

**STAFF MEETING MINUTES  
LANCASTER COUNTY BOARD OF COMMISSIONERS  
COUNTY-CITY BUILDING  
ROOM 113 - BILL LUXFORD STUDIO  
THURSDAY, OCTOBER 30, 2014  
8:30 A.M.**

Commissioners Present: Larry Hudkins, Chair  
Brent Smoyer, Vice Chair  
Deb Schorr  
Roma Amundson

Commissioners Absent: Jane Raybould

Others Present: Kerry Eagan, Chief Administrative Officer  
Dan Nolte, County Clerk  
Cori Beattie, Deputy County Clerk  
Ann Taylor, County Clerk's Office

*Advance public notice of the Board of Commissioners Staff Meeting was posted on the County-City Building bulletin board and the Lancaster County, Nebraska, web site and provided to the media on October 29, 2014.*

The Chair noted the location of the Open Meetings Act and opened the meeting at 8:30 a.m.

**AGENDA ITEM**

**1 APPROVAL OF THE MINUTES OF THE OCTOBER 9, 2014, STAFF MEETING**

**MOTION:** Smoyer moved and Schorr seconded approval of the minutes of the October 9, 2014 Staff Meeting. Amundson, Smoyer and Hudkins voted aye. Schorr abstained from voting. Raybould was absent from voting. Motion carried 3-0, with one abstention.

**2 ADDITIONS TO AGENDA**

A. Nebraska Community Aid and Juvenile Justice Conference

**MOTION:** Smoyer moved and Amundson seconded approval of the addition to the agenda. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

**3 SETBACKS AND FRONTAGES FOR FARM BUILDINGS** - Steve Henrichsen, Development Review Manager, Lincoln-Lancaster County Planning Department; Sara Hartzell, Planner II, Lincoln-Lancaster County Planning Department; Terry Kathe, Zoning Coordinator, City Building and Safety Department; Brittany Behrens, Deputy County Attorney; Ken Schroeder, County Surveyor

The following documents were disseminated (Exhibits A-C):

- Agenda for Discussion on Lancaster County Zoning & Building Permit Regulations
- Definitions, Examples of farm buildings and accessory residential buildings, and selected sections from Lancaster County Zoning Code
- Pertinent State Statutes

Sara Hartzell, Planner II, Lincoln-Lancaster County Planning Department, explained there is conflicting and ambiguous language in the County Zoning Resolution and the Planning and Building and Safety Departments need direction on how to apply the language or make adjustments.

Terry Kathe, Zoning Coordinator, said farm buildings which are located on 20 acres or more do not need building or occupancy permits under the current zoning regulations. He said they must follow floodplain regulations and front yard setbacks, noting language in one section can be interpreted that farm buildings must also meet frontage, side yard, rear yard and other zoning requirements. Kathe said residences and buildings that are accessory to the residence require building permits before beginning construction and must follow setbacks, frontage and zoning requirements. He said there is language in Article 3, Section 3.013 that conflicts with how a main farm building is interpreted. He gave examples of farm buildings and accessory residential buildings (see Exhibit B).

Brittany Behrens, Deputy County Attorney, said language in state statutes is somewhat confusing, noting authority given to the Planning Department to establish the zoning code and to Building and Safety Departments to enforce the code, is based on the term "non-farm building." She said Nebraska Revised Statute §23.114.03 defines a "non-farm building" as all buildings except those buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces \$1,000 or more of farm products each year. There is also language that outlines the authority to regulate and restrict "non-farm buildings", defining them as essentially everything except what is termed and referenced as "farm buildings." Behrens said there is no definition of "farm buildings" in statute and it is open to interpretation. She explained the County does not have authority to require a building permit for "farm buildings" but said the County Attorney's Office feels the County has authority to establish a setback for those

type of buildings. Behrens said the Board's position on whether to require a "farm building" to follow the same setback as a "non-farm building" and whether there is the same economic impact to the County if it has to acquire additional right-of-way and require the building to be moved has changed directions over the years. She said statutorily, the County Attorney's Office, believes the Board has authority, with regard to those land use requirements, to regulate "farm buildings" and "non-farm buildings" the same. Behrens noted the Board passed a resolution to require buildings located on farmsteads used as residences to be subject to the County's zoning regulations and permit requirements, under authority granted in §23.114.03. She noted the Board has also passed other various resolutions, separate and apart from the zoning code, that were intended to give Building and Safety direction on how to interpret the code but said it would be preferable to clarify the Zoning Code. That would eliminate the need to go to secondary sources to interpret the code and make it more transparent for the public.

Hudkins felt it would "urbanize" the County and said he and former Commissioner Bernie Heier worked hard to allow for certain situations that did not impede the County's right to widen a road.

Hudkins then asked how this would change the setbacks from the side boundaries. Hartzell referenced Article 3, Section 3.013 of the Zoning Code (see Exhibit B) and said even if building permits are not required on a "farm building", they must follow the flood plain regulations and front yard regulations may be enforced. She said it isn't clear in terms of the side and rear yards and said that is one area where direction is needed. Hartzell said since building permits aren't required, people put buildings up and may not consider the 60' side yard setback. Hudkins said 60' barrier seems to be a waste of land with today's agricultural values. He said that is why the Board chose to look at them on a case-by-case basis and said sometimes there are valid reasons for staying close to roads, such as locating a grain dryer close to a power source. Behrens said there is nothing in the zoning code that addresses the Board's position. She explained that property owners are unlikely to come in because they are not required to get a building permit. Behrens said trying to address these situations after the fact without language in the code puts the Board in a legally tenuous position.

Hudkins said he wants to make sure the Board could still look at them on a case-by-case basis, particularly in terms of side setbacks. Kathe said the Board just needs to put language in the code to say it is permissible.

Hartzell asked whether the Board would also like to have a different setback for residential accessory buildings, such as garages, gazebos and pool houses. She said part of the problem that is that the building use could change, giving a four-stall detached garage that is initially used for vehicles later used for tractors as an example. Hartzell said there are exceptions to setbacks in the code, but it doesn't differentiate between farm accessory and residential accessory.

Behrens said the code has a setback requirement and property owners have the ability to file appeals with the County Board of Zoning Appeals to ask for an exception or variance. Hartzell added that would only happen if they came in for a building permit first, which would be on lots that are less than 20 acres.

Hartzell said another question involves whether all agricultural residences on lots 20 acres or more should have a 550' footage requirement. She said the zoning code currently lists setbacks and minimum frontage, noting there is a different minimum frontage for a "farmstead split", a split-off of a farmhouse in existence for more than five years, that passes minimum housing code and health inspection of septic system and well. Hartzell noted the practice has been to issue a building permit on parcels over 20 acres (landlocked parcels or parcels with less than 550' of frontage) if an access easement has been approved, but said it is not reflected in the zoning code. She said most of the parcels that are larger than 20 acres are created by survey and deed by the property owner and may have less than 550' or no frontage at all. Hartzell said property owners applying for a subdivision are required to meet the zoning code frontage requirement.

Schorr asked whether they are suggesting that the 550' requirement be increased, decreased or eliminated all together. Hartzell said they are looking for the Board to provide them with that direction and stressed the need for consistency.

Hartzell noted the State's definition of "farmstead" is not the same as the County's definition. She referenced the annotations under §23.114.03 which states the farm building exemption prohibits counties from requiring building permits on buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces \$1,000 or more of farm products per year. (see Exhibit C). Hartzell said the County defines a farmstead as 20 acres or more on which is located at least one dwelling unit and on which farm products of \$1,000 or more are raised each year. She said that means if a property owner wanted to put an agricultural building on 80 acres or more that does not have a house, it would not be exempt from having a building permit. Hartzell suggested that the phrase "at least one dwelling unit" be dropped to eliminate confusion. There was no objection to her suggestion.

Hartzell then referenced Article 3, Section 3.013 of the zoning code (see Exhibit B) and suggested it be reworded to clarify whether or not side and rear yard setbacks should be required and whether the main structure is a dwelling unit. She said there are different ways to address it, adding they can bring back suggestions.

Hartzell noted they will need direction from the Board on the 550' of frontage and on residential accessory buildings, i.e., whether to treat them the same as the agricultural buildings or should they have a different requirement. Amundson said she believes 550' is reasonable. Hudkins and Schorr indicated they may be willing to look at

something less. Hartzell said the Board could “grandfather” existing lots. Kathe said another option would be to give a “break” on frontage for property owners that have a ½ of ¼ of ¼ of a section, noting they would still have to have access.

Pam Dingman, County Engineer, appeared and said County Engineering checks site distance as part of the driveway permitting process. She also addressed the issue of road setbacks, noting her department had to redesign Pine Lake Road and make a wider ditch to convey storm flow because a property owner placed an accessory building right off their property line. Dingman discussed easements, noting requirements are greater for Rural to Urban Transportation System (RUTS) Program roads on the “urban fringe” and said she wants to be sure the County is protecting the front yard setback.

Smoyer exited the meeting at 9:23 a.m.

**4 CONTRACT FOR YOUTH DETENTION SERVICES WITH STATE OFFICE OF PROBATION ADMINISTRATION** - Jeanne Brandner, Deputy Administrator, Juvenile Services Division, State Office of Probation Administration; Lori Griggs, Chief Juvenile Probation Officer; Sheli Schindler, Youth Services Center (YSC) Director; Melissa Hood, Administrative Aide, YSC; Brittany Behrens, Deputy County Attorney

Sheli Schindler, Youth Services Center (YSC) Director, said the County still does not have a contract in place with the State Office of Probation Administration for holding their youth in the YSC.

Jeanne Brandner, Deputy Administrator, Juvenile Services Division, State Office of Probation Administration, said there is no statutory requirement to have a contract. She said her department continues to do business with the facility and pay the invoices they have the statutory authority to pay. Brandner said she reviewed payment records for the past year and said it is well over \$1,000,000. She said they have set a standard definition and rate with other service providers but have not done that yet with YSC, noting there are several issues that still have to be resolved: 1) Billing; 2) Rate; and 3) Cap on costs.

In terms of the rate, Brandner said the State is currently paying a range of \$100 per day (Woodbury County, Iowa) to \$276 per day (Lancaster County, Nebraska). She said the rate Lancaster County has proposed is \$307 per day (an 11% increase) and said the department does not have an appropriation for increases. Brandner noted detention is a juvenile jail so she looked at the rates counties are being reimbursed on the adult side. She said those rates are less than \$100 per day.

Hudkins asked whether the rates they are paying in other locations include an education component. Brandner said the education rates are paid separately.

Hudkins also inquired about rates at the Geneva and Kearney Youth Rehabilitation Centers. Brandner said the daily rate for Fiscal Year (FY) 2013-2014 was \$247.55 at Geneva and \$271.90 at Kearney.

Schorr said she is surprised Brandner does not feel a contract is necessary. Brandner said it is not necessary on the State's part, explaining they have a fee for service system. She acknowledged the County may require a contract. Brittany Behrens, Deputy County Attorney, said a contract would clearly establish the terms and conditions of the relationship.

Schindler said YSC cannot be compared to the adult jail and said it is very difficult to compare what Lancaster County pays for services to facilities in other counties such as Madison County, citing rural to urban, civil service to non-civil service differences. She said Douglas County has a higher proportion of youth in their facility so their cost per youth is less. Schindler noted the State has requested some modifications to billing and said she believes Information Services (IS) can make those changes but said the cost will be picked up in the per diem.

Schindler disseminated copies of Probation Housing Services (Exhibit D). She said there is \$99,000 outstanding with the State reimbursing the County at \$276 per day and equated that amount to the cost to hire staff to operate a housing unit.

Schorr asked Schindler about the number of youth awaiting placement. Schindler said some youth are multi-variable in terms of needs and risk issues which makes placement difficult. She said one youth has been waiting 99 days for a placement. Schindler added Juvenile Probation Officers are working very hard to find placements.

Lori Griggs, Chief Juvenile Probation Officer, said it is a local process, adding the only change is statutory language regarding financial responsibility for detention days. She referenced Legislative Bill (LB) 561 (Change provisions and transfer responsibilities regarding the juvenile justice system) and said it was a "stretch" for Lancaster County to interpret the language to believe that Juvenile Probation would pay for conditional releases and home detention. Schindler said every county with detention facilities interpreted the language in that manner. She said the system has changed from when the Office of Juvenile Services (OJS) had responsibility for the youth, noting OJS could make decisions to revoke probation without having to go back to court.

Behrens said the new language in LB 464 (Change provisions relating to the juvenile justice system, arraignment, court jurisdiction, services for juveniles and families, and truancy) makes it clear where financial responsibility lies.

Schorr asked whether the County was operating with a cap before. Schindler said the Department of Health and Human Services (HHS) had a cap but they agreed to raise it in recognition of the funding issue. Behrens said this isn't a new discussion with the State, adding it is the numbers and projections are causing the State great concern. Brandner said it is a budgeting issuing. She said the cap is an amendable term to the contract, if sufficient funds exist, or the State could decide to look for other housing options.

Schorr said this is the situation that occurred with State prisoner reimbursement when the State did not have sufficient funds appropriated and property taxpayers had to pick up the cost.

Amundson said she supports the \$307 per day rate because it reflects the County's actual costs.

Brandner was asked whether she disagrees with how the County's costs were explained. Brandner said their Contracts and Grants Manager has primarily been working on that piece. She said she understands certain items have to be met but said the highest rate they pay for any service is \$397 per day and that is for a psychiatric placement.

Schorr noted the County's largest cost is personnel and said the County must adhere to decisions by the Commission of Industrial Relations (CIR) that mandate what the County is required to pay employees.

Hudkins said the County cannot continue to "pour more of the taxpayer's money into this when it is a State responsibility." He said the County is mandated by the State to have the facility adequately staffed and the CIR mandates what the County has to pay employees.

Brandner said she understands the County's predicament and said both sides need to think strategically about what they can do.

Juvenile Court Judge Roger Heideman appeared and agreed there are difficult juveniles that need specific types of placement and said those can be challenging to find.

Schorr asked whether there is anything the County could be doing to "tell our story" to other decision makers. Brandner said she believes it would be reasonable to come together within three weeks to discuss progress in contract negotiations. She added that everyone's goal is to come to an agreement.

Schindler noted YSC's Staff Secure Facility is not utilized at full capacity and said the County may want to look at whether a private provider would be interested in leasing that space from the County. She said the County could then reconfigure one of its housing units to meet the staff secure definition which may help reduce costs for detention.

The Chair asked Schindler to review the costs one more time and to come back if there is new information.

**5 JOB DESCRIPTION FOR HUMAN SERVICES DIRECTOR - Doug McDaniel, Lincoln-Lancaster County Human Resources Director; Nicole Gross, Compensation Technician, Human Resources Department**

Schorr disseminated a revised job description for the position (Exhibit E). **NOTE:** Kit Boesch, the current Human Services Administrator, is retiring in December.

Smoyer returned to the meeting at 10:17 a.m.

Schorr said Sheli Schindler, Youth Services Center (YSC) Director, contacted her and wanted to make sure that Sara Hoyle, Juvenile Justice Coordinator, will still be able to operate independently. Schorr noted the Human Services Administrator will now oversee the portion of non-service/operational portion of the Veterans Administration (VA), at the discretion of the Veterans Service Officer and Veterans Service Committee, and said there is more work to do regarding the classification of the deputy that assists with General Assistance (GA).

Dennis Meyer, Budget and Fiscal Officer, pointed out the Human Services Administrator position is jointly funded by the City and County. Schorr indicated Rick Hoppe, Administrative Assistant to the Mayor, has reviewed the document.

There was consensus to utilize the same screening and interviewing process as the Board used when it hired a new Emergency Management Director. The top finalists could also meet with the Mayor.

Doug McDaniel, Lincoln-Lancaster County Human Resources Director, said his department will update market data and develop supplemental questions. He felt they could get the position listed by Friday, November 7<sup>th</sup>.

**NOTE:** The Board will approve the position description at a regular County Board of Commissioners Meeting.

## **ADDITIONS TO THE AGENDA**

### **A. Nebraska Community Aid and Juvenile Justice Conference**

Schorr said a wide variety of experts are providing training at the three-day conference, which started on Wednesday. She noted funding for the conference was provided through a grant.

## **6 ACTION ITEMS**

### **A. Accept Resignation of Jeanne Sayers from the Pension Review Committee (PRC)**

**MOTION:** Schorr moved and Amundson seconded to accept the resignation and express gratitude to Jeanne Sayers for her service on the committee. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

### **B. Reporting Endorsement Notification Declining Coverage with MMIC for Claims Reported After September 30, 2014 for the Lancaster County Community Mental Health Center (CMHC)**

**MOTION:** Amundson moved and Schorr seconded to authorize signature by the Chair. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

### **C. Magellan Health Services, Inc. Organization Provider Application (The Heather)**

**MOTION:** Amundson moved and Smoyer seconded to authorize signature by the Chair. Smoyer, Schorr, Amundson and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

## **7 CONSENT ITEMS**

There were no consent items.

## **8 ADMINISTRATIVE OFFICER REPORT**

### **A. Claims for Review -**

- 1) Payment Voucher (PV) No. 460187 (County Grants) in the amount of \$795.50 to the Lincoln Public Schools (LPS). The claim is beyond the 90 day time period.

Sara Hoyle, Juvenile Justice Coordinator, appeared and gave an explanation of the claim.

**MOTION:** Schorr moved and Amundson seconded to handle the claim through the regular claims process. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

- 2) Payment Voucher (PV) No. 461416-461417 (Corrections) in the amount of \$270.90 to ASHI and 24-7 EMS. The claim is beyond the 90 day time period.

**MOTION:** Schorr moved and Amundson seconded to handle the claim through the regular claims process. Schorr, Amundson, Smoyer and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

- B. Election Procedures for Voting for Nebraska Association of County Officials (NACO) Officers

**MOTION:** Amundson moved and Smoyer seconded to designate Commissioners Schorr and Hudkins as the voting delegation, with Commissioner Schorr serving as primary and Commissioner Hudkins serving as secondary. Amundson, Smoyer, Schorr and Hudkins voted aye. Raybould was absent from voting. Motion carried 4-0.

- C. Agenda Items for November 13, 2014 Management Team Meeting

A roundtable discussion was suggested.

- D. Registration for Nebraska Association of County Officials (NACO) Annual Conference, December 10-12, 2014 in Omaha, Nebraska

Amundson, Hudkins and Schorr indicated plans to attend the conference.

- E. Pension Contribution Study

Schorr questioned the need for a study (see October 9, 2014 Staff Meeting minutes). Eagan said the study would determine whether reducing the pension contribution rates would be cost effective in the long term. He said he has not been able to find where a study of this type has been done and has asked Prudential Retirement, which provides services related to the Lancaster County, Nebraska Employees Retirement Plan (401(a) Plan) and the Lancaster County, Nebraska 457 Deferred Compensation Plan (457 Plan), whether they are aware of any companies that conduct these type of studies. Eagan said it will be a complicated study with a lot of assumptions and would likely be very expensive.

Amundson exited the meeting at 10:37 a.m.

Eagan noted the Board has received a legal opinion that the Employees Expense Account cannot be used to fund the study. He said he will continue to research it and will report back to the Board.

- F. Reappointment of Deb Schorr to District Energy Corporation (DEC) Board of Directors

The Board scheduled the item on the November 4, 2014 County Board of Commissioners Meeting agenda.

- G. Correspondence Regarding Removal of Gate/Fence on Linwood Lane (Formerly Known As (FKA) Avon Lane)

It was noted this issue will be discussed with the parties involved at the November 6<sup>th</sup> Staff Meeting.

- H. County Board Volunteer Opportunities

Item was held.

- I. County Board Quarterly Tours

Item was held.

## **9 PENDING**

There were no pending items.

## **10 DISCUSSION OF BOARD MEMBER MEETINGS**

- A. Information Services Policy Committee (ISPC)

Meeting was cancelled.

- B. Public Building Commission (PBC) - Hudkins, Raybould

Hudkins said they discussed bids for the sally port in the former jail facility (605 South 10<sup>th</sup> Street).

- C. Parks and Recreation Advisory Committee - Hudkins

Hudkins said usage of the Jensen Park (South 84<sup>th</sup> Street and Yankee Hill Road) area was discussed. He said the City and Lincoln Public Schools (LPS) will consume a lot of that land and the Jensen family wants it used for a park. He said it was suggested that if the land is to be used for other purposes other than a park, adjacent land should be purchased to restore the parkland.

D. Meeting with Mayor - Hudkins, Smoyer

Meeting was rescheduled.

E. Public Building Commission (PBC) Meeting with Mayor - Hudkins

Meeting was rescheduled.

F. Board of Health - Amundson

No report.

G. District Energy Corporation (DEC) - Hudkins, Schorr

Meeting was rescheduled.

H. Lincoln Public Safety Project Committee - Schorr

Schorr said the Committee has met three times so far. She said the first meeting focused on the needs of the new 911 System and the second meeting on the proposed relocation two fire stations and establishment of two new ones to address city growth. Schorr said there was a presentation on financing options at the third meeting.

I. Nebraska Association of County Officials (NACO) Legislative Conference - Amundson, Hudkins, Raybould, Schorr

No report.

J. Lancaster County Fairgrounds Joint Public Agency (JPA) - Amundson, Hudkins

Hudkins said the meeting focused on the bond proceeds. **NOTE:** The Lancaster County Agricultural Society refinanced the bonds that were used to build the Event Center to take advantage of lower interest rates.

K. Joint Meeting with Lancaster County Agricultural Society Board - Amundson, Hudkins, Schorr

Smoyer said Amy Dickerson, Lancaster Event Center Managing Director, gave an update on Phase 2.5 bond proceeds planning.

L. Lincoln Independent Business Association (LIBA) Budget Monitoring Committee - Smoyer

Smoyer said they discussed the "bike sharing" concept (individuals would be able to borrow a bike from point "A" and return it at point "B").

M. Parks and Recreation Futures Meeting - Hudkins

Hudkins said there was further discussion on Jensen Park (see Item 10C).

N. Lincoln Independent Business Association (LIBA) Monthly Meeting - Hudkins

Hudkins said discussion focused on the upcoming elections and unfunded mandates.

O. Lancaster County Correctional Facility Joint Public Agency (JPA) - Hudkins, Smoyer

Smoyer reported they paid claims totaling \$135,197.75 from Sampson Construction Company, the Construction Manager at-Risk; Dickey & Burham, Inc., for jail warehouse improvements; and the Police Garage for a surplus vehicle.

P. Meeting with Planning Department - Hudkins, Smoyer

Hudkins said they were informed a proposed wind farm near Hallam is delayed.

Q. Lincoln Public Safety Project Committee - Schorr

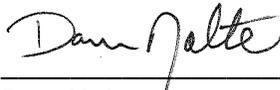
See Item 10H.

## 11 EMERGENCY ITEMS AND OTHER BUSINESS

Schorr reported on the Nebraska Association of County Officials (NACO) Board of Directors Meeting. She said they approved the budget and legislative priorities and discussed restructuring how NACO is set up as a corporation.

## 12 ADJOURNMENT

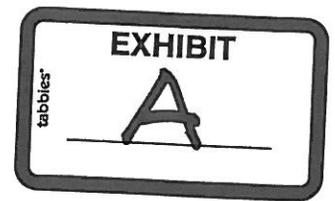
**MOTION:** Smoyer moved and Schorr seconded to adjourn the meeting at 10:54 a.m. Smoyer, Schorr and Hudkins voted aye. Amundson and Raybould were absent from voting. Motion carried 3-0.



Dan Nolte  
Lancaster County Clerk

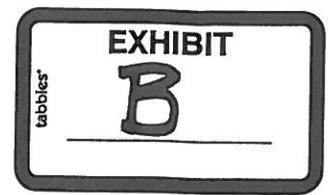


Agenda for County Board Discussion on  
Lancaster County Zoning & Building Permit Regulations  
October 30, 2014



- 1) Purpose of the meeting
- 2) Brief review of current regulations
  - a. Handout on when we require building permits, following of setbacks and frontage requirements
  - b. Nebraska State Statutes
  - c. County subdivisions
  - d. Frontage requirements and lots without frontage
- 3) Direction from the County Board on a few points:
  - a. Verify specific points for direction by County Board. If direction is different than current code, then direct staff to prepare a code amendment so that code matches intent
  - b. Should all residential accessory buildings have a 60 foot side yard setback?
  - c. Should all AG agricultural residences have a 550 foot frontage requirement?
  - d. Amending the AG District in the County zoning code so that the setback requirement for farm buildings on farmsteads (i.e. over 20 acres) are clear
  - e. Amending Section 3.013 so that it is clear that residences must get building permits, occupancy permits and follow zoning regulations; also clear up meaning of "front yard" reference
  - f. Removing "dwelling unit" from the definition of farmstead to better match state statutes.

Handout for County Board Discussion on  
Lancaster County Zoning & Building Permit Regulations  
October 30, 2014



In Lancaster County's zoning jurisdiction, the current zoning regulations on property zoned AG Agricultural:

**"Farm" Buildings used for agricultural purposes on 20 acres which produce \$1,000 or more of farm products each year:**

- Don't need to building or occupancy permits
- Must follow floodplain regulations and front yard setback
- Can interpret that they must also meet frontage, side yard, rear yard and other zoning requirements; however, Section 3.013 confuses the intent and since no building permit requirement difficult to enforce provisions

**Residences and buildings accessory to residential uses:**

- Need building permit approval before beginning construction
- Must follow all setbacks, frontage and other zoning requirements
- However, Article 3, Section 3.013 (see below) conflicts if "main" farm building was interpreted to include residences

**Examples of Farm Buildings:** barns, buildings /garages for the storage of farm equipment, supplies and animals. A residence is not considered a farm building, even if the house is owned and used by the person farming the land.

**Examples of Accessory Residential buildings:** garages for parking personal vehicles, playhouses, pool houses, or gazebos.

Selected Sections from Lancaster County Zoning Code

2.045. **Farm.** An area which is used for the growing of the usual farm products such as vegetables, fruit trees, and grain and their storage on the area, as well as horses, cattle, sheep and swine. The term farming includes the operating of such an area for one or more of the above uses, including dairy farms with the necessary accessory uses for treating or storing the product; provided, however, that the operation of any such accessory uses shall be secondary to that of the normal farming activities.

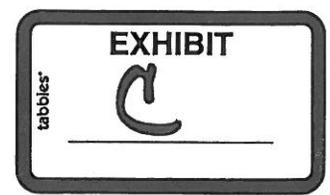
2.047. **Farmstead.** An area of twenty (20) acres or more *in which is located at least one (1) dwelling unit* and on which farm products of a value of one thousand dollars (\$1,000.00) or more are raised each year. *{Emphasis added}*

**Article 3, Section 3.013.**

6) Nothing contained in these regulations shall prevent the use of any land for farming or agricultural purposes, *nor shall any construction or occupancy permit be required for any main or accessory building located on a farmstead and used for the usual farming purposes* except as provided in the flood plain regulations as outlined in Article 11, provided, however, that the provisions of this section shall not prevent the enforcement of the front yard regulations; and provided that the inhabitants in any main or accessory building are substantially involved in the operations of the farm. *{Emphasis added}*

8) For purposes of paragraphs 6 and 7 above, the following shall be considered to determine the inhabitants' involvement in the operation of the farm: percentage of income from farm, percentage of time spent farming, members of the family farming, proprietary interest in real or personal farm property or farm produce, future interest in farm, and expenditures in the farming operation. (Resolution No. 3668, February 2, 1982)

Nebraska State Statutes  
Pertinent Sections for County



**23-114.03. Zoning regulations; purpose; districts.**

Zoning regulations shall be adopted or amended by the county board only after the adoption of the county comprehensive development plan by the county board and the receipt of the planning commission's specific recommendations. Such zoning regulations shall be consistent with an adopted comprehensive development plan and designed for the purpose of promoting the health, safety, morals, convenience, order, prosperity, and welfare of the present and future inhabitants of Nebraska ...

Within the area of jurisdiction and powers established by section 23-114, the county board may divide the county into districts of such number, shape, and area as may be best suited to carry out the purposes of this section and regulate, restrict, or prohibit the erection, construction, reconstruction, alteration, or use of nonfarm buildings or structures and the use, conditions of use, or occupancy of land. All such regulations shall be uniform for each class or kind of land or buildings throughout each district, but the regulations in one district may differ from those in other districts. An official map or maps indicating the districts and regulations shall be adopted.... The county board may decide whether buildings located on farmsteads used as residences shall be subject to such county's zoning regulations and permit requirements.

For purposes of this section and section 23-114.04, nonfarm buildings are all buildings except those buildings utilized for agricultural purposes on a farmstead of twenty acres or more which produces one thousand dollars or more of farm products each year. {Emphasis added}

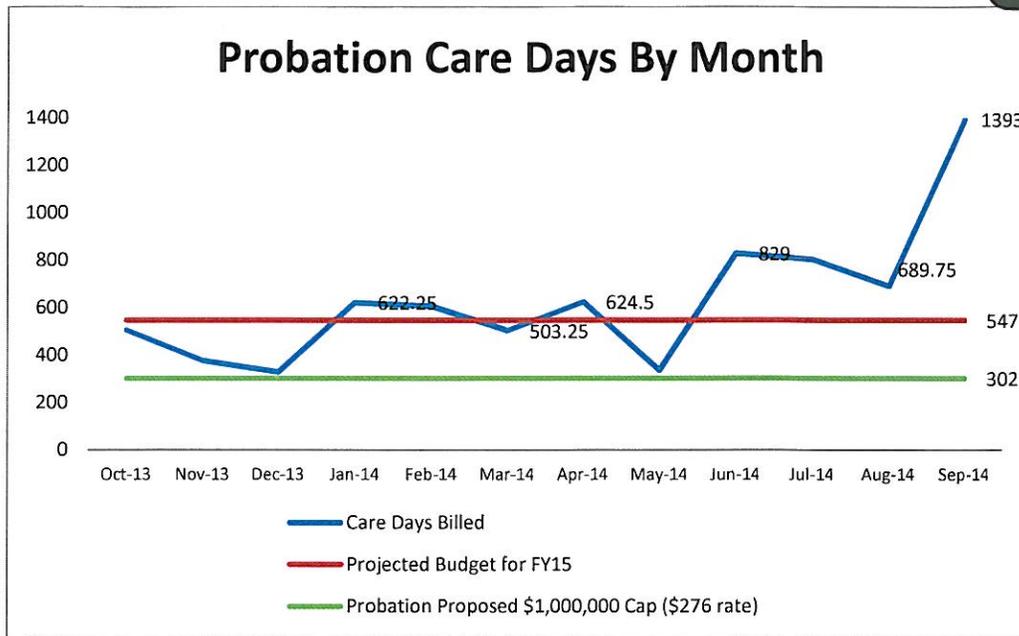
**Annotations**

The farm building exemption contained in this section prohibits counties from requiring building permits on buildings utilized for agricultural purposes on a farmstead of 20 acres or more which produces \$1,000 or more of farm products per year. *Premium Farms v. County of Holt*, 263 Neb. 415, 640 N.W.2d 633 (2002).

**23-114.04. Zoning regulations; enforcement; county zoning administrator; appoint; compensation; permits; fees.**

(1) The county board shall provide for enforcement of the zoning regulations within its county by requiring the issuance of permits prior to the erection, construction, reconstruction, alteration, repair, or conversion of any nonfarm building or structure within a zoned area, and the county board may provide for the withholding of any permit if the purpose for which it is sought would conflict with zoning regulations adopted for the particular district in which the building or structure is situated or in which it is proposed to be erected. All plats for subdivisions in the area outside the corporate limits of cities and villages and outside of an unincorporated area wherein a city or village has been granted subdivision jurisdiction and is exercising such jurisdiction must be approved by the county planning commission. {Emphasis added}

# Probation Housing Services



## Contract

- Per Diem Rate Differences (paying \$276, charging \$307)
  - \$99,000 outstanding due to rate differences alone.
- Cap on annual costs
  - Probation proposed \$1,000,000. October invoices will push the total since July 2014 over this maximum.
  - Recommend increased annual cap.
- Medical Costs
  - County responsible for all medical services provided on site as required within jail standards for detention purposes only.
  - Probation not responsible.
- Transportation Costs
  - County transports to court and emergency medical.
  - Probation responsible for all other transports (evaluations, placements, other court ordered transports).

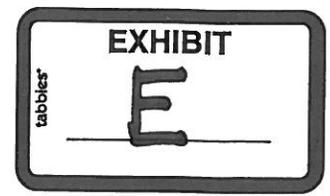
## Invoices

- \$527,307.25 currently due, excludes items where LB 561 was unclear on fiscal responsibility.
- Must have sufficient information to ensure funds are accounted for accurately.

## Recent Data

- Of the 61 youth at the facility on October 28, 2014 there are an estimated 46 under probation's supervision.
  - At \$276 for the year with 46 youth, this would cost probation \$4,634,040.
  - At \$307 for the year with 46 youth, this would cost probation \$5,154,530.
- Youth discharged in October 2014 was ordered to stay in detention until medications were filled. This added 30 days to the youth's stay at an estimated cost to probation of \$9,210.

LANCASTER COUNTY  
HUMAN SERVICES ADMINISTRATOR



NATURE OF WORK

This is a highly responsible administrative position involved in the planning, coordination and supervision of the county's human services delivery system. This is an unclassified position.

The Human Services department strives to provide citizens the opportunity to achieve the highest level of self-sufficiency, safety, and quality of life possible through an array of coordinated services. The Administrator advises elected officials, non-profit and private service providers, local funding organizations, and the community at large in the delivery of human services. Its purpose shall be to guide Lancaster County to respond to human needs in a collaborative, cost effective, and expedient manner with available resources and to assist in the development of new funding streams.

EXAMPLES OF WORK PERFORMED

Participate in joint community strategic planning activities with the United Way, Joint Budget Committee, Human Services Federation, and other local/regional entities.

Provide staff support to the City/County Joint Budget Committee and the Keno Prevention Committee during the application process from human service agencies for funding from governmental sources.

Work with United Way staff to develop and implement the joint application process for JBC/United Way grant funding cycle

Oversee the efforts to provide a variety of services to youth at-risk of becoming or currently involved in the juvenile justice system, maintaining strong relationships with the County Attorney and local service providers, and researching new funding sources.

Oversee requests for general assistance benefits and support services for the general public, determine eligibility and coordinate multiple services and benefits available under Federal, State and County levels. (1)

Provide support to the County Veteran's Service Officer and Veterans Services Committee with their responsibility to oversee veterans' requests for financial benefits and support services, coordinate multiple services and benefits available under Federal, State, and County levels. Oversee the non-service/operational portion of VA budget. (2)

Prepare and develop the annual departmental budget.

Direct the activities of professional, administrative, and clerical staff, consultants, sub-contractors, and temporary employees.

Participate as assigned on City, County, or community advisory committees, task forces and working groups involved in human service, juvenile justice, general assistance, or veterans issues.

Maintain liaison relationship with regional and state human service officials, participate in policy discussions and in the review of legislative proposals to strengthen the local human services system.

Provide technical assistance to local agencies seeking governmental funds as well as writing grants when appropriate for related government activities coordinating with the County Budget & Fiscal office.

Develop concepts involving new programs, management techniques, or system reorganization.

Perform related work and duties as required.

#### DESIRABLE KNOWLEDGE, ABILITIES, AND SKILLS

Considerable knowledge of community human service agencies.

Ability to establish and maintain effective working relationships with local agencies, community leaders, elected officials, and the general public.

Expertise in grant writing and knowledge of alternate revenue sources.

Ability to supervise professional and clerical staff.

#### DESIRABLE TRAINING AND EXPERIENCE

Graduation from an accredited four-year college or university supplemented by a Master's degree in social science, business or public administration or related field plus experience in the area of human services.

#### MINIMUM QUALIFICATIONS

Graduation from an accredited four-year college or university with major course work in social sciences and business, public administration or any equivalent combinations of training and experience which provided the desirable knowledge, skills, and abilities.

(1) Transition tentatively planned for June 2015

(2) Transition tentatively planned for September 2015