of Scottsbluff Comprehensive Plan.



appendix



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providing **Simply Smart Solutions**

The referenced Study Area, in the city of Scottsbluff, Nebraska, includes the following identified Parcels with their legally described Additions, Blocks and/or Lots, and unplatted lands:

Parcel	Legal Description
10152393	PT TR 1 N OF HWY & PT TR 8, UNION LIVESTOCK ADD (8.05)

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

E—W: South Beltline Highway East

N—S: 9th Avenue



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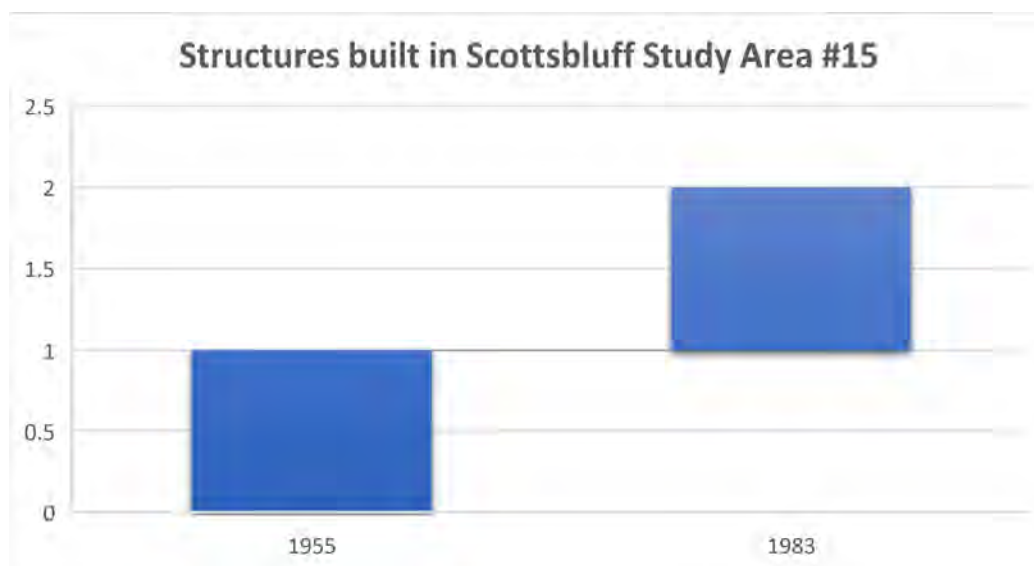
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Table 3
Structure Effective and Cumulative Ages - Blight Study Area #15
Scottsbluff, Nebraska

Year Built	Effective Age	No of Units	Cumulative Age
1955	67	1	67
1983	39	1	39
Total Cumulative		2	106
Average Age			53.00

Source: Scotts Bluff County Assessor online database
 confirmed by M.C. Schaff & Associates, Inc., Field Survey, February 2021

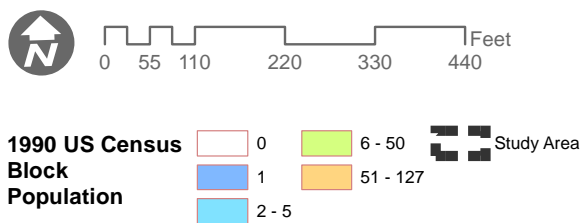


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1990 US Census Population

City of Scottsbluff
Scotts Bluff County, NE

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/1993SPCOQs/41103/>



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**1990-2000
Population Change**

Great Increase (More than 1.5%)

Moderate Increase (0.75% to 1.5%)

Slight Increase (0% to 0.75%)

Slight Decrease (-0.25% to 0%)

Moderate Decrease (-1.5% to -0.25%)

Great Decrease (Less than -1.5%)

Study Area

**1990-2010 US Census
Population Change**

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:

Population: 2000 US Census Block Groups. This layer shows past population change from 1990 to 2000 in the U.S., by block group. The data shown is from the U.S. Census Bureau's SF1 and TIGER data sets for 2010. Population block group level data sourced from ESRI ArcGIS Online.

Aerial: FSA, USGS Digital Orthophoto Quarter-Quadrangles, 1999



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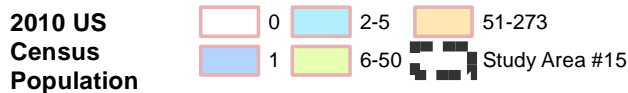
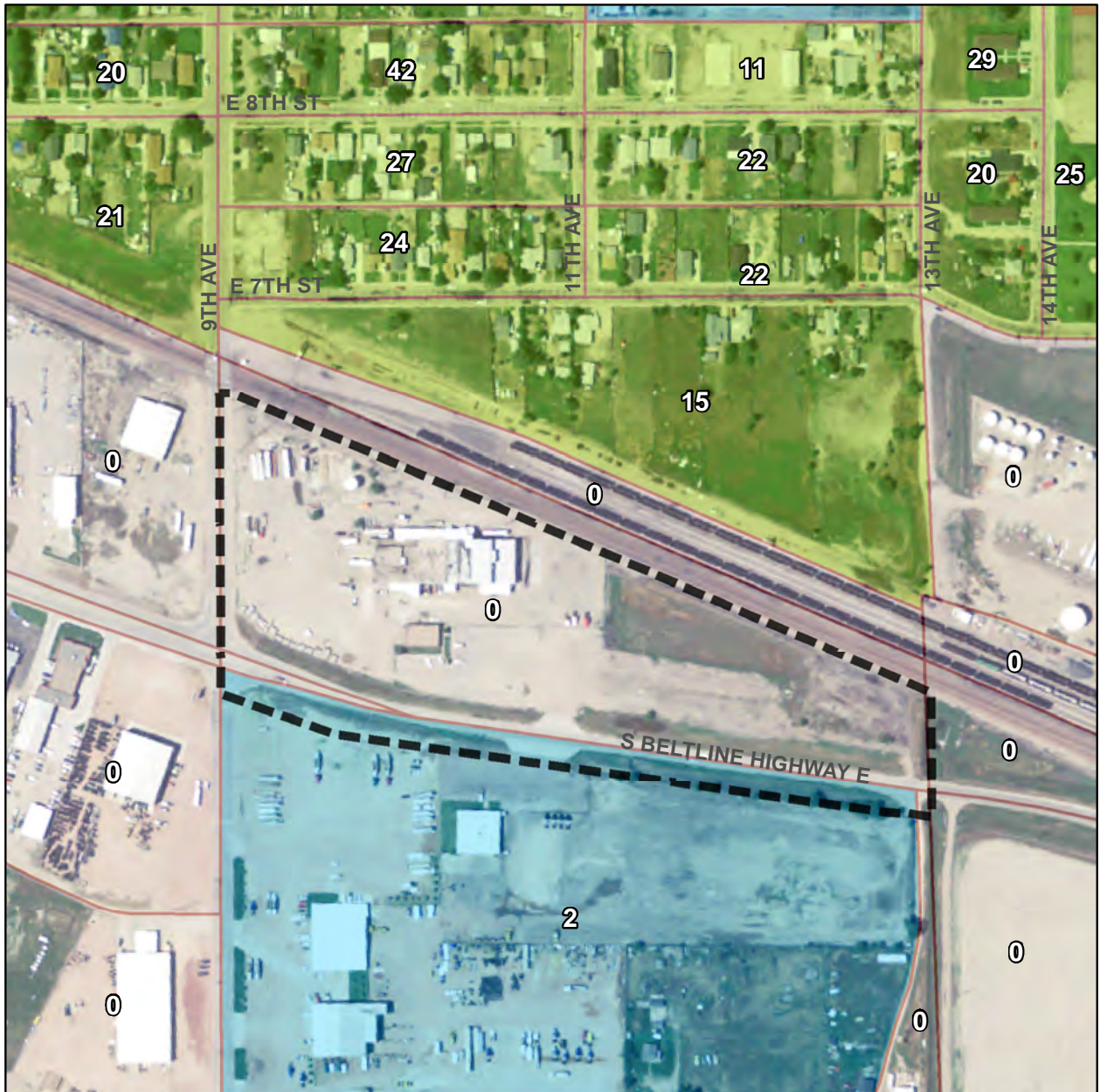
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**2010 US Census
Block Population**

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Population: 2010 US Census Blocks and Block Level Population Data from www2.census.gov
Imagery: Farm Service Agency (FSA) 2010 Imagery, Acquired on June 15-16, 2010
http://dnrftp.dnr.ne.gov/pub/data/CoqArea/Band4_NE_1m_2010/41103/



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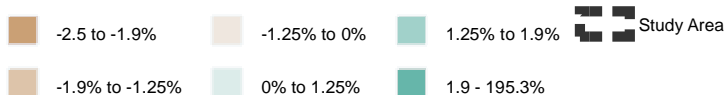
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Estimated 2015-2020 USA Population Growth

Estimated 2020-2025 USA 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.
Server: https://demographics5.arcgis.com/arcgis/rest/services; Name: USA_Demographics_and_Boundaries_2020.

Imagery: Esri, Maxar Vivid, April 28, 2018

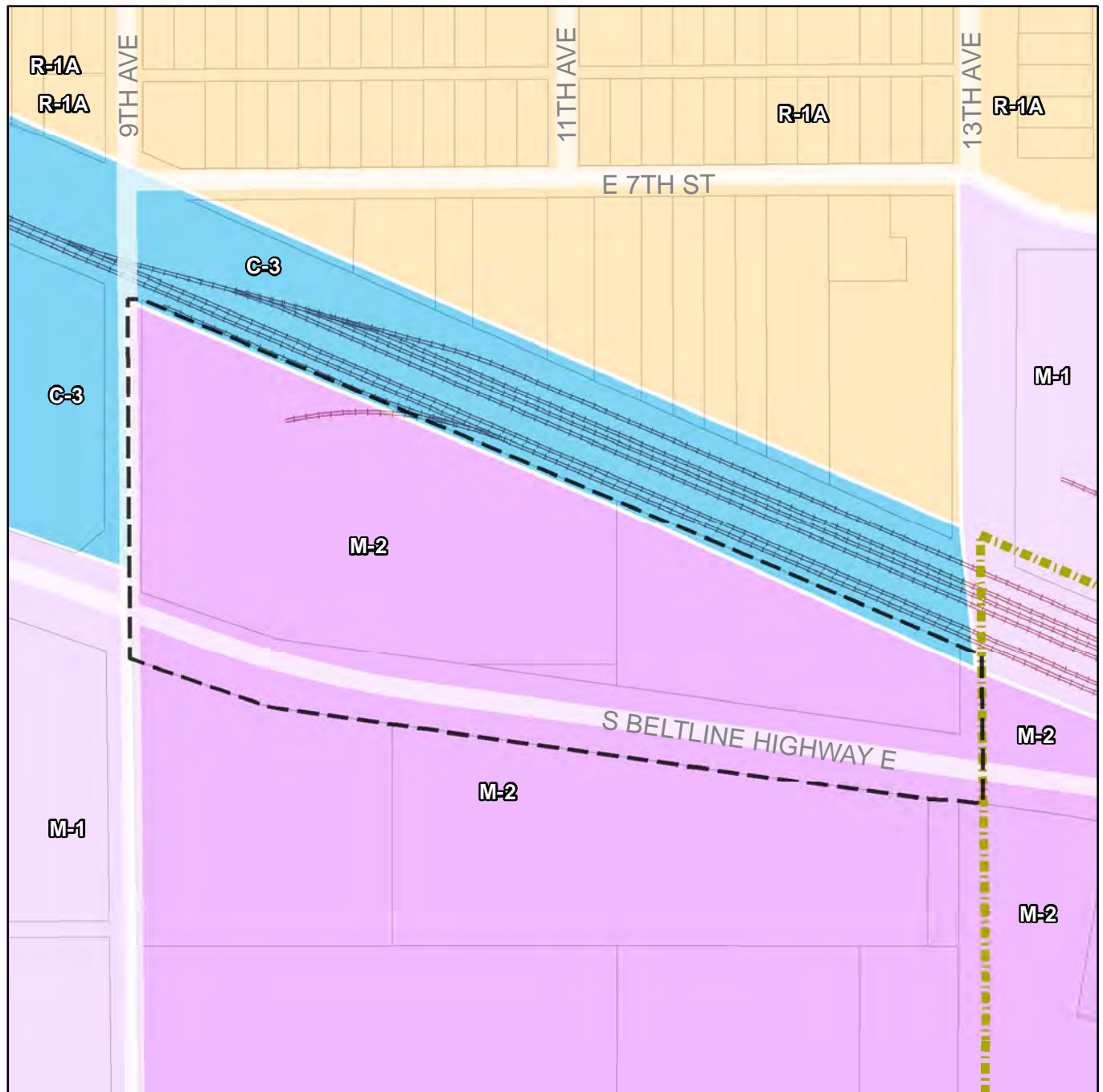


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0 62.5 125 250 375 500 Feet

- Heavy Commercial (C-3)
- Light Manufacturing & Industrial (M-1)
- Heavy Manufacturing & Industrial (M-2)
- Single Family Residential (R-1A)

- Study Area
- Corporate Limits

Existing Zoning

City of Scottsbluff
Scotts Bluff County, NE

Data Sources:
Zoning: City, 2020
Parcels: Scotts Bluff County, 2017



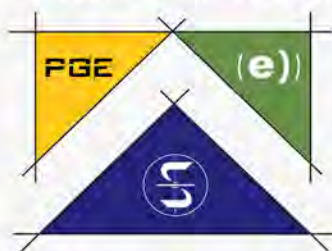
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