

April 10, 1975

the requirements of this Act. They would have a period of 20 months, up until July 1, 1977, to meet requirements. However, there is no penalty. That's an important point. There is no penalty. The burden is placed upon them and it's assumed that they will act or admit that they are not interested in land use regulation and in solving their own problems. A few other counties and cities of the first class are at the stage where they could do something if they wanted to. There would be no additional cost for them. I'll be happy to answer specific questions about those two sections. Section 3 is quite a different thing. The emphasis here is on assisting the small communities in the state, the villages and second class cities, with their enforcement procedures. Those communities that have already done something, and are desirous of enforcing subdivision regulations and especially zoning regulations, could give those responsibilities to the county. In fact the county would be required to provide such services at cost, I'd like to emphasize "at cost", to communities in that status. They may, also, provide it to first class cities.

Section 4 closes a current loop hole in law which, in this vein, municipalities incorporated after this date. It's unlikely that we'll have more than five or ten communities incorporated in the state within the next third of a century. Because we have tightened the municipal incorporation law so substantially, there seems little likelihood that additional communities will be incorporated in significant number. If they are they will not, in the smaller stages of their existence I would say, be able to enforce land use regulations. Therefore, county government would enforce until such time as they become a city of the first class. Therefore, it would be likely that they would have the capabilities to regulate land use within their jurisdiction.

Number 5, and here we get to what I think is the dominant emphasis of the bill, that is to protect property owners from misuse of local land use law, municipal and county. I've worked, at one time or another, with about 95 percent of the communities and counties that are doing land use planning in this state. Especially those that are doing land use regulation. There aren't a dozen of them that are consistently following state law. The people that suffer, as a result, are the owners of property. Hearings are not being held at the proper time. Proper notifications are not given to property owners. In many cases, the primary abuse is in the Zoning Board of Adjustment, where you have city councils inadvertently, unintentionally, acting as a city council while they have on their hat that's called the Zoning Board of Adjustment. Therefore, they're rezoning through the Zoning Board of Adjustment. Now this is a technical procedure. I'd ask that you accept my word, frankly, that there are significant abuses in this area. I would also urge you to note that the League of Nebraska Municipalities and the Nebraska Association of County Officials did not appear in opposition to this bill. In fact, I specifically sought them out and had long conversation with Dave Chambers. They have no objections to this bill. They admit that there are problems in the communities ability to cope with land use requirements. LB 410, which you'll be seeing soon, will simplify the procedures and clarify the procedures. This one . . . this section, Section 5, will permit the County Zoning Board of Adjustment to take on that role for all smaller communities in the state, villages, cities of the second class. At the option of the county and the city, cities of the first class, but at a cost basis. This will not be an additional financial burden upon county government.