

**BOARD OF SARPY COUNTY AND CITIES WASTEWATER AGENCY**

**RESOLUTION GRANTING AN EXCEPTION UNDER THE AGENCY'S GROWTH  
MANAGEMENT PLAN AND POLICIES IN CONNECTION WITH THE PLATTEVIEW  
INDUSTRIAL DEVELOPMENT**

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 Agency Resolution 2019-004, the Agency adopted the Agency's Growth Management Plan (as amended, the "Growth Management Plan") that prioritizes areas of land development and growth within the Agency's Jurisdictions;

WHEREAS, pursuant to Agency Resolution 2020-013, the Agency adopted and approved policies and procedures implementing the Growth Management Plan (the "GMP Policies");

WHEREAS, pursuant to Agency Resolution 2020-014, the Agency adopted and approved a revised sewer user rates and connection fee schedule and related policies and procedures (collectively, the "2020 Rate/Fee Policies");

WHEREAS, McCune Family LLC ("Developer") has obtained approval from Sarpy County of a final plat of Platteview Industrial Replat 1, a replat of Outlot D of Platteview Industrial (the "Development") located in the URZ (as defined in the Growth Management Plan) of the Agency's Jurisdiction;

WHEREAS, the Developer intends to develop Lot 1 of Platteview Industrial Replat 1 under the final plat;

WHEREAS, pursuant to Agency Resolution 2021-007, the Agency Board approved an exception under the Growth Management Plan and GMP Policies in connection with the platting and development of Lot 1, Platteview Industrial;

WHEREAS, the Developer's original zoning, special use permit and sewer easement applications were made prior to the Agency's approval of the initial Growth Management Plan in 2019;

WHEREAS, development within the URZ is generally prohibited unless otherwise permitted under the Growth Management Plan and GMP Policies;

WHEREAS, Section V.A.3.(a) of the GMP Policies states that an exception to the Agency's Growth Management Plan prohibition of an urban or suburban scale development in the URZ may be granted if "[t]he applicant can show 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 [the applicant] submitted [its] plat.";

WHEREAS, Section V.A.3.(b) of the GMP Policies states that an exception may also be granted if "[t]he 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.";

WHEREAS, the purpose of the Agency is to provide wastewater sewer service to ensure and promote the ultimate development of urban and suburban density residential, commercial and industrial land uses within the Agency's Jurisdiction;

WHEREAS, the Sarpy County Planning Department staff report recommended approval of the final plat for Platteview Industrial Replat 1 and stated that the Development thereunder complies with the County's comprehensive plan and subdivision regulations, and each of the Sarpy County Planning Commission and the Sarpy County Board of Commissioners approved the Developer's final plat for Platteview Industrial Replat 1;

WHEREAS, in lieu of connecting the proposed Development to public wastewater service, the Developer desires to install and use a septic sewer on Lot 1 of Platteview Industrial Replat 1, which is generally prohibited under the Growth Management Plan and GMP Policies;

WHEREAS, the County submitted to the Agency a request (the "Exception Request") for the Agency to grant an exception under Section V of the GMP Policies to authorize the use of a septic system to service Lot 1 of Platteview Industrial Replat 1 instead of public wastewater;

WHEREAS, in accordance with Section V.A.3.(e) of the GMP Policies, the Developer has agreed to pay sewer connection and usage fees, when connected;

WHEREAS, in accordance with Section V.D. of the GMP Policies, the Agency can condition an approval of the Exception Request and require satisfaction of the same the proposed replat can be recorded with the Sarpy County Register of Deeds; and

WHEREAS, the Agency Board has discussed the Exception Request, and after discussion with Agency staff and advisors, the Agency Board deemed it necessary and appropriate to grant the Exception Request and to authorize the use of a septic system to service Lot 1 of Platteview Industrial Replat 1 instead of public wastewater upon the Developer's payment at the time it records Platteview Industrial Replat 1 one hundred percent (100%) of the applicable connection fee for Lot 1 of Platteview Industrial Replat 1 (as shown on the final plat) at the rate established

for commercial users under the 2020 Rate/Fee Policies; such payment shall be remitted to the Agency in accordance with the 2020 Rate/Fee Policies.

The recommendation report of the Agency’s planning consultant is attached hereto.

NOW, THEREFORE, BE IT RESOLVED BY THE AGENCY BOARD, that the Exception Request is hereby approved in accordance with Sections V.A.3.(a), V.A.3.(b), V.A.3.(e) and V.D. of the GMP Policies and in connection therewith, the Agency Board hereby waives all provisions of the Growth Management Plan and GMP Policies that prevent the use of a septic system to service Lot 1 of Platteview Industrial Replat 1; provided, however, that such approval is subject to the satisfaction of the following conditions:

1. The Developer agrees to pay at the time it records the final plat for Lot 1 of Platteview Industrial Replat 1 one hundred percent (100%) of the applicable connection fee for Lot 1 of Platteview Industrial Replat 1 (as shown on the final plat) at the rate established for commercial users under the 2020 Rate/Fee Policies; such payment shall be remitted to the Agency in accordance with the 2020 Rate/Fee Policies;
2. This approval of the Exception Request shall be of no further force and effect in the event the Developer (or any future owner of Lot 1, Platteview Industrial Replat 1 as shown on the final plat) redevelops, replats, or changes the use of Lot 1 of Platteview Industrial Replat 1; and
3. Such conditions shall be incorporated in the subdivision agreement (or similar instrument) between Sarpy County and the Developer and such agreement (or similar instrument) names the Agency as a third-party beneficiary in order to enforce these conditions and other terms as set forth therein. Such agreement (or similar instrument) shall be agreed to form by the Agency’s legal counsel.

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 22nd day of September, 2021.

ATTEST:

Lisa A. Haine  
 Sarpy County and Cities  
 Wastewater Agency Secretary



David R. Kelly  
 Sarpy County and Cities Wastewater  
 Agency Board Chairman

August 2, 2021

Dan Hoins, Administrator  
Sarpy County and Cities Wastewater Agency  
1210 Golden Gate Drive  
Papillion NE 68046-2845

Request: GMP Exception  
Location: 192<sup>nd</sup> & Platteview Road  
Applicants: McCune Family LLC via Sarpy County  
Case #: ER-AA-21-08-02\_Platteview Industrial Replat 1

Dan,

The following is my review and recommendation on the application.

Exception Request – Sarpy County on behalf of McCune Family LLC has requested Administrative Approval of an Exception to the Agency’s Growth Management Plan for the replatting of Outlot D, Platteview Industrial into Lot 1, Replat 1, Platteview Industrial and the use of a septic system on a 2.258 acre lot (see attached) in the Agency’s Urban Reserve Zone (URZ).

Related Actions – The applicant also agrees to pay a sewer connection fee based on the Agency’s Connection Fee Schedule and connect to the Agency system when it is within the required distance.

Background – The subject property is part of a plat that predated the approval of the Agency’s Growth Management Plan. The Agency’s Board approved the current Platteview Industrial Plat with an understanding that replatting of the individual outlots would be allowed provided, 1) they matched the previously approved plat, 2) the appropriate connection fees were paid and 3) there was an agreement to connect to the Agency’s system when the lot was within the required distance.

Analysis – The proposed replat conforms to the requirements of the original plat and Lot 1 matches the configuration of the previously approved Outlot D. The applicant has also agreed to pay the required connection fee and connect to the Agency’s system in the future as required in the conditions placed on the original plat approval.

Recommendation – The Exception request conforms to the requirements placed on the original plat, which was approved by the Board after a determination that it met Criteria V. A. 3. (a) of the Agency’s Growth Management Plan. The replat is supported by Sarpy County and therefore meets Section V. C. It also meets Section VI (b) – Administrative Changes / Approvals

of the Agency's Growth Management Plan. Therefore, it is recommended that the Agency Administrator:

1. Approve the Exception Request to allow the replatting of Outlot D, Platteview Industrial to Lot 1, Replat 1, Platteview Industrial
2. Approve the use of a temporary septic system on the lot under the following conditions:
  - a. The applicant agrees to pay 100% of the required sewer connection fee
  - b. There is an agreement to abandon the septic system and connect to the Agency' system at such time as the lot is within the required connection distance
3. Approve both requests subject to:
  - a. The adoption of all required related agreements
  - b. A final plat and subdivision agreement between Sarpy County and the Developer including the above conditions and in a form reasonably acceptable to the Agency

Sincerely,



Steven Jensen, AICP, PLA  
SCCWA Agency Planning Consultant

Cc: Adam Charlsen