

BOARD OF SARPY COUNTY AND CITIES WASTEWATER AGENCY

**RESOLUTION ADOPTING AND APPROVING THE POLICIES AND PROCEDURES
IMPLEMENTING THE GROWTH MANAGEMENT PLAN FOR THE SARPY
COUNTY AND CITIES WASTEWATER AGENCY**

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. § 13-801, et seq. (the “Act”), Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna entered into an agreement (as amended the “Formation Interlocal”), and formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”) (all capitalized terms not otherwise expressly defined herein shall have the same meanings as provided in the Formation Interlocal);

WHEREAS, the Agency is a separate body corporate and politic under the Act;

WHEREAS, pursuant to the Formation Interlocal, the powers of the Agency as a body are exercised by the Agency Board;

WHEREAS, pursuant to Section VI of the Formation Interlocal, the Agency is required to plan, develop, and approve a Master Plan for the design of the Unified SSWS;

WHEREAS, pursuant to Agency Resolution 2019-004, the Agency adopted the Growth Management Plan (as amended, “Growth Management Plan”) that prioritizes areas of land development and growth within the Agency’s Jurisdiction and that serves as a necessary step in the development of the Master Plan. The Growth Management Plan was subsequently approved by each Agency Member’s governing body. The Growth Management Plan was amended pursuant to Agency Resolution 2020-004 to amend the area of land located within the Urban Development Zone (as defined in the Growth Management Plan);

WHEREAS, pursuant to Section V(A)(4) of the Formation Interlocal, the Agency has the power and authority to “[m]ake, amend, and repeal such Agency bylaws, rules, and regulations from time to time which are not inconsistent with the Act and [the Formation Interlocal] and which are intended to carry out and effectuate the Agency’s powers and purposes”; and

WHEREAS, in connection therewith, the Agency Board reviewed the Growth Management Plan, as amended, and the proposed policies and procedures attached hereto as **Exhibit A** that are intended to implement and enforce certain aspects of the Growth Management Plan (the “GMP Policies and Procedures”);

WHEREAS, the Agency Board deems it appropriate and advisable to approve the attached GMP Policies and Procedures; and

WHEREAS, the Agency recognizes that the Agency’s adoption of the GMP Policies and Procedures does not supersede each Member’s planning approval jurisdiction, and the Members (a) recognize that any future development and related sewer service expansion within the Agency’s Jurisdiction shall be consistent with the Growth Management Plan, as amended, the

GMP Policies and Procedures, and any other implementing policies and procedures adopted by the Agency Board from time to time, and (b) agree to submit the GMP Policies and Procedures to their respective bodies and planning and zoning boards (or related bodies) for review and incorporation into their respective comprehensive development and land use plans or similar instruments.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD THAT the GMP Policies and Procedures attached hereto as **Exhibit A** are hereby adopted and approved;

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT the Agency's adoption of the GMP Policies and Procedures does not, except as otherwise provided in the Formation Interlocal or pursuant to Agency Resolution 2019-004, (a) expand the Agency's Jurisdiction or abrogate the requirements of Section VII of the Formation Interlocal, (b) abrogate each Member's maintenance of its own autonomy, jurisdiction, powers, and indebtedness as a governmental subdivision, (c) supersede each Member's planning approval jurisdiction, or (d) in any manner restrict, limit, or control either Gretna's, Springfield's, Sarpy County's or Papillion's sole authority to own, operate, maintain, design, construct, extend, and collect revenue from their Existing Sewer Systems located within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, and Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019; and

NOW, THEREFORE, BE IT FURTHER RESOLVED BY THE AGENCY BOARD THAT each Member (a) recognizes that any future development and related sewer service expansion within the Agency's Jurisdiction shall be consistent with the Growth Management Plan, as amended, the GMP Policies and Procedures, and any other implementing policies and procedures adopted by the Agency Board from time to time, and (b) agrees to submit the GMP Policies and Procedures to its governing body and planning and zoning board (or related body) for review and incorporation into its comprehensive development and land use plan or similar instrument.

The above Resolutions were approved by a vote of the Sarpy County and Cities Wastewater Agency Board at a public meeting duly held in accordance with applicable law on the 26th day of August, 2020.

Attest:

Lisa A. Haine

Sarpy County and Cities Wastewater
Agency Secretary



David R. Kelly

Sarpy County and Cities Wastewater
Agency Board Chairman

EXHIBIT A

GMP Policies and Procedures

[Attached]

SARPY COUNTY AND CITIES WASTEWATER AGENCY
GROWTH MANAGEMENT PLAN

Effective June 26, 2019

Adopted by Sarpy County and Cities Wastewater Agency on June 26, 2019 Pursuant to Resolution No. 2019-004

Amended on February 26, 2020 Pursuant to Resolution No. 2020-004

Overview

This Growth Management Plan (the “Plan”) provides an overall framework for the suburban/urban development of a portion of southern Sarpy County (the “County”) to be served by a unified sanitary sewer system owned and operated under the auspices of the Sarpy County and Cities Wastewater Agency (the “System”). The Plan identifies areas intended to be served by the System as well as growth zones intended to manage development in phases.

The Agency and its individual Members agree that the System’s design, phasing and operation are intended to achieve the following objectives:

- Enable future development while limiting it to areas that can be served by sanitary wastewater facilities and other necessary public infrastructure, facilities and services.
- Encourage economic development in the County through targeted public infrastructure development.
- Provide support for the Future Land Use plans and related infrastructure and service plans of each Agency Member.
- Consider market demand while providing predictability for private investment.
- Support projects that provide County-wide benefit.
- Reflect holistic public infrastructure, facility and service needs and impacts.
- Ensure that those who benefit from the System contribute to its development, operation and maintenance.

To achieve these objectives, the Agency and its Members intend to adopt this Plan and, separately, the policies and procedures required to implement it. The Agency may periodically update this Plan, the Growth Zones (as defined below) and the implementing policies and procedures.

Growth Management Area

The Service Area map (Figure 1) depicts the “Service Area” covered by the Growth Management Plan. Land within this area (the “Growth Management Area”) is intended to be

developed to a suburban/urban density, defined as development that requires municipal water and sanitary sewer service. Land outside of the Growth Management Area and outside of the Papillion Creek Watershed is restricted to lower-density development that can be accommodated through individual or small-scale well and septic systems.

Growth Zones

The Growth Management Area comprises two “Growth Zones” that manage where and how new development occurs within the Growth Management Area: (1) the Urban Reserve Zone (“URZ”), which limits growth in areas not currently served with sanitary sewer and other public utilities but which can be served in the future; and (2) the Urban Development Zone (“UDZ”), which provides opportunity for immediate investment and development and which best supports urban and suburban-scale densities with corresponding infrastructure extensions.

The URZ’s purpose is to ensure that sufficient land is available to accommodate projected demand for future urban development. Further, given the cost of the infrastructure needed to support such development, it is critical that enough land is reserved within the URZ to accommodate the density of development needed to pay for the sewers, streets, utilities and other infrastructure required to serve the new urban development. As urban scale infrastructure (sanitary sewer, roads, etc.) becomes available on the periphery of the URZ, the Agency should assess the phased transition of watersheds to the UDZ.

The Growth Zone map (Figure 2) depicts the boundaries of each Growth Zone. Boundary adjustments will be made in accordance with policies and procedures set forth by the Agency and will support the Agency’s objective of ensuring any development occurring within the URZ is consistent with infrastructure development plans and availability within the UDZ. Criteria considered by the Agency in evaluating boundary adjustment requests to include portions of the URZ in the UDZ may include:

- Will the property in question be served by sanitary interceptor sewers and other infrastructure necessary to support urban-scale development?
- Can the property be served by industry-standard depth gravity flow to an existing municipal sanitary sewer line in the UDZ?
- Is there a factual error in the delineation of the URZ boundary?

If a boundary adjustment request meets one or more of the criteria set forth above, the Agency should consider adjusting the URZ boundary to incorporate the property in question into the UDZ and update the Growth Zone map accordingly.

This Growth Management Plan does not supersede each Member’s planning approval jurisdiction.

GROWTH MANAGEMENT PLAN IMPLEMENTING POLICIES AND PROCEDURES

Effective August 26, 2020

Adopted by Sarpy County and Cities Wastewater Agency on August 26, 2020 Pursuant to Resolution No. 2020-013

I. Purpose

The policies and procedures set forth herein (collectively, these "Policies") are intended to and do effectuate the Growth Management Plan adopted by the Sarpy County and Cities Wastewater Agency (the "Agency") on June 26, 2019 pursuant to Resolution No. 2019-004 and amended on February 26, 2020 pursuant to Resolution No. 2020-004 (as amended, the "Growth Management Plan") to guide suburban and urban development within the Agency's jurisdiction in southern Sarpy County depicted as the "Service Area" on **Figure 1** attached hereto (the "Agency's Jurisdiction") to be served by a unified sanitary sewer system owned and operated under the Agency (the "System"). The Growth Management Plan is incorporated herein by this reference.

II. Amendments

The Agency Board may establish and adopt such additional procedures as it deems necessary and appropriate to effectuate these policies and procedures.

III. Policies

The following policies, as adopted by the Agency and its individual members (individually, a "Member"; collectively, "Members"), applies to property within the designated Urban Reserve Zone ("URZ") and Urban Development Zone ("UDZ"), as depicted on the Growth Zone map attached hereto as **Figure 2**.

A. *URZ Policies:*

1. Standard suburban/urban/industrial development requiring municipal water and/or sewage treatment services will not be allowed in the URZ until individual watersheds are included within the UDZ and "opened" for development as part of the phased extension of sanitary sewer service from the UDZ, unless otherwise provided in these Policies.
2. New development in this zone will be limited except as may be allowed by the applicable Member's large acreage and build-through or similar type of zoning and/or subdivision regulations. For Members that do not have a large acreage, build-through or similar type zoning and/or subdivision regulations, developments in those Members' zoning and planning jurisdiction shall adhere to Sarpy County's corresponding regulations.

3. New developments in this zone must provide for arterial street connections and through-street connections and adequate easements for future utility extensions. Such future extensions cannot be altered, blocked or denied. The applicable Members shall follow their respective street connection plans or similar type policies. For Members that do not have such plans or policies, those Members shall follow Sarpy County's street connection plan.
4. Prior to a Member's approval of a final plat for any tract, parcel or lot within the URZ, there must be a Member Agreement for such tract, parcel or lot.
5. If development is permitted in these areas it should be designed in a way that minimizes impact on surrounding uses and allows for future suburban/urban/industrial development, i.e. cluster development.
6. The URZ should be periodically monitored/evaluated for adjustment by the Agency. As urban scale infrastructure (sanitary sewer, roadways, and other improvements) becomes available on the periphery of the URZ, the Agency may assess the phased transition of watersheds located in the URZ to the UDZ.
7. If a Member determines that standard suburban/urban/industrial development should occur within a portion of the URZ located within that Member's planning and zoning jurisdiction, that Member may allow such standard suburban/urban/industrial development consistent with the following procedure, unless waived or otherwise agreed to by the Agency Board in writing:
 - (a) Such Member must notify the Agency Administrator in writing that it desires to pursue a Member Agreement (defined below) to allow standard suburban/urban/industrial development in the URZ;
 - (b) The Agency pays for and commissions from its financial advisor(s) a new study of the potential adverse impact of such development within the URZ to the System's anticipated capacity, function and connection fees if such development were to occur. The Member shall provide the Agency's financial advisor(s) with all pertinent information reasonably requested by said advisor(s) related to the proposed standard suburban/urban/industrial development in order for the advisor(s) to conduct such a study;
 - (c) Prior to such impact study being conducted, (i) a preliminary plat of such proposed standard suburban/urban/industrial development must have previously been submitted to the Member's planning and zoning board, and (ii) the Member requesting the Agency impact study must pay to the Agency one-half of the cost for the same;

- (d) In the event the Member disagrees with the results of the Agency's impact study, such Member may, at the Member's sole cost and expense, obtain a separate study on the potential adverse impact of such development in the URZ. If the Member elects to obtain a separate impact study, it shall provide a copy of the same to the Agency Administrator. The Agency is under no obligation to accept, consider, adopt or incorporate any portion of such Member's impact study, and the Agency Board retains the authority to determine the adverse impact of such development in the URZ in its sole and absolute discretion; and
- (e) The Agency and such Member enter into a written agreement (a "Member Agreement") pursuant to which such Member agrees to compensate the Agency for and make other accommodations necessary to eliminate any adverse impact as determined by the Agency's impact study. If the Member agrees to compensate the Agency for and otherwise eliminate the potential impacts to the System capacity, function and connection fees as determined by the impact study, then the Agency cannot deny or delay approval of the Member Agreement.

- 8. To the extent feasible and agreed to by the Agency and the applicable Member, the Member Agreement may include provisions permitting the developer of such land to be reimbursed by such Member or other future developments in connection with the developer's pioneering of the construction and payment of non-interceptor sewer infrastructure.

B. *UDZ Policies:*

- 1. Development in these areas must be served with public infrastructure, facilities, utilities and services in a manner that is coordinated with the appropriate Member jurisdictions.
- 2. Development must follow the Agency's technical advisor's sewer flow and revenue assumptions for the land within the UDZ and the Agency's Growth Management Plan. In general, it is assumed that the future land use pattern in the Agency's Jurisdiction will be urban, suburban, or industrial in character and density.
- 3. If a Member approves a development within the UDZ that is not urban, suburban or industrial in character and density, such development shall be subject to a connection fee on a per acre basis as set forth in the Agency's rate and fee schedule then in effect. If, however, such Member does not want to assess a connection fee on a per acre basis, the procedure set forth in Section III(A)(7) above shall be followed to determine the adverse impact of such development and the Member's agreement to compensate the Agency for the same.

- C. *Policies Applicable to Unique Developments:* If a Member notifies the Agency of a development in its zoning and planning jurisdiction that such Member does not otherwise support pursuant to subsections (B) or (C) above, and only after such Member used good faith efforts to reach an agreement with the applicable developer with respect to connection fees, user rates and other considerations applicable to such development not otherwise addressed in this Section III or set forth in the Growth Management Plan, the Agency agrees to waive the connection fees otherwise payable to the Agency applicable to such development in accordance with the Agency's rate and fee schedules then in effect.

IV. **Boundary Adjustment Procedures and Criteria**

Although it is not encouraged, a limited amount of development may be allowed within the URZ prior to the installation of infrastructure necessary to support urban development. However, it is important that any such interim development provides for future sewer and utility easements and follows applicable Agency and Member policies for arterial and internal street connections.

In addition, it is important that any such development reserves sufficient land for future urban development. Such steps will ensure that future urban development can be supported and fit seamlessly with earlier development. To ensure that sufficient land is set aside and that proper connections and easements are provided, any development approved by the Agency in the URZ in accordance with the Agency's policies and procedures shall adhere to build-through regulations comparable to those of Sarpy County with respect to the level of sewer flows and revenue generated by such development or the applicable Member's similar type regulations, whichever is more restrictive and promotes the most dense development.

A. *Agency Boundary Updates:*

1. Following the initial adoption of the Growth Management Plan and establishment of the URZ and UDZ boundaries by the Agency, the Agency shall set aside a portion of the fees collected from development for future updates to the Growth Management Plan. This update shall occur every 4-5 years or sooner if market conditions require. The update shall follow the same process as the initial adoption of the plan, as follows:
 - (a) Document and review historic development data and trends in the Agency's Jurisdiction and the surrounding metropolitan area
 - (b) Review all plans for the area and ensure that those plans and the new growth management plan are compatible.
 - (c) Analyze current market conditions and estimate future development needs.

- (d) Review actual revenue from various sources and estimate revenue based on future development patterns and trends.
- (e) Review potential watersheds for a shift from the URZ to the UDZ and estimate costs.
- (f) Consider not only the sewer costs but also the cost of other needed public infrastructure, utility, facility and service costs.
- (g) Based on this analysis identify preferred watershed(s), if any, that are needed to accommodate new development, to be included in the UDZ. Calculate the revenue adjustments needed to pay for the necessary improvements.
- (h) Meet with the Member jurisdictions, development community, business community and public, to develop the proposed changes, costs and financing plan.
- (i) Based on input from these interested parties prepare a final boundary plan for approval by the Agency Board and adoption by the applicable Member jurisdictions.

B. *Boundary Adjustment Requests:* The following section outlines the process and criteria for adjusting the Urban Reserve Zone and Urban Development Zone boundaries following a special request by an Agency Member.

1. Requests for boundary adjustments by an Agency Member should be made in writing to the Agency Administrator stating the reason or reasons for the adjustment. The Agency Administrator will transmit the request to the Board as a Growth Management Plan amendment for appropriate action.
2. In considering the request for a boundary adjustment, the Agency Board should inquire whether the following criteria can be met:
 - (a) The applicable Member and/or developer must have taken the necessary steps to ensure that a portion of the URZ will be served by municipal sanitary interceptor sewers and other infrastructure necessary to support urban development.
 - (b) The applicant can show that there is a factual defect in the delineation of the Urban Reserve Zone boundary line.
 - (c) A developer can show that after the proposed grading of a portion of its plat that is within the URZ, the property can be served by industry standard depth gravity flow to an existing municipal sanitary sewer line in the Urban Development Zone (UDZ).
 - (d) Any other criteria not now anticipated that follows the objectives outlined in the Growth Management Plan.

If it is determined by the Agency Board that at least one of the above criteria has been met and upon execution of agreements and/or adoption of an Agency Board resolution

effectuating the above, the development area will be added into the UDZ and the Growth Zone map(s) will be adjusted accordingly unless the Agency determines that such modification would: (i) adversely impact the System, the Agency, or any Member jurisdiction; (ii) cause the Agency to violate any agreements to which it is a party; or (iii) otherwise violate Agency policies and/or procedures then in effect.

V. **Exception Requests Procedures and Criteria**

A. The following provides the process and criteria for evaluating specific requests by an applicant or Agency Member for an exception (an "Exception") from the Growth Management Plan and/or these Policies:

1. Requests for Exception should be made in writing to the Agency Administrator stating the reason or reasons why the guidelines should be waived.
2. The Agency Administrator will transmit the request to the Board for appropriate action as a Growth Management Plan Exception.
3. In considering the request for Exception, the Board shall determine whether one or more of the following criteria can be met:
 - (a) The applicant can show that it made a bona fide application for subdivision approval and/or rezoning prior to the effective date of the 2019 Growth Management Plan and, therefore, should be entitled to have its plat considered in accordance with the regulations prevailing at the time they submitted their plat.
 - (b) The applicant can show that approval of the request would further another important Member Comprehensive Plan objective which might offset any detrimental impact of granting an Exception from the URZ requirements.
 - (c) The applicant can show that the approval will allow division of property for settlement of an estate between family members so that ownership will be continued uninterrupted within the family and that they have followed the County's guidelines for utility and drainage easements and roadway access and connections.
 - (d) The applicant can show that it is requesting to create a single additional lot for sale or transfer to a member of their immediate family for construction of a home for that family member and that they have followed the County's guidelines for utility and drainage easements and roadway access and connections.
 - (e) The applicant agrees to pay sewer connection and usage fees established by the Agency and to set aside any necessary sewer easements as may be necessary to ensure the future extension of sewer service within the Agency's Jurisdiction.

- B. Exceptions shall not be granted if the subdivision is proposed for land that has previously been set aside as an "outlot" through the Build-Through Overlay Zoning District process.
 - C. Exceptions related to 3b above should not be granted unless supported by the applicable Member jurisdiction within which the exception is located and only after appropriate physical and financial adjustments and possible compensations are provided to ensure that the exception will not adversely affect the Agency's objectives, policies, procedures or finances. In addition, such an exception should not be granted if the small lot subdivision can be achieved through a Build-Through Overlay Zoning District process.
 - D. In the event the Agency grants conditional approval of an Exception request, such Agency conditions shall be satisfied before the applicable Agency Member approves the applicable preliminary plat and/or rezoning approval.
- VI. **Administrative Changes/Approvals.** Requests for an Exception and/or Agency approval of developments within the Agency's Jurisdiction that are determined to be, as determined by the Agency's planning and land use advisor(s), (a) non-material or administrative in nature, or (b) in conformance with, or otherwise satisfy, the criteria set forth in the Growth Management Plan and these Policies may be approved by the Agency Administrator without Agency Board approval. Such approval by the Agency Administrator must be in writing and accompanied by a written recommendation by the applicable Agency planning and land use advisor(s) and approved by Agency legal counsel.
- VII. **Fees and Rates**
- A. Prior to the connection to the Agency's System of any development or land located within the Agency's Service Area, such development or land shall be subject to the payment of applicable connection, usage, and other rates and fees established by the Agency from time to time. Each Member having zoning jurisdiction over such developments shall be responsible for collecting and paying to the Agency such rates and fees in accordance with applicable Agency resolutions, policies and procedures then in effect.
 - B. Except as otherwise set forth in the Agency's then applicable rate and fee schedules, single-family lots of three (3) acres or less, or single-family lots of twenty (20) acres or more located in the URZ and as allowed by the applicable Member's large acreage and build-through or similar type of zoning and/or subdivision regulations that are approved and developed in accordance with the Growth Management Plan (as amended) and these Policies (as amended), shall be assessed a connection fee equal to one (1) equivalent dwelling unit (EDU) as

defined and set forth in the applicable Agency rate and fee schedules then in effect.

- VIII. **Connection Agreements**. Prior to a Member's approval of a final plat for any development or land located within the Agency's Service Area, the Agency, the Member having zoning and planning jurisdiction, and such owner, developer or sub-divider shall enter into a three-party connection agreement that authorizes the connection of such development or land to the Agency's System and incorporates the Agency's Growth Management Plan, these Policies, and the sewer connection fees and user rates schedules and policies then in effect. Each Member shall include this provision as a condition to each preliminary plat approval. Provided however, that no such three-party connection agreement is required for any final plat for any development or land that is (a) within the Gretna Sewer Service Area, Springfield Sewer Service Area, Sarpy Sewer Service Area, or Papillion Sewer Service Area, respectively, pursuant to the separate interlocal agreements by the Agency and Gretna and Springfield and as otherwise set forth in Agency Resolution 2019-004 dated June 26, 2019, and (b) not connecting to the Agency's System.

Agency Growth Management Plan and Implementing Policies and Procedures Adopted by:

Agency Board:	August 26, 2020
Sarpy County Governing Body:	December 8, 2020
Bellevue Governing Body:	May 18, 2021
Gretna Governing Body:	October 20, 2020
La Vista Governing Body:	October 20, 2020
Papillion Governing Body:	November 17, 2020
Springfield Governing Body:	October 20, 2020

FIGURE 1

Agency's Jurisdiction
Established by Agency Pursuant to Resolution 2019-004 on June 26, 2019

[Attached]

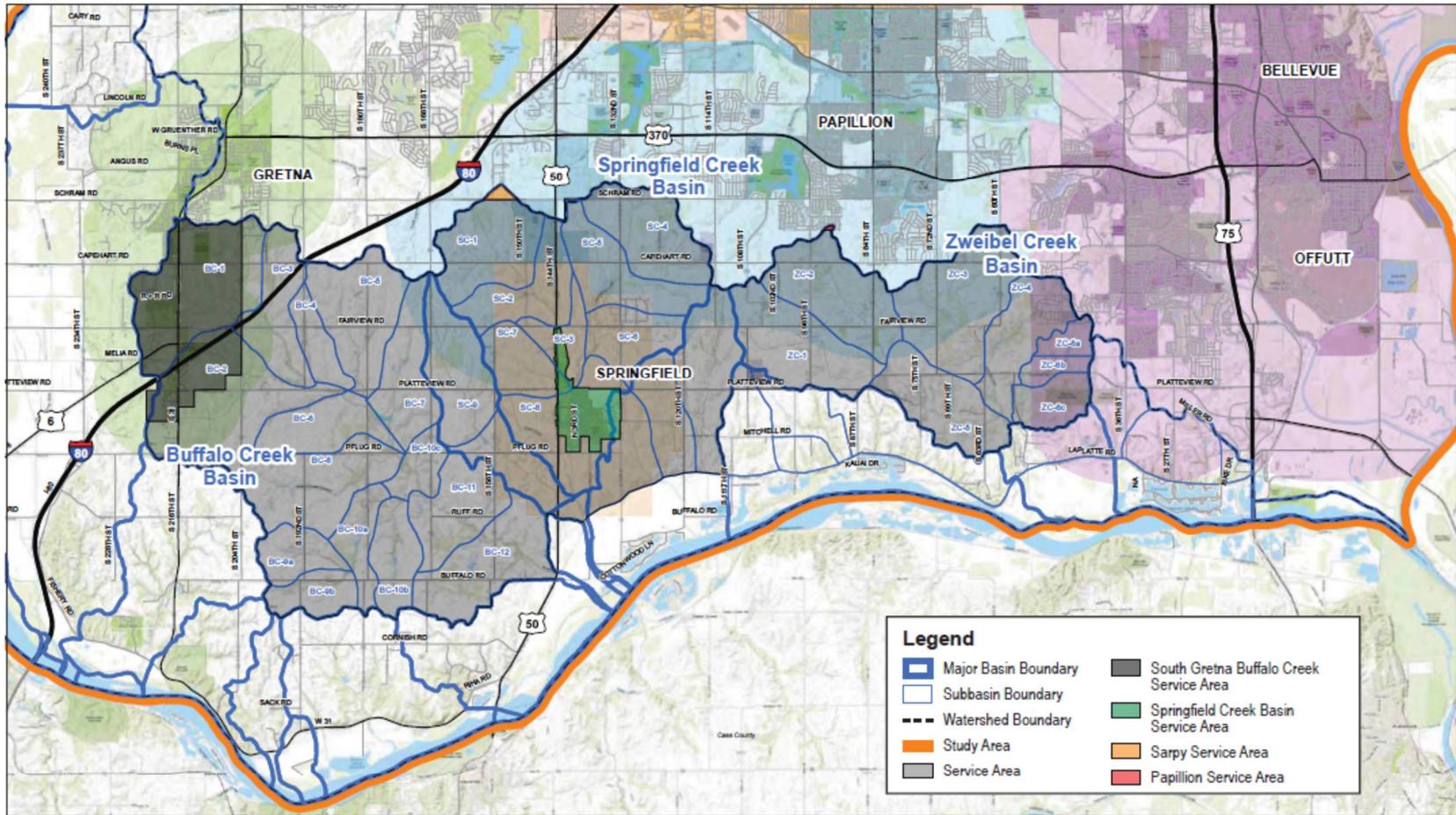


FIGURE 1
Growth Management Plan



SOUTHERN SARPY COUNTY



DATE
June 2019
FIGURE
Service Area

FIGURE 2

Growth Zones

Initially Established by Agency on June 26, 2019 Pursuant to Resolution 2019-004
Amended by the Agency on February 26, 2020 Pursuant to Resolution 2020-004

[Attached]

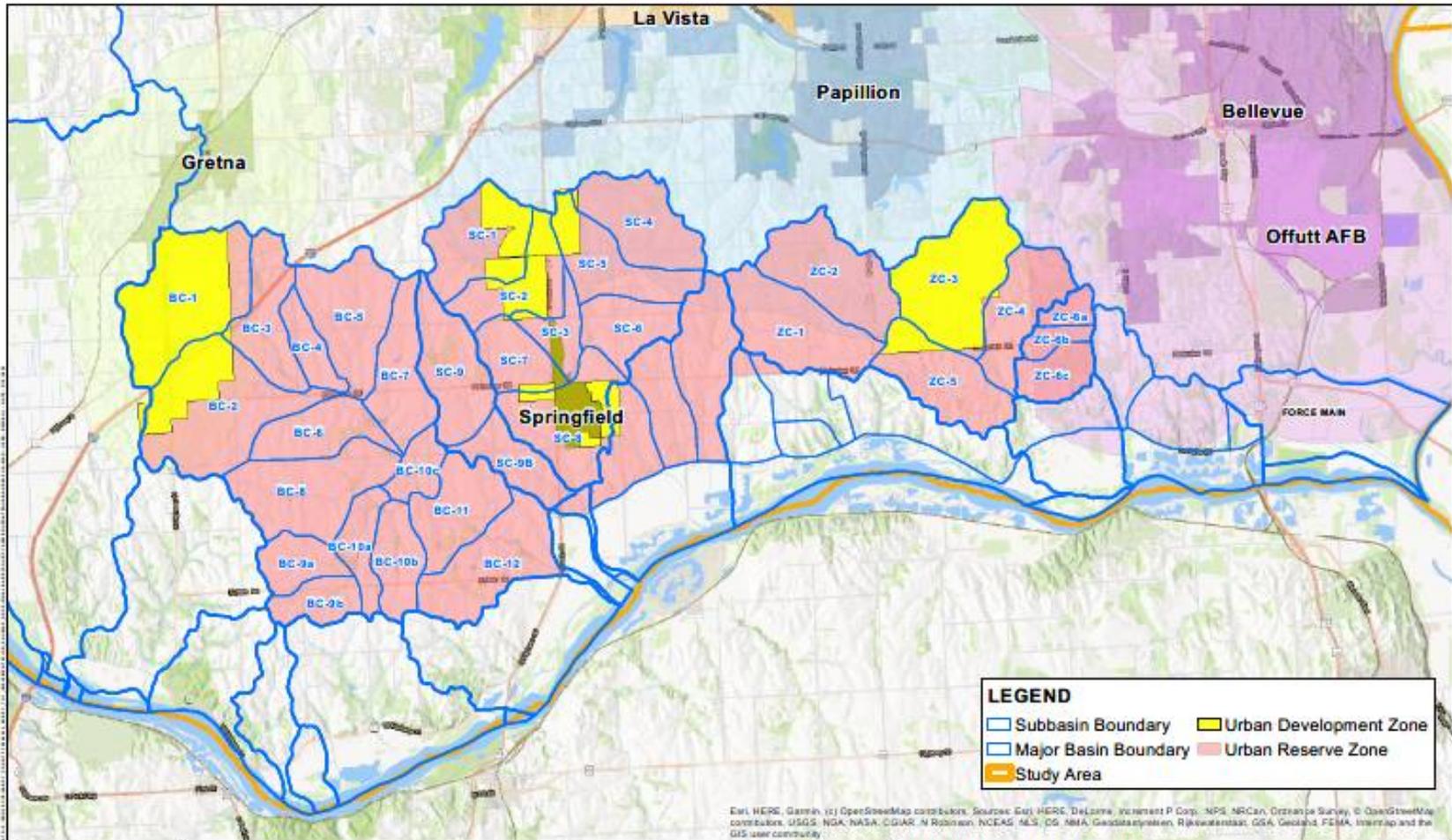


EXHIBIT A-GZ2020



**SOUTHERN SARPY COUNTY
UPDATED URBAN DEVELOPMENT ZONE**



DATE
FEBRUARY 2020

FIGURE
Figure 2

