NEBRASKA

I. STATE-LEVEL LAND USE PLANNING

Are There Guidelines for a State Plan?
The guidelines here must specifically be for state land use plans or plans with land use elements. Some state land use plans may be limited to certain critical areas, such as shorelines, and are noted as such.

<table>
<thead>
<tr>
<th>Finding</th>
<th>No</th>
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<tbody>
<tr>
<td>Comment/Statute</td>
<td>None</td>
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</table>

Do the Guidelines Include a Land Use Element?
This question addresses whether the state plan has a land use element. In some cases, states have land use plans for certain designated areas of special concern.

<table>
<thead>
<tr>
<th>Finding</th>
<th>NA</th>
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<tbody>
<tr>
<td>Comment/Statute</td>
<td>None</td>
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</table>

Do the Guidelines Contain a Hazard Mitigation Element?
This question addresses whether the state plan contains an element addressing natural hazards.

<table>
<thead>
<tr>
<th>Finding</th>
<th>NA</th>
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<tbody>
<tr>
<td>Comment/Statute</td>
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</table>

II. STATE PLANNING LEGISLATION

Code Citation for State Planning Enabling Legislation
This is a citation of the code chapter or sections that contain the state’s planning enabling legislation. Depending on the structure of the state code, this may be one section addressing all planning-related issues or separate sections for different classes of local government, for instance, county and municipal, or even different classes of municipalities.

<table>
<thead>
<tr>
<th>Finding</th>
<th>County: 23-114.01</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>City (Metropolitan Class – Population of &gt; 300,000): 14-373</td>
</tr>
<tr>
<td></td>
<td>City (Primary Class – Population between 100,000 and 300,000): 15-1102</td>
</tr>
<tr>
<td>Comment/Statute</td>
<td>None</td>
</tr>
</tbody>
</table>
### Are Local Plans Mandated by State Law?

The question here is whether local governments are required to plan, as opposed to simply being empowered to plan.

| Finding                  | County: Yes ([Nebraska Revised Statute 23-114.01](https://legislature.ne.gov/laws/))  
|                         | City (Metropolitan Class – Population of > 300,000): Yes ([Nebraska Revised Statute 14-373](https://legislature.ne.gov/laws/))  
|                         | City (Primary Class – Population between 100,000 and 300,000): Yes ([Nebraska Revised Statute 15-1102](https://legislature.ne.gov/laws/))  
| Comment/Statute         | Even though cities of first class (population between 5,000 and 100,000), second class and villages (population between 800 and 5,000), and villages are only required to create comprehensive plan, they (including the cities of metropolitan and primary class) “may” prepare redevelopment plan as per [Nebraska Revised Statute 18-2111](https://legislature.ne.gov/laws/). The definition of the redevelopment is provided in [Nebraska Revised Statute 18-2103](https://legislature.ne.gov/laws/).  

### Jurisdictions Covered

“Jurisdictions covered” here refers only to jurisdictions affected by requirements to plan and not to those simply granted authority to do so.

| Finding                  | County, Cities of Metropolitan class and Primary class.  
| Comment/Statute         | None  

### Must the Plan Be Formally Adopted?

This question addresses the legal issue of whether state law specifies that the city or county legislative body (e.g. county board or city council) must legally adopt the comprehensive plan to put it into effect. The common alternative is adoption by the planning commission.

| Finding                  | Yes  
| Comment/Statute         | [Nebraska Revised Statute 19-901](https://legislature.ne.gov/laws/)  

### Internal Consistency Required?

Internal consistency refers to the requirement that zoning be based upon and consistent with the legally adopted comprehensive plan.

| Finding                  | Yes  
| Comment/Statute         | County: “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…”  
|                         | ([Nebraska Revised Statute 23-114.03](https://legislature.ne.gov/laws/))  
|                         | Also, see [Nebraska Revised Statute 19-901](https://legislature.ne.gov/laws/)  

### Vertical Consistency Required or Assisted?


Vertical consistency refers to any requirement that the local comprehensive plan of a city or county not conflict with plans of higher levels of government within the state. For example, a city plan must be consistent with the provisions of county, regional, or statewide plans.

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**Horizontal Consistency Required or Assisted?**

Horizontal consistency means that the state requires intergovernmental coordination among neighboring jurisdictions so that, for example, adjoining municipalities may not have conflicting provisions in their own local plans and must coordinate their planning to avoid this outcome.

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**Does State Specify or Suggest Elements of Local Plans?**

Some states clearly specify in their statutes a list of elements that must be included in the local comprehensive plan and in some cases, this list details what each of those elements must contain. Other states merely list the topics without being more specific. A few states say nothing at all in their statutes about what the plan must contain.

<table>
<thead>
<tr>
<th>Finding</th>
<th>Specify</th>
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<tbody>
<tr>
<td>Comment/Statute</td>
<td>County: Nebraska Revised Statute 23-114.02</td>
</tr>
</tbody>
</table>

### III. STATE NATURAL HAZARDS LEGISLATION

**Hazard Statute Citation**

The code citation is to the specific paragraph or subsection that mentions or requires hazardous areas or natural hazards as a plan element, whether required or optional.

<table>
<thead>
<tr>
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<th>NA</th>
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<tr>
<td>Comment/Statute</td>
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</table>

**Which Jurisdictions Must/May Plan for Hazards?**

This question refers to jurisdictions affected by requirements to plan for hazards or those that are simply granted authority to do so. As definitions of these entities vary with state law, individual state laws must be consulted for the precise meaning of the term in each case.

<table>
<thead>
<tr>
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**Is Hazards Element Mandatory?**
The question is whether a natural hazards element is specifically required as part of the local comprehensive plan. Generally, it stands to reason that, if the state does not require a plan, it also does not require a hazards element, but it is possible for a state to require such an element if the community develops a plan in the first place.

<table>
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### Is There a Discrete Element on Hazards?

The issue addressed in this question is whether the element addressing natural hazards in the local comprehensive plan, whether optional or required, is spelled out as a separate element from all others, or whether natural hazards are simply incorporated as a consideration in some other element, such as a land use or environmental element. The element need not be labeled “hazards,” but the contents of the element must clearly be focused on one or more natural hazards, ideally including mitigation in some form.

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### Geographic Coverage of Natural Hazards Element Requirements

This describes the geographic extent of any requirements concerning the inclusion of a natural hazards element in local comprehensive plans. Due to the nature of some hazards, some states specify limited areas in which the requirements apply, such as coastal or mountainous areas.

<table>
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### Which Hazards Are Specified?

Planning statutes can either require or specify a natural hazards element generally, without identifying the particular hazards that must be addressed, or they can specify particular hazards that must be addressed in the element. This question indicates those cases where the statutes specify particular hazards that the comprehensive plan must address.

<table>
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### Is post disaster recovery addressed in local comprehensive plans?

This question is related to the requirement of a plan (though exceedingly rare) for post-disaster recovery as part of the hazard mitigation plan in local comprehensive plan.

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### Are there Any Other Hazards-Related Comprehensive Land-use Planning Requirements in Place?
This question captures the presence of other types of state-level plans addressing hazards through land use such as Coastal management plan, Post disaster recovery plan, Hazard mitigation plan, Land use plan, Comprehensive plan, Flood management plan, and Wildland urban interface plan.

<table>
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**Does integration of hazards planning require across plans?**

This question aims to capture legislation aimed at encouraging or requiring integration of hazards planning across plans, for example, local hazard mitigation plan, hazard-related element of comprehensive plan, etc.

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**Discrete Climate Change Element?**

The issue addressed in this question is whether the element addressing climate change in the local comprehensive plan, whether optional or required, is spelled out as a separate element from all others.

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**Is climate change incorporated in other elements?**

This question relates to legislation aimed at encouraging or requiring comprehensive plans to address climate change in some manner. This may include consequences for adaptation, exacerbation of existing hazards, and other questions that are a realistic outgrowth of regional climate change projections.

<table>
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**Resiliency of local communities addressed?**

Legislation aimed at enhancing the resilience of local communities through the comprehensive plan, which may include either or both of these factors - climate change or integration of hazards planning across plans.

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**Are floodplain management laws required or suggested?**

This question relates to legislations related to floodplain management such as No Adverse Impact Standards, restriction of construction/development in floodplain areas, etc. included in the code.

<table>
<thead>
<tr>
<th>Finding</th>
<th>Required</th>
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<tbody>
<tr>
<td>Comment/Statute</td>
<td>See Nebraska Revised Statute 31-1019 – Local government; flood plain management; duties.</td>
</tr>
</tbody>
</table>
Which International Code Council (ICC) building codes are mandated?

This question captures whether the state mandates the International Building Code (IBC), International Residential Code (IRC), International Existing Building Code (IEBC), and/or International Wildland-Urban Interface Code (IWUIC) building code standards, which according to FEMA (Building Science and Building Code Resources) meet or exceed minimum standards in response to flood, wind, seismic, and wildfire hazards.

<table>
<thead>
<tr>
<th>Finding</th>
<th>IBC (2012); IRC (2012); IEBC (2012)</th>
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<tbody>
<tr>
<td></td>
<td>Also, see Nebraska Revised Statute 71-6403.</td>
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</table>
**Project Description:**

The American Planning Association is improving upon past efforts to survey state land-use and natural hazard planning laws.

From 2002 to 2010, APA maintained a comparative database of state planning legislation that included map data, identification codes, and relevant updates intended to survey state laws on planning for natural hazards. This work examined the relationship between comprehensive plans and local zoning ordinances in the context of natural hazards planning. This project expounds upon existing criteria by incorporating the following inquiries into the survey:

- Legislation or programs that encourage or require the incorporation of hazard planning principles into plans.
- Legislation or programs that encourage or require that plans address climate change/climate science in some way; e.g., plans that acknowledge the consequences of climate adaptation or exacerbation of existing hazards.
- Legislation or programs aimed at assessing or enhancing the hazard resiliency of local communities.
- States that enforce exemplary building code standards that go above and beyond minimum standards in response to flood or wind hazards.
- Legislation or programs that instate floodplain management laws; e.g., "No Adverse Impact" policies which disallow the development actions of a single property owner to increase the flood damage risk to another.

**Funding Announcement:**

This work was supported by a grant from the Federal Emergency Management Agency (FEMA) through its Cooperating Technical Partners (CTP) program.

**Legal Disclaimer:**

The information provided here is for planning purposes only. It should not be considered or used as legal advice. Please be aware that the statutes might have been amended, rescinded, or newly adopted since the publication of this information.

We welcome your feedback! If you have a comment or a suggestion about the content of this document, please contact us at LegislativeSurvey@planning.org