

# The Nebraska Planner

A joint publication of APA Nebraska and NPZA

July 2023

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## ANNOUNCEMENTS

### FALL WORKSHOPS: SAVE THE DATES!

- APA Fall Workshop - Thursday, September 28th; Antelope Valley Parkway Redevelopment & Telegraph District Workshop & Walking Tours in Lincoln; More information & registration coming soon!
- NPZA Fall Workshop - October 13th; Virtual Sessions; More information & registration coming soon!

### AICP SCHOLARSHIP OPEN

Don't miss out on the upcoming AICP Certification Diversity Scholarship for [AICP certification](#)!

The American Planning Association (APA) will grant 50 scholarships for the fall 2023 AICP certification cycle. Potential recipients can choose if they would like to use the scholarship for the exam or the assessment. Recipients will pay the scholarship fee of \$85 instead of the regular \$255 fee.

The window to submit your application is open now and will close August 31, 2023. For more details about the scholarship, or to access the form when the window opens, please visit [APA's website](#).

### SUCCESSFUL AICP EXAMINEES

Two Nebraska planners successfully passed the AICP Exam in May of 2023. Congratulations Alana Tucker and Mark McLaughlin!

### HUMANITIES NEBRASKA GRANTS AVAILABLE

Do you have an idea for a humanities-based public event? A Humanities Nebraska (HN) grant could help you fund it! HN program grants are available to nonprofit organizations and governmental entities that want to develop a public project that encourages interaction, thought, and discussion over ideas, topics, and questions about "what it means to be human." Examples of grant-eligible projects might be a walking or biking tour to explore the history of unique areas, a history scavenger hunt, conversations about the social and cultural aspects of a community that impact city planning, and more. Learn more on page 20 of this newsletter.

### ADU OMAHA DESIGN COMPETITION ANNOUNCED

[AARP Nebraska](#), in conjunction with the [RL Mace Universal Design Institute](#), is excited to announce the 2023 An ADU for U Accessory Dwelling Unit Design Competition to increase the awareness of the role ADUs can play in providing age-friendly housing options and to inspire the community with viable ADU designs that can be built in Omaha. Learn more about this competition and how to submit a design on page 19 of this newsletter.



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# PRESIDENTS' UPDATES

Summer is fading fast and the NPZA Board is diligently planning for the upcoming fall virtual workshop to be held in September. In the past, the virtual workshop has been an affordable planning and zoning learning opportunity for individuals and organizations alike. Keep an eye open for specific details coming soon through emails and social media posts as the time draws closer to the event.

Additionally, planning never ceases for the Annual Spring Conference. We hope the wide variety of sessions that the Joint Conference Committee and the NPZA and APA NE Boards will pack into the conference program covers subjects that will pique your interests.

Have a great time wrapping up the rest of the summer as you embark on making the upcoming fall one to remember.

“The best way to predict the future is to create it” – Abraham Lincoln



Judy Clark, MPA - NPZA President



I hope you are having a great summer. Personally, I am enjoying putting resources and knowledge to work that I picked up from a session from the Annual Planning Conference with my “Bloom Box” pollinator garden from the Nebraska Arboretum.

As you look forward to volleyball, football, and cooler fall temperatures, please keep a look out for September 28th Fall Workshop registration and the bi-annual elections in mid-August.



Jeff Ray, AICP - APA-NE President



# BIKE WALK NEBRASKA CELEBRATES NEW E-BIKE LEGISLATION, WELCOMES YOU TO 2023 EVENTS

BY: JESSE POORE

LB738 made a simple change to the definition of an electric bicycle in our state statutes. That's all it does. The bill did not include anything regarding enforcement or regulation; it simply updates the definition to reflect the 3-tier classification, which has become the national standard being adopted by most other states. What are the three tiers?

Electric pedal assist bikes are becoming increasingly common and many new vendors have entered the market with a variety of products. Some products currently marketed as e-bikes are actually not bicycles at all - they are pedal REPLACE, not pedal assist - creating new challenges for people in charge of state parks, trails and other recreational facilities to manage their spaces accordingly.

The majority of e-bike sales in the last few years have been Class 1 bikes. However, Nebraska currently maintains a "No Motorized Vehicles" rule for parks, trails, and other infrastructure. In addition to bringing Nebraska statute in line with national best practice, Nebraska now has a nuanced definition to point to for policy decisions. Essentially, this classification ensures we don't throw the baby (industry standard pedal assist bikes) out with the bath water (mini mopeds or aftermarket gas-powered engines added to bicycle frames) when making policy decisions about bicycling.

Pedal assist or not, everyone is invited to [Goldenride Bikefest](#) for a two-day cycling adventure, September 9th and 10th. The event travels at a leisure pace from Lincoln to Beatrice and back on the Homestead Trail. Honestly, it's for everyone interested in experiencing what cycling tourism can provide for more towns in Nebraska. Registration for the fully supported ride is \$165 for regular and \$60 for students. Goldenride is Bike Walk Nebraska's signature fundraising event and money raised through registrations helps continue the important



Image credit: <https://www.electricbikeparadise.com>

work they are able to do advocating for pedestrian and bicycle safety, promotion trails and bicycle tourism, supporting local communities with outreach and facilitation with staff and elected leaders.

Preceding Goldenride Bikefest, the [2023 Bike Walk Nebraska Summit](#) is a one-day event held September 8th in Lincoln for stakeholders from diverse sectors to discuss and advance active transportation in Nebraska. This year's Summit, which will provide in-depth workshops and discussions, is intended for planning and government professionals, recreation and outdoor professionals, and community advocates. The Summit focuses on high-priority items for all sectors involved in biking and walking. Registered participants (\$75 regular, \$35 students) will collaborate to identify practical solutions, share best practices, and inspire action for a more walkable, bike-friendly Nebraska.

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# WINSLOW, NE BEGINS TO BURN

## FLOOD DAMAGED HOMES

BY: BILL KELLY; REPRINTED FROM [NEBRASKA PUBLIC MEDIA, 6/6/23](#)

The village of Winslow, Nebraska, last weekend began systematically burning homes damaged by the devastating floods of 2019. By the end of the year, with the “aggressive timeline” suggested by the town board, up to 20 homes and vacant businesses could be leveled by fire and replaced with green space.

If the plan is successful, only a few occupied residences will remain by this time next year.

### Moving Up the Hill

A contingent of civic leaders believes the town should relocate to higher ground, above the Elkhorn River. Others remain skeptical or unwilling to move.

Members of the local volunteer fire department began by using a propane torch to ignite the first of two vacant homes on Sunday. A private contractor cleared out remnants of asbestos and lead days before the burn. Within an hour, only the brick chimney remained of the first wood-frame home burnt.

After the Elkhorn swamped the flood-prone lots in Winslow, the town obtained federal funds allowing residents to sell their damaged homes if they wished. The village now holds title to the property. In exchange, the town must remove the structures using additional state and federal funds.

Fire Chief and town board member Zach Klein explained the program allows communities to “tear the structure down and they green space it, so you can’t build on it again.” He said the federal program’s goal is “to reduce the flood risk for everyone for the foreseeable future.”



Members of the Winslow Fire Department stand by as a flood-damaged home burns.  
(Photo by Bill Kelly/Nebraska Public Media)

The big burn was “heartbreaking to watch” for Lonnie Kotik. She lived in the second house going up in smoke on South Street. After the flood, she tried to move back into the waterlogged home, but it couldn’t be salvaged.

Standing on the border of the backyard, she could feel the heat as it tore through the light green one-story home and nearby garage. She’s also an EMT for the fire department. While difficult for her to watch, Kotik supports the clearing out of the vacant homes, now overgrown and a haven for vermin and vandals.

"This town needs to move on," Kotik said. "We need to be up on top of that hill."

The hill is the elevated plain above the temperamental Elkhorn River. Some in Winslow launched the effort to relocate three years ago, driven by the fact the village had flooded eight times since 1912. The levee couldn't be rebuilt. A study prepared by the University of Nebraska-Lincoln students concluded that the village's only other options were to move any remaining residents to higher ground or disperse and level the remaining buildings.



Lonnie Kotik watches as the home she left after the flood burns. (Photo by Bill Kelly / Nebraska Public Media)

### A slow burn

The plan stalled months ago, faced with limited funding to rebuild civic infrastructure and resistance from residents who would prefer to remain at their Winslow addresses, even if the town elects to unincorporate and disband. Don Heinke refurbished his home after the flood. He told a visitor on the day of the fire, "This is all I got. Why would I want to start over at 75 years old?"

He does applaud the village for moving ahead with the burn, even if it means a score of empty lots surrounding his well-kept home. He says, "It's a real good thing" because the now-burning house across the way had become "trashy" after it was vacated.

"I hate to lose my neighbors," Heinke said, "and lost a lot of other neighbors, but there's a few of us here sticking together. We're going to make good out of our town."

Meanwhile, Fire Chief Klein calls the demolition of Winslow "a mutually beneficial thing for the fire department and the village." As the pair of houses burned, members of the 20-member department watched and learned how smoke and flame changed as the fire developed. Some practiced their hose skills when entering the burning house.

With so many buildings still to be torched before year's end, Klien intends to call on the state fire marshal's office and other fire departments to take advantage of a unique training opportunity: helping burn down the town that's willing to destroy itself in order to survive.



Winslow Fire Chief Zach Klein at one of the houses intentionally set ablaze. (Photo by Bill Kelly / Nebraska Public Media)



# CHRIS SOLBERG WINS NATIONAL STAR DIVISION AWARD FOR RURAL RESURRECTION BLOG

REPRINTED FROM [“SMALL TOWN & RURAL PLANNING: SUMMER 2023”](#)

The APA Small Town & Rural Planning Division has honored Christopher Solberg, AICP, with the 2023 Carol Thomas Honor Award for a Small Town & Rural Planner, for his planning advocacy with the Rural Resurrection Blog ([ruralresurrection.com](http://ruralresurrection.com))

Chris Solberg is the Deputy Community Development Director for a suburb of Omaha, Nebraska [La Vista]. He's a member of the American Planning Association (APA) and a certified planner through the American Planning Association (AICP). Chris has served as President of the Nebraska Planning and Zoning Association (NPZA) and as a member of the APA Nebraska Board.

His nominators wrote, “Chris has spent the better part of his career working with and educating Small Town and Rural areas and is very deserving of this award and recognition.”

Solberg and the Rural Resurrection blog provide needed tools and insights to assist rural residents and leaders to adapt to change. The site provides a solid landing pad for reliable information that can be trusted. Chris offers observations, professional opinions and analysis, combined with case studies of small towns and rural areas doing interesting and innovative things that buck the decline narrative.

The website focuses on the practical as well as the positive aspects of small town and rural life. Chris dedicated an entire month of blog posts to the topic of Implementation, from working with small town committees to celebrating small as well as large accomplishments. His Tool Kit page provides direct links to useful implementation resources. He regularly highlights interesting grant and funding opportunities in an effort to “share the wealth” with rural communities across the country.

Chris has also integrated the Rural Resurrection website with social media and experiments with features such as audio and video. STaR's members may also recognize Chris' name since he has shared articles in the quarterly Small Town & Rural Planning newsletter.

“As a public sector planner, [[the blog] is purely his passion and love for the small town he grew up in,” said Jeffrey B. Ray, AICP, APA Nebraska Chapter President.

Rural Resurrection brings national stories to a rural context and highlights small town and rural efforts to adapt to national changes with the perspective of a professional planner.



Pictured: Christopher Solberg, AICP

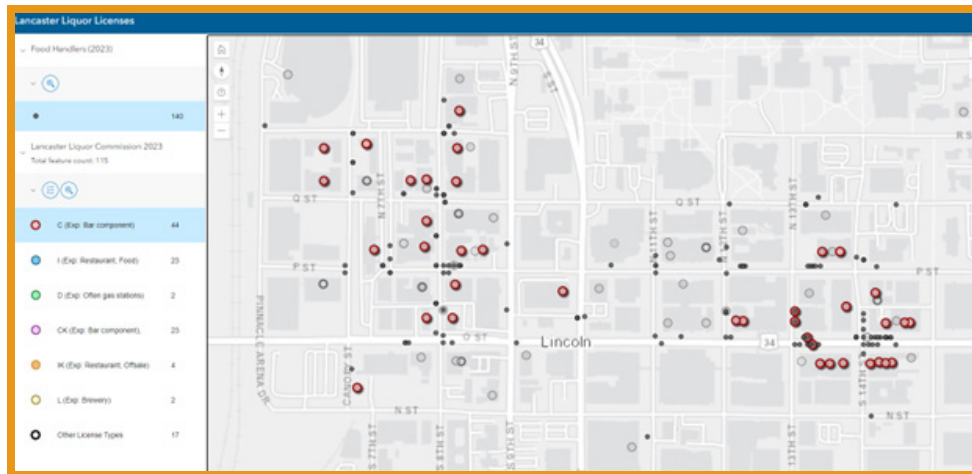
# GIS QUARTERLY: A COLUMN OF THE NEBRASKA PLANNER

BY: KURT ELDER, AICP/GISP

In the last newsletter I offered a pathway for our readers to engage on the topic of geographic information systems; unfortunately, that method did not produce enough results to guide future content for this article series. So I'll try again, but I'll provide a few examples of GIS uses. Perhaps, if by 'priming the engine' others will get engaged. So take a look at how GIS might be able to impact your community.

## Idea #1: Venue & Beverage Viewer

Below is a screenshot that shows a list of possible venues based on liquor license type overlaid with existing places with a food handler permit (i.e. restaurants). The data cost for the statewide liquor license file was \$50, and the food permit data came from our Health Department and was free because I requested only the address and business name. If I wanted to know more about the inspection history of any restaurant I could easily search the [inspection viewer here](#).



Pictured: Idea #1: Venue & Beverage Viewer GIS Tool

*Importance/Rationale:* I wanted to review businesses across the community that could hold an event or a large social gathering that also served libations of certain kinds. The tool allows me to quickly highlight different facets of the map. Those highlighted pieces are bars in downtown Lincoln. You can see an aggregation in the Haymarket and around 14th & O St (i.e., a college bar and music scene).

*Total development time:* Approximately 30 minutes, not including data acquisition.

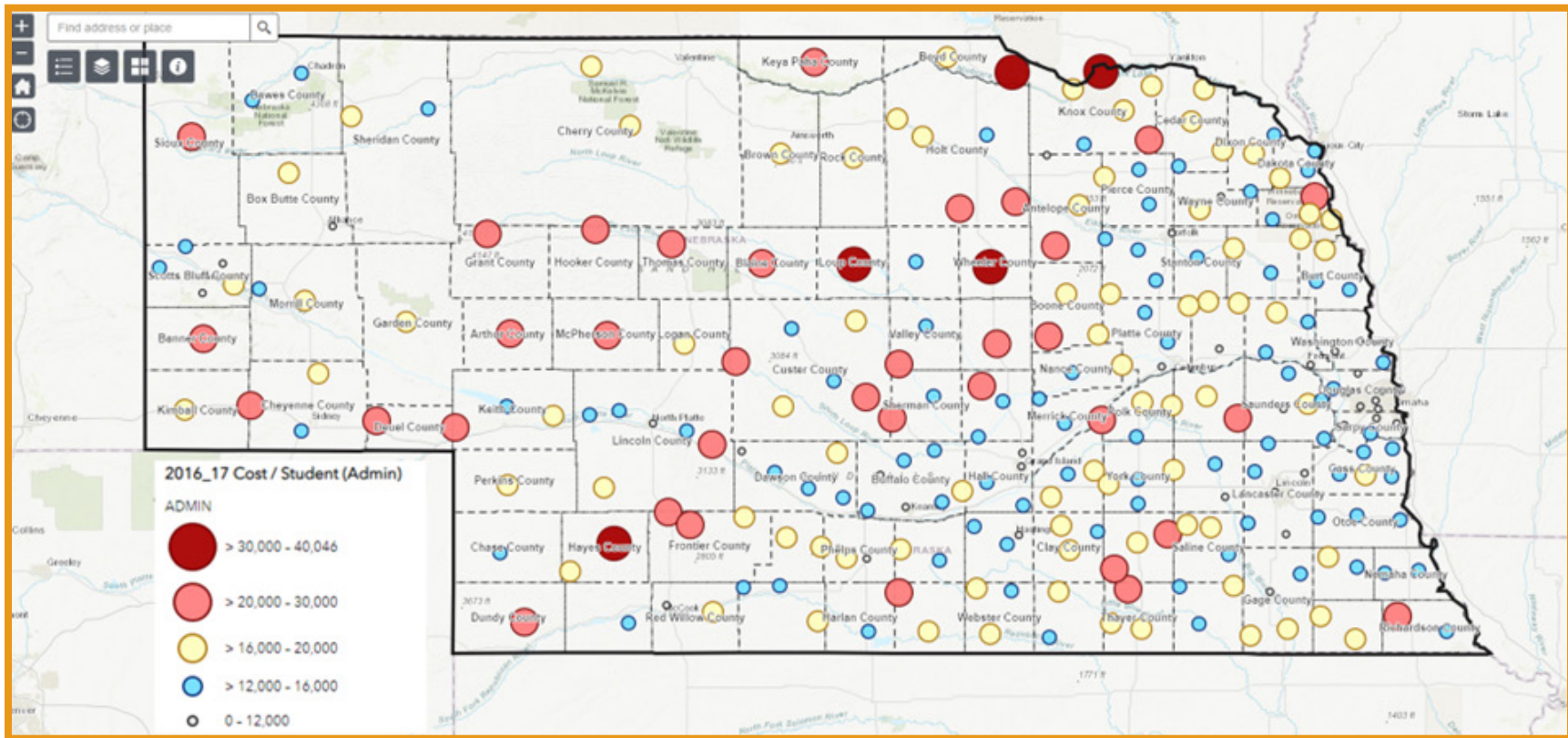
## Idea #2: School District Cost per Student (FY16/17)

On the following page is a screenshot that shows the cost of education per student by school district across the State of Nebraska. This does not reflect the cost per student for students with supportive needs, as those cost are often higher.

Each school district is symbolized by size and color. The bigger the dot, the higher cost per student. Large red dots represent a cost of \$30,000 to \$40,000 per student, whereas blue dots (i.e. the second lowest) are \$12,000 to \$16,000 per student.

*Importance/Rationale:* From a statewide perspective it could inform where some school districts should consider consolidating administrative services to reduce the cost per student number. For example, does each school need a superintendent, athletic director, and principal? Some will certainly answer yes, others might answer no due to the lack of students in a given school district. What do you think? What questions does this image raise for you?

*Total development time:* Approximately 2 hours, not including data acquisition.



Pictured: Idea #2: GIS map of Nebraska showing the cost (per student) to provide education in Nebraska, by school district for the 2016/2017 school year

### Idea #3: Voter turn-out in Douglas & Sarpy Counties in the 2014 election.

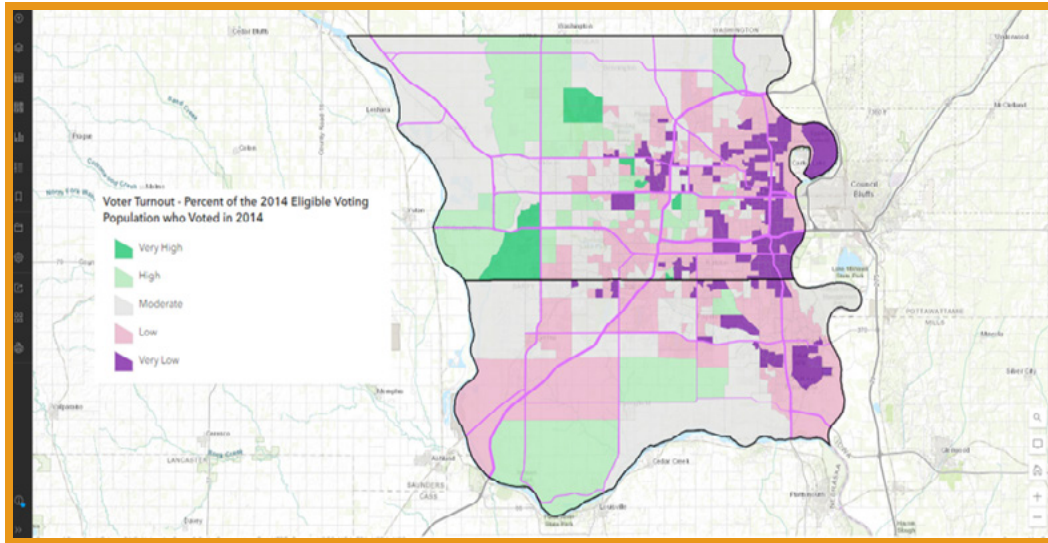
Community engagement is a vital piece of democracy. Voter records can help us see where people are voting in lower or higher rates compared to the greater community. Think of an issue that isn't controversial and imagine how those voting distributions might look. Now consider a controversial issue and reassess how areas might make their voice heard. The image on the following page shows voter turnout by census tract. This aggregation level was a special tabulation; however, election officials provide this information at the voting precinct level for free. The image shows very low voting rates in Eastern Omaha, particularly in Northeast and Southeast Omaha.

Whereas most voting analyses look at the voter participation rate of registered voters, this image reviews the voting percentage of the voting age population.

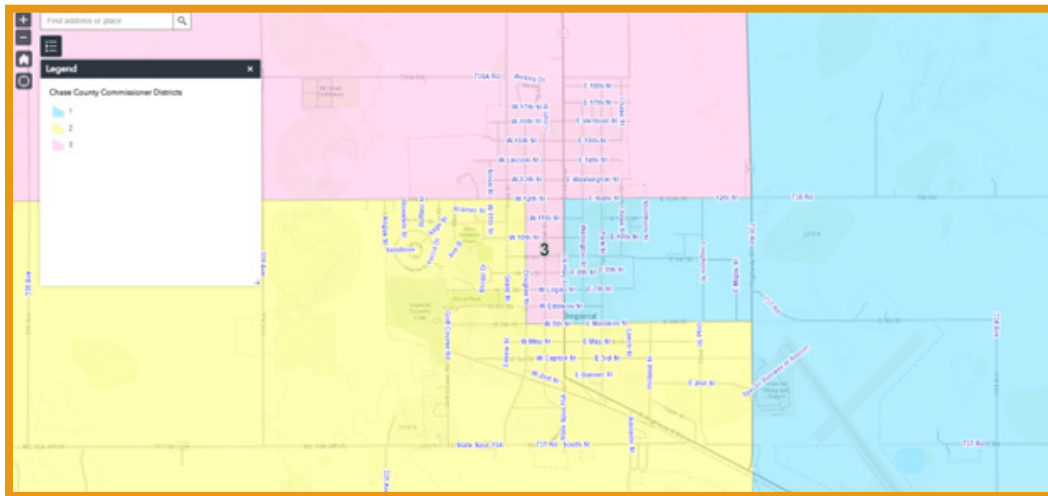
*Importance/Rationale:* Bringing people into the process should be something that we all strive for. By identifying where work needs to be done and where additional resources may be needed to encourage voting, we can craft strategies and actionable goals with measurable results. Furthermore, we might identify where certain groups are not represented on issues related to taxation or community development.

Total development time: Approximately three hours, not including data acquisition.





Pictured: Idea #3: GIS map of Douglas and Sarpy County Voter Participation Rate in 2014 Elections



Pictured: Idea #4: County Commission District Boundaries

### Idea #4: County Commission District Boundary

This will be short. Sometimes you just need an easy, fast way to show areas where elected officials represent.

*Total development time:* Approximately 30 min, not including data acquisition.

### Idea #5: Chase County Dispatch Calls (2/2018 - 1/2019, Excludes Oct 2018 and Sexual Violence Calls)

On the following page is a screenshot of a dashboard showing 911 dispatch calls in Chase County. I would assume in most communities there is an interest to know how tax dollars are allocated. On the other side of the conversation is the need for local law enforcement to share the impact of their work. In this period there were 1,326 calls into the dispatch (911) center. Of those, 786 were in the Imperial dispatch area, or 59% of the calls. From a budgeting perspective, I think this tool could help agencies better right-size requests. Additionally, it might help an agency to better educate the public on how to best utilize their local police staff. For example, of the 786 calls, 157 (or approximately 20% of all calls) were for information. Now, not fully knowing what information was requested, perhaps the development of a local line for community questions (i.e., aside from the community office line) could be developed to adjust resources. Another way to use this data is to right-size fines for time spent responding to other issues such as animal-at-large complaints.

*Total development time:* Approximately one day, not including data acquisition.



Pictured: Idea #5 Chase County Dispatch Calls

### Other ideas:

There are countless uses for GIS technology and for using spatial analysis to better understand the planning issues we face. Some of these could be: food access, community assets, integration with the county assessor to better use existing data sources, mapping of NRD data, and voter precinct/ward redistricting efforts.

### In closing:

Thanks for taking the time to read this article. Hopefully these examples spark an interest for you. If there are questions that you would like answered, or if you want to talk directly about this topic, please feel free to contact me directly at [kurtelder@gmail.com](mailto:kurtelder@gmail.com). Please use the subject line of 'NPZA/APA GIS Question'.



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# BOOK REVIEW: “ARBITRARY LINES” BY NOLAN GRAY

BY: DANIEL BENNETT, AICP

The Nolan Gray’s “Arbitrary Lines” is a thought-provoking exploration of the origins of zoning, its alleged exclusive and selective benefits, and the potential future of city planning that shifts focus from separation of uses to effectively controlling “negative externalities.” His argument centers on the contention that zoning is not a “good institution gone bad,” but rather was designed from the start to segregate and exclude segments of the population. Through historical examples and his provocative call to abolish zoning, Gray challenges conventional wisdom and invites planners to reflect on and account for zoning’s shadow side.

Much of the criticism Gray puts forth in “Arbitrary Lines” is directed at the exclusionary effects of single-family zoning and the social and economic harms that result. Gray highlights how practices such as minimum lot sizes, max densities, and prohibition of apartments perpetuate socioeconomic segregation by limiting housing options and perpetuating housing unaffordability. By delving into historical contexts and case studies, Gray demonstrates how single-family zoning has been used as a tool to maintain and perpetuate inequality. He urges local governments to pursue the “low-hanging fruit” of abolishing single-family detached zoning by incorporating duplexes and fourplexes, developments often referred to as “missing-middle” housing. Other low hanging fruits include abolishing minimum parking regulations and lowering minimum lot size or floor area ratios.

Gray’s vision for the future of planning diverges from traditional zoning-based approaches. He argues that a more effective approach lies in focusing on negative externalities that regulations can control—such as noise, smells, smoke or traffic—rather than rigid land use categorizations. A whole chapter is devoted to demonstrating an alternative to zoning by describing the “great unzoned city” of Houston, TX. Gray explains how Houston uses tools like deed restrictions and ordinances tied to negative externalities which are able to mitigate land use conflicts while better accommodating emergent land use needs.

This approach, Gray argues, would free planners up to do less site regulation management and do more big picture planning and mediation.

“Arbitrary Lines” is an accessible discussion of the history of zoning and its shortcomings. Gray provides a compelling critique of zoning and, in particular, single-family zones, but perhaps could have provided a fuller account of how zoning in many cities has been adapted to focus on form and controlling the externalities he highlights.

Gray’s work could be criticized for not providing the same detail of examples and evidence for the solutions he advocates as he does when demonstrating the problem. In our Nebraska Planners Book Club discussion, attendees discussed the real-world popularity of policies that protect investments in property (specifically single family homes) and skepticism that the “invisible hand” of the market would sort out land use compatibility.

Overall, Nolan Gray’s “Arbitrary Lines” is a timely and important contribution to the discourse on urban planning and housing policy. Perhaps the greatest contribution is his direction of our attention to the actual outcomes of our conventional zoning codes as they really are and not as we hoped they would be. While it’s unlikely that many Nebraska communities will abolish their zoning code, planners could benefit from discussion on how to put preservation of the common good—the health, safety, and economic well-being of all people—above preservation of the regulatory tools our towns have come to utilize.

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# LONG TIME STANTON COUNTY ZONING ADMINISTRATOR, LALENE BATES, RETIRES

REPRINTED FROM [THE STANTON REGISTER, MARCH 1, 2023 EDITION](#)

After a quarter of a century helping Stanton County plan for its future, it was time for LaLene Bates to give a little time on herself.

Bates celebrated her retirement as the county's zoning administrator on Friday. She's officially finished with her courthouse duties as of Tuesday. But don't expect her to slow down anytime soon. Besides baking cakes, working at Subway, volunteering with the Friends of the Library and serving on the board of the proposed veteran's memorial project, she's now planning road trips with her parents, Leonard and Lois Vogel.

"My mom and dad are my top priority right now," Bates said. "I'm so blessed to have my mom and dad. They're 93 and 90 years old. They still live on the farm and take less medicine than I do, so I'm looking forward to being with them more."

Bates, who has two children and two grandchildren, grew up in Stanton County and has remained one of the county's biggest advocates over the years. "She's been so valuable to our county," commissioner Dennis Kment said on Friday. "We're very lucky to have had her. We owe her a lot."

But Bates never really meant to become the county's planning administrator. After years as a 4-H leader, Bates began working in the extension office in 1991 on a part-time basis. A few month later, she was asked to help Gib Morfeld as secretary with the zoning, making her a full-time employee with Stanton County.

As Morfeld became more involved with veteran's services, Bates was appointed as the zoning administrator in 1998 and has spent 25 years in the role.

So much has changed, Bates said. In 1998, the county was considering amending the setbacks for home and livestock operations. The county formed a subcommittee and had many meetings before setting rules, which are maintained still today.

"They were not quiet meetings," Bates said. "Emotions got going, and through all of that, we came up with a compromise."

Whether it was cattle, hogs or chickens, Bates said they've formed committees, held meetings and studied what was best for the county.

"And the setbacks have stayed," she said. "What we decided in 1998 has remained and has been what's best for the county and protecting the residents and livestock."



Pictured: Lalene Bates celebrating her retirement

Bates said over the years there were many changes with businesses along Highway 275 and housing developments, such as the Eagle Ridge development. The wind turbines also led to many meetings and discussions.

There have been plenty of tragic and difficult times as well, such as the Pilger tornadoes and the historic flooding. Just a couple of months ago, Bates said she ran across a resident she helped during the flood.

“That made me feel good,” she said. “It was a couple who had to move out of their home, so for them to come in and remember me for helping them during that time, that really makes a person feel good.”

Bates said she appreciated working with the other county employees during that time and it meant a lot because “we’re a courthouse family,” Bates said.

Although the flood was years ago and the bridge has been repaired for some time, the work isn’t done. She’ll continue working on it and helping with the FEMA paperwork.

Bates learned her strong work ethic from her parents, especially her father. Calling herself “Dad’s little shadow,” she worked with her father for years on the farm. She continued with the same positive attitude as she worked in the courthouse.

“I just love helping people. I always have,” she said. “Anyway I can help, I want to. Even with my cakes. I’m making someone happy with my cakes, so I enjoy doing that as well.”

Bates was honored several times during her career. Among them was the Loretta Ludemann award, given to a female for excellence in planning. Last year she was given the President’s Awards Special Recognition by the President of NPZA for outstanding service to the organization and planning and zoning in the state.

“Those are two top awards in the state, so to receive those are very special,” she said. “I’m pretty proud of those.”

As she looked back, Bates said she was so grateful for the late Gib Morfeld and Merna Glaubius and their support of her working with Stanton County.

That support has continued for years, from them and from so many others, proven last week at her retirement celebration.

“I was overwhelmed with the amount of people who came in,” she said. “It was very nice. I’m going to miss my farmers, my country people.”

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# 108TH NEBRASKA LEGISLATURE, FIRST SESSION - LEGISLATURE ADJOURNS SINE DIE

BY: HANNES ZETZSCHE, EDITED BY DAVID C. LEVY

REPRINTED FROM [BAIRD HOLM'S DIRT ALERT, JULY 5, 2023](#)

The First Session of the 108th Legislature adjourned sine die on June 1, 2023. This chart provides the status of all First Session bills related to economic development, energy and renewable energy, government and municipal law, healthcare, real estate and financial transactions, taxation, and telecommunications.

In our updates during bill introduction (available [here](#) and [here](#)), we identified 91 bills relating to economic development, energy and renewable energy, government and municipal law, real estate and financial transactions, tax increment financing, taxation and telecommunications. Midway through the First Session, we addressed the progress of 25 bills of interest [here](#).

Below are summaries of ten particularly relevant bills that passed this Session.

**LB 33 (Jacobson)** allows the mayor of a city of the first or second class to vote on any matter requiring a majority vote of the city council if (a) the city council is divided equally or (b) the city council cannot reach a majority due to the absence, vacancy or abstention of one or more members.

The Urban Affairs Committee adopted [AM 1880](#), which amended LB 33 into LB 531 with a few minor language changes. [LB 531](#) passed on June 1, 2023. Governor Pillen approved the bill on June 6, 2023 with an emergency clause. Accordingly, the bill took immediate effect.

**LB 45 (Dorn)** establishes the Revitalize Rural Nebraska Grant Program and creates the Revitalize Rural Nebraska Fund. This Program allows a city of the first or second class or a village to apply to the Department of Environment and Energy for a demolition grant for dilapidated commercial property. Cities of the second class and villages receive priority. Upon receiving a grant, the city or village must demolish the dilapidated commercial property within 24 months.

The Urban Affairs Committee adopted [AM 1880](#), which amended LB 45 into LB 531. [LB 531](#) passed on June 1, 2023. On June 6, 2023, Governor Pillen approved the bill with an emergency clause. Accordingly, the bill took immediate effect.

**LB 90 (Day)** eliminates tax incentive performance audits for the Nebraska Advantage Act and the Nebraska Job Creation and Mainstreet Revitalization Act. This bill also updates the code designations under the North American Industry Classification System, including the definitions for “high-tech firm” and “renewable energy firm.”

The Executive Board adopted [AM 1377](#), which amended LB 90 into LB 254. [LB 254](#) passed on May 24, 2023. Governor Pillen approved the bill on May 26, 2023 with an emergency clause. Accordingly, the bill took immediate effect.

**LB 98 (Jacobson)** amends the Community Development Law to delay approval of certain redevelopment plans and limit cities' indebtedness capacities.

The bill requires a city's governing body, after first proposing a blighted and substandard designation for an area, to adopt a resolution declaring that substandard and blighted conditions exist in the area under study. Only then can the governing body declare the area substandard and blighted. Additionally, authorities can only incur indebtedness related to the redevelopment in the lesser of the agreed-upon costs of the redevelopment project or the amount of estimated project taxes generated over a 15-year period. The bill also specifies certain conditions under which a governing body can deny a redevelopment plan, including (i) failure to comply with the Law's requirements, (ii) approval would exceed the governing body's designated annual limit and (iii) inconsistency with the city's comprehensive redevelopment plan.

The Urban Affairs Committee adopted [AM 1880](#), which amended LB 98 into LB 531. [LB 531](#) passed on June 1, 2023. Governor Pillen approved the bill on June 6, 2023 with an emergency clause. The bill thus took immediate effect.

**LB 267 (Brewer)** adopts the Critical Infrastructure Utility Worker Protection Act. The Act requires the Governor, upon declaring a civil defense emergency, disaster or emergency, to provide critical infrastructure utility workers with adequate protection and care, including priority access to personal protective equipment, medical screening, testing, preventive health services, medical treatment and any U.S. Food and Drug Administration-approved vaccines. The Act defines "critical infrastructure utility worker" in accordance with the U.S. Department of Homeland Security's Guidance on the Essential Critical Infrastructure Workforce, Version 4.1.

The Business and Labor Committee adopted [AM 1330](#), which amended LB 267 into LB 191. [LB 191](#) passed on May 24, 2023. Governor Pillen approved the bill on May 26, 2023 with an emergency clause. While most of the bill's provisions passed with an emergency clause, sections 1-5 (which contain the contents of LB 267) become operative on September 1, 2023.

**LB 278 (Walz)** requires the Investment Finance Authority, in collaboration with the Department of Health and Human Services, to apply for state and federal grants that will help in building safe, affordable and accessible housing for individuals with disabilities.

The Banking, Commerce and Insurance Committee adopted [AM 1383](#), which amended LB 278 into LB 92. [LB 92](#) passed on June 1, 2023. Governor Pillen approved the bill on June 6, 2023. While most of the bill's provisions passed with an emergency clause, sections 73-75 (which contain the contents of LB 278) become operative on September 1, 2023.

**LB 289 (Bostelman)** increases agencies' authority under the Municipal Cooperative Financing Act to include (1) owning, operating or leasing advanced metering infrastructure technology and providing for advanced metering infrastructure services and (2) providing services related to information technology, physical security, physical infrastructure management, regulator reporting and administration regarding publicly owned utility and municipal infrastructure systems.

The Natural Resources Committee adopted [AM 1314](#), which amended LB 289 into LB 565. [LB 565](#) passed on May 23, 2023. Governor Pillen approved the bill on May 26, 2023 with an emergency clause. While most of the bill's provisions passed with the emergency clause, section 21 (which contains the contents of LB 289) becomes operative on September 1, 2023.

**LB 565 (Bostelman)** appropriates \$250,000 in each of the next two years to the Department of Economic Development to award grants for Nebraska Public Power District to apply for a regional clean hydrogen hub designation and associated federal funding. This follows from Nebraska Revised Statute section 66-2301, which the Legislature adopted last year.

On March 15, 2023, the Natural Resources Committee referred this bill to the General File with amendments. [LB 565](#) passed on May 30, 2023.

Governor Pillen signed it into law on May 23, 2023 with an emergency clause. Accordingly, the bill took immediate effect.

**LB 567 (Bostelman)** redefines “reliable or reliability” under Nebraska Revised Statutes section 70 1001.01 to mean the ability of an electric supplier to supply the aggregate electric power and energy requirements of its electricity consumers at all times under normal operating conditions. This is ultimately a way to make it more difficult for the Power Review Board to approve renewable energy projects, should those return to its jurisdiction.

The Natural Resources Committee adopted [AM 1242](#), which amended LB 567 into LB 565. [LB 565](#) passed on May 30, 2023. Governor Pillen signed it into law on May 23, 2023 with an emergency clause. Accordingly, the bill took immediate effect.

**LB 629 (McKinney)** amends the definition of “workforce housing” in the Middle Income Workforce Housing Investment Act to include owner occupied housing units that have a “total housing construction cost” of at least \$125,000 but not more than \$275,000. The bill excludes infrastructure improvements, lot acquisition and similar construction preparation costs from the calculation of “total housing construction cost.” While an initial version of the bill would have transferred money to the Middle Income Workforce Housing Investment Fund, an amendment removed that provision.

The Urban Affairs Committee adopted [AM 1880](#), which amended LB 629 into LB 531 with some slight changes. [LB 531](#) passed on June 1, 2023. Governor Pillen approved the bill on June 6, 2023 with an emergency clause. The bill thus took immediate effect.

All bills are on the [Legislature’s website](#). Please contact us if you have any questions about these bills or any others in Nebraska. Thank you.

[Hannes D. Zetzsche](#)

Lauren A. Dubas, Summer Associate



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# PLANNER PROFILE – CHAD BUNGER, AICP, CFP

BY: STEVE MILLER, AICP

One of the best reasons to belong to professional organizations like the Nebraska Chapter of the American Planning Association and the Nebraska Planning and Zoning Association is meeting other professional planners and building a network of people who do similar work. The contacts you make often become mentors, advisors, colleagues and friends. This is a new entry in the ongoing series of Nebraska planner profiles for the Nebraska APA Chapter Newsletter. The goal of this series is to inform you about and introduce you to the diverse group of people who make planning and zoning happen in Nebraska.

It's my privilege to introduce Chad Bunger, Director of Development Services at the City of Hastings, to the members of Nebraska APA and NPZA, and to welcome him home to Nebraska. Chad is originally from Hildreth, Nebraska. Chad earned his undergraduate degree at the University of Nebraska at Kearney and then moved with his wife to the Manhattan, Kansas area, where he earned a master's degree in Regional and Community Planning. Chad worked for the City of Manhattan from 2008 to 2022 as a Planner, and spent the last year as the Director of Community and Economic Development for the Town of Bennett, Colorado. He recently started his new role at the City of Hastings.

Chad graciously took the time to share some brief thoughts about his background, his experience and the important things to him about being a planner. Please see his responses to the following questions:



Pictured: Chad Bunger

## 1. Describe your current job or the current work you're doing.

I am the Director of Development Services for the City of Hastings. My Department oversees the planning services, building permits, building code enforcement, and redevelopment activities. I work with a great staff of 7 co-workers to make sure that the City's developments and neighborhoods are safe, attractive, and viable.

To sum up – We work hard to make sure our residents and guests love our City.

## 2. What did you want to be when you were growing up and how did you get into planning?

I probably had a long list of things I wanted to be while I was growing up. However, I remember in High School working on a community project to build a new lighted basketball court. I think that project set in play my path to become a city planner.

### **3. Describe a mentor or someone who had an impact on your career.**

My former Department Director in Manhattan, Eric Cattell, was a big mentor in my career. He was so devoted to the city organization, gave his staff the freedom to explore and innovate, and he was a big planning innovator in his own right.

### **4. What advice would you give a young planner just starting their career?**

Always be curious and explore all the different elements of urban planning – design, transportation, environmental, technology, etc. – there are so many different parts to being an urban planner.

### **5. What has been your involvement in APA, NPZA, and other professional organizations and how has it helped you as a planner?**

I was very involved with the Kansas Chapter of APA. I volunteered for that Board for nearly 15 years, including handing out drink tickets at Chapter events and being the Chapter President for 6 years. I look forward to being active with the Nebraska Chapter.

To help welcome Chad back to Nebraska, reach out to him via email at [cbunger@cityofhastings.org](mailto:cbunger@cityofhastings.org) or connect with him on LinkedIn at <https://www.linkedin.com/in/chadbungerplans/>. You can learn more about Chad and his transition to his new role at the City of Hastings by reading his blog about his experiences. Check out the Queen City Planner blog at <https://queencityplanner.wordpress.com/>.

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# ACCESSORY DWELLING UNIT OMAHA DESIGN COMPETITION

[AARP Nebraska](#), in conjunction with the [RL Mace Universal Design Institute](#), is excited to announce the 2023 An ADU for U Accessory Dwelling Unit Design Competition. We are pleased to partner with the [City of Omaha](#), [Front Porch Investments](#), the [Metropolitan Area Planning Agency](#), [Omaha by Design](#), and [Spark CDI](#) to bring this design competition to Omaha to increase the awareness of the role ADUs can play in providing age-friendly housing options and to inspire the community with viable ADU designs that can be built in Omaha.

To learn more about the An ADU For U Design Competition [click HERE](#).

## Why Are ADUs Important?

The growing population of older adults in Omaha, and across the country, is putting a squeeze on the supply of housing for older adults. Unfortunately, many of these older residents are aging in homes that were not designed for them to live in safely or independently. The homes may also be larger than they need and may require maintenance that older adults are no longer able to do themselves. Accessory Dwelling Units (ADUs) are an affordable but underutilized housing option that might be the answer for many people.

Unfortunately, there are few examples of age-friendly accessory dwelling units to inspire and guide the creation of accessory dwellings for older adults. Our 2023 An ADU for U Accessory Dwelling Design Competition will remedy that problem. This project will challenge professional designers and builders to create age-friendly accessory dwelling designs in a variety of styles consistent with home styles found in the Omaha area.

## An ADU 4 U Competition Overview

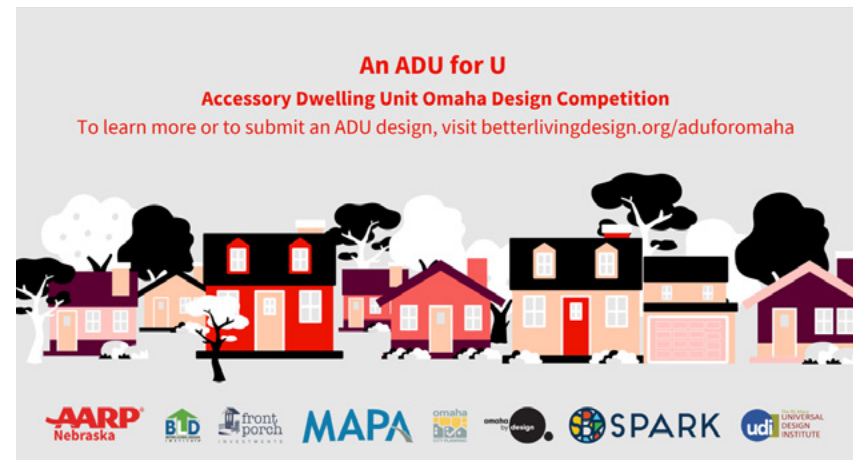
Submitted designs that meet the competition criteria will be judged by a panel of experts and winners will be selected.

The winning entries will be featured in a November recognition event and will be eligible to work with the City of Omaha to be included in their new FastTrack permitting program.

## How Do I Learn More or Submit a Design?

For those interested in learning more or submitting a design in the competition, there will a competition webinar on August 16 from 12:00-1:30 CT which will provide an overview of the competition, age-friendly design, and Q&A for participants. To learn more about the competition [click HERE](#) and sign-up under "Get Started" to receive crucial competition updates including more about the information session.

While the competition is focused on Omaha, it is open to anyone who would like to submit a design regardless of location. Please share this information with others who you think may be interested in ADUs or in submitting a design.



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# HUMANITIES NEBRASKA GRANTS AVAILABLE

Do you have an idea for a humanities-based public event? A Humanities Nebraska (HN) grant could help you fund it! HN program grants are available to nonprofit organizations and governmental entities that want to develop a public project that encourages interaction, thought, and discussion over ideas, topics, and questions about “what it means to be human.”

HN has begun promoting a new “connections” project emphasis, whereby grant applications that demonstrate unique connections -- such as by combining a “traditional” humanities field (like history, literature, philosophy or culture) with another field of study (like planning or engineering!) or developing an educational program outside of a typical format like a lecture or exhibit -- will be prioritized for funding.

Mini grant applications for up to \$2,000 are accepted every other month, and major/media grant applications for amounts over \$2,000 are accepted twice a year. A 50% match of cash/in-kind expenses must be demonstrated in the project budget.

Examples of possible connection grant projects include:

- Walking or biking tours to explore the history of unique areas
- A history scavenger hunt
- Guided role-playing events
- Monthly facilitated reading and discussion sessions exploring works of literature that connect medical professionals or caregivers to their work
- Writing workshops that address social themes, character development, motivation and voice for incarcerated individuals
- Conversations about the social and cultural aspects of a community that impact city planning

You may come up with other program ideas. Be creative! We can't wait to learn what you may do.

For more information about HN grant application requirements and examples of previously funded projects, explore the links under [humanitiesnebraska.org/grants](https://humanitiesnebraska.org/grants), or contact HN Grants Management & Outreach Specialist Katie Bradshaw at 402-474-2131 or [katie@humanitiesnebraska.org](mailto:katie@humanitiesnebraska.org).



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# APA NE CHAPTER ANNUAL SPONSORS

The Nebraska Chapter of the APA would like to thank our annual sponsors for supporting our chapter and professional development programs. These sponsorships support Emerging Planners Group events, our Mentor Match Program, and allow us to provide a quality Spring Workshop and other educational and professional development opportunities throughout the year. If you are interested in learning more or to become a sponsor today, please email Stephanie at [rouseplanning@gmail.com](mailto:rouseplanning@gmail.com).

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## JOB POSTINGS

Looking to hire? Visit <https://nebraska.planning.org/career-center/job-announcements/> to post your job description , or find job openings today.

FOR MORE JOB POSTINGS VISIT:

- » <https://npza.org/resources/careers>
- » <https://iowa.planning.org/career-center/job-announcements/>
- » <https://www.lonm.org/classifieds/careers.html>

## UPCOMING EVENTS

### OHIO CHAPTER WEBINAR SERIES

1. July 28, 2023 with Guest Hosts APA Oregon: [Uncovering Resiliency and Equity in Disaster Recovery](#) at 12:00 PM CT
2. August 4, 2023 with guest host APA Private Practice Division: [Thinking Bigger \(and Smarter\): Climate, Money, and Beyond](#) at 12:00 PM CT
3. August 11, 2023 with guest host APA UFood Systems Division: [Food & Freight in Metropolitan Areas](#) at 12:00 PM CT
4. August 18, 2023 with guest host APA Sustainable Communities Division: [Using the Envision Sustainable Infrastructure Framework to Guide Sustainability and Resilience Planning](#) at 12:00 PM CT

### APA NE FALL WORKSHOP

- Thursday, September 28th; 9:00am - 3:30pm
- Antelope Valley Parkway Redevelopment and Telegraph District in Lincoln, NE
- Workshop & Walking Tours, followed by a happy hour
- Registration and more information coming soon!

### NPZA FALL WORKSHOP

- Friday, October 13th
- Virtual sessions
- Registration and more information coming soon!

# RESOURCES

## APA NE Board Members

- Jeff Ray, AICP – President
- Bruce Fountain, AICP – Past President
- Stephanie Rouse, AICP – Vice President/Professional Development Officer
- Jesse Poore, AICP – Treasurer
- Kristen Ohnoutka, AICP Candidate - Secretary
- Chris Solberg, AICP – NPZA Liaison
- Caitlin Bolte, PLA, ASLA – Allied Professionals Liaison
- Renata Valquier Chavez– Student Planning Association of Nebraska (SPAN) Liaison
- Zhenghong Tang, Ph.D. – UNL Planning Faculty Liaison

## APA NE Subcommittees

- Legislative: David Levy; Amy Haase, AICP
- Emerging Planners Group: Cale Brodersen, AICP; Ryan Ossell, AICP; Mason Herrman
- Conference/Workshop: Keith Marvin, AICP; Stacey Hageman; Jeff Ray, AICP; Bruce Fountain, AICP
- Mentorship/Student Outreach: Jennifer Hiatt; Zhenghong Tang, Ph.D.
- Allied Professional Collaborations: Caitlin Bolte, PLA, ASLA
- Newsletter and Social Media – Kristen Ohnoutka, AICP Candidate, & Sydney Embray
- Awards/Nominations – Caitlin Bolte, PLA, ASLA; Andrea Gebhart, AICP, Bruce Fountain, AICP, Steve Miller, AICP

## SUBMIT YOUR CONTENT!

The NE Planner welcomes readers and associates to submit articles for publication within the newsletter. We are happy to include RFP/RFQ's, new job postings, and upcoming events. For your content to be included in the next newsletter, please email [cbrodersen@cityoflavista.org](mailto:cbrodersen@cityoflavista.org).

## NPZA Board Members

- Judy Clark, AICP – President
- Dan Gittinger – Vice President
- Keith Marvin, AICP – At Large Member
- Barb Barnett - At Large Member
- Daniel Bennett - At Large Member
- Chris Solberg, AICP – Past President
- Char Carpenter – Recording Secretary
- Steve Charleston – Membership Sec/Treasurer
- Dave Ptak – Legal Counsel
- Jeff Ray, AICP – NE APA Liaison
- Zhenghong Tang, Ph.D. – UNL Liaison

## NPZA Subcommittees

- Conference Committee – Stacey Hageman
- Newsletter Committee – Cale Brodersen, AICP
- Awards Committee – Christopher Solberg, AICP
- Zoning Administrator Certification Committee – David Ptak
- Nebraska Planning Handbook Committee – Rashad Moxey

## Stay Connected

### APA Nebraska



### NPZA

