

**CITY OF LA VISTA
MAYOR AND CITY COUNCIL REPORT
MAY 17, 2022 AGENDA**

Subject:	Type:	Submitted By:
SARPY COUNTY AND CITIES WASTEWATER AGENCY – REVISED GROWTH MANAGEMENT PLAN	◆ RESOLUTION ORDINANCE RECEIVE/FILE	JOE SOUCIE DIRECTOR OF PUBLIC WORKS

SYNOPSIS

A resolution has been prepared to approve the Sarpy County and Cities Wastewater Agency Revised Growth Management Plan.

FISCAL IMPACT

N/A

RECOMMENDATION

Approval

BACKGROUND

The City of La Vista is a party to an agreement entered into pursuant to the Interlocal Cooperation Act set out in Neb. Rev. Stat. §13-801 et. Seq. by and between Sarpy County and the Cities of Papillion, Bellevue, Springfield, La Vista and Gretna (the “Members”), which formed the interlocal agency called the Sarpy County and Cities Wastewater Agency (the “Agency”).

Pursuant to Agency Resolution 2022-015, the Agency revised and approved certain policies and procedures that are intended to implement and enforce the Growth Management Plan, on April 27, 2022, which shall be presented to and subject to approval of the individual governing body of each Member. The revised Growth Management Policies and Procedures are attached.

There were 285 changes made to the Growth Management Plan as presented. A redlined copy identifying all the changes and updates has been included.

RESOLUTION NO. _____

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF LA VISTA, NEBRASKA, APPROVING THE REVISED GROWTH MANAGEMENT PLAN AND RELATED POLICIES AND PROCEDURES FOR THE SARPY COUNTY AND CITIES WASTEWATER AGENCY.

WHEREAS, pursuant to the Interlocal Cooperation Act, Neb. Rev. Stat. Section 13-801 et. seq., Sarpy County and the Cities of Papillion, Bellevue, Springfield, Gretna and La Vista (each a "Member") entered into an agreement (as amended, the "Formation Interlocal"), and formed an interlocal agency called the Sarpy County and Cities Wastewater Agency (the "Agency"); and

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

WHEREAS, the Agency Board approved the Growth Management Plan (as amended, the "Growth Management Plan") that prioritizes areas of land development and growth and serves as a necessary step in the development of a master plan within parts of the Agency's Jurisdiction, located in southern portions of Sarpy County south of the hydrological ridgeline, and excluding any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista. The Agency Board further approved certain policies and procedures that are intended to implement and enforce the revised Growth Management Plan, attached as EXHIBIT A (the revised "GMP Policies").

WHEREAS, certain actions of the Agency Board require approval of the Members. The Members previously approved the revised Growth Management Plan, and the Agency Board has submitted the revised GMP Policies to the Members for approval.

NOW, THEREFORE BE IT RESOLVED, that neither the revised Growth Management Plan nor the revised GMP Policies, nor any part thereof, shall apply to or within the City of La Vista or any area within the corporate boundaries or extraterritorial or other jurisdiction of the City of La Vista, as such corporate boundaries or jurisdiction from time to time may be adjusted.

BE IT FURTHER RESOLVED that the recitals above and the attached exhibit are incorporated into this Resolution by reference.

NOW, THEREFORE BE IT RESOLVED, that the Mayor and City Council of the City of La Vista, Nebraska do hereby approve the Revised Growth Management Plan and related policies and procedures for the Sarpy County and Cities Wastewater Agency.

PASSED AND APPROVED THIS 17TH DAY OF MAY 2022.

CITY OF LA VISTA

ATTEST:

Douglas Kindig, Mayor

Patricia Anderson
Deputy City Clerk

BOARD OF SARPY COUNTY AND CITIES WASTEWATER AGENCY**RESOLUTION ADOPTING AND APPROVING REVISED GROWTH MANAGEMENT PLAN AND RELATED POLICIES AND PROCEDURES**

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 Nos. 2019-004 and 2020-013, the Agency adopted the Growth Management Plan and its implementing policies and procedures (collectively, and as amended, the “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;

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 proposed revised Growth Management Plan and Policies and Procedures attached hereto as **Exhibit A** (the “Revised Growth Management Plan”);

WHEREAS, the Agency Board deems it appropriate and advisable to approve the attached Revised Growth Management Plan; and

WHEREAS, the Agency recognizes that the Agency’s adoption of the Revised Growth Management Plan 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, and any implementing policies and procedures adopted by the Agency Board from time to time, and (b) agree to submit the Revised Growth Management Plan 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 Revised Growth Management Plan 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 Revised Growth Management Plan 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 Revised Growth Management Plan, and any implementing policies and procedures adopted by the Agency Board from time to time, and (b) agrees to submit the Revised Growth Management Plan 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 27th day of April, 2022.

ATTEST:

Lisa A. Haine

Sarpy County and Cities Wastewater
Agency Secretary



David R. Kelly

Sarpy County and Cities Wastewater
Agency Board Chairman

EXHIBIT A

Revised 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; [and April 27, 2022 Pursuant to Resolution No. 2022-015](#)

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

Amended on April 27, 2022 Pursuant to Resolution No. 2022-015

I. Purpose. The policies and procedures set forth herein (collectively, these “Policies”) are intended to and do effectuate the Growth Management Plan initially 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. The Agency was created under the Interlocal Cooperation Act pursuant to that certain Interlocal Agreement Creating the Sarpy County and Cities Wastewater Agency dated September 19, 2017 (as amended, the “Formation Interlocal”).

~~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

II. The following policies, **URZ and UDZ Policies**. The following Policies, as adopted by the Agency and its individual members (individually, a “Member”; collectively, “Members”), ~~applies~~ apply to property and developments within the designated Urban Reserve Zone (“URZ”) and Urban Development Zone (“UDZ”) located in the Agency’s Jurisdiction, each as depicted on the Growth Zone map attached hereto as **Figure 2**. Unless otherwise provided in these Policies, the future land use pattern for developments within the Agency’s Jurisdiction shall be urban, suburban, or industrial in character and density that can be served with public infrastructure, facilities, utilities and services (including water and wastewater).

A. URZ Policies:

1. Standard suburban/urban/industrial ~~development~~ developments requiring municipal water and/or ~~sewage treatment wastewater~~ services will not be allowed in the URZ until individual watersheds in which such developments are located are included within the UDZ and "opened" for development as part of the phased extension of sanitary sewer service from the UDZ, unless otherwise approved by a resolution of the Agency Board or as provided in these Policies.

2. New ~~development in this zone~~ developments in the URZ 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~~ the URZ 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 (as defined below) for such tract, parcel or lot.

5. If development is permitted in the URZ in accordance with these ~~areas-it~~ Policies, such development should be designed and constructed 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-/suburban/industrial scale infrastructure (~~sanitary sewer~~ municipal water, wastewater, roadways, and other improvements and services) becomes available on the periphery of the URZ, the Agency may assess the phased transition of watersheds located in the URZ to the UDZ in accordance with Section III below.

~~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:~~

B. UDZ Policies.

1. Development in these areas must be served with public infrastructure, facilities, utilities and services (including municipal water and wastewater) in a manner that is coordinated with the appropriate Member jurisdictions.

2. Development must be urban/suburban/industrial in character and follow the Agency's ~~technical advisor's~~ sewer flow and revenue assumptions and

projections 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~~ IV.C.1 below shall be followed to determine the adverse impact of such development and the Member's agreement to compensate the Agency for the same.

C. UDZ and URZ "With Agreement" Policies. The Growth Zone map attached hereto as **Figure 2**, may depict certain areas as "UDZ With Agreement" and "URZ With Agreement." The Agency has determined that such areas are currently able to be designated as UDZ or URZ, as applicable, but only upon execution of a separate written agreement between the Agency and the governing body of the applicable Member that includes provisions concerning the design, construction, and financing of sewer infrastructure within such area (whether the Agency System or other sewer system(s)), projected wastewater flows in such designated areas, whether such area is subject to Agency connection fees or other similar fees and costs, whether deferment of development in another UDZ area is required, and whether such infrastructure will be pioneered or financed by such Member. Upon satisfaction of all the conditions set forth in each such written agreement necessary to designate such area as UDZ or URZ, as applicable, the Agency shall update the Growth Zones map to show such "UDZ With Agreement" areas as UDZ, or, applicable, such "URZ With Agreement" areas as URZ, and unless otherwise set forth in such written agreement, such Growth Zones map update may be done without further Agency Board action or approval.

D. ~~C.~~ Policies Applicable to ~~Unique~~ Governmental or Quasi-Governmental Developments. If a Member notifies the Agency of a proposed development ~~in its~~ within such Member's zoning and planning jurisdiction by another governmental, quasi-governmental or other district, agency, body, political subdivision or entity with eminent domain authority that such Member does not otherwise support pursuant to subsections (A), (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~~ II or set forth in the Growth Management Plan, no Member shall be responsible for the payment to the Agency ~~agrees to waive the of any~~ 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~~

III. Amendments to and Periodic Reviews of Growth Management Plan and Policies.

~~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:~~

A. Amendments. The Agency Board may establish and adopt such additional policies and procedures as it deems necessary and appropriate to effectuate these Policies and to implement the Growth Management Plan.

B. 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 Periodic Reviews of and Updates to Growth Management Plan and Policies. The Agency shall periodically review and update, as necessary, the Growth Zones, Growth Management Plan and these Policies, and such reviews shall occur no less frequently than every four-to-five years or sooner if market conditions require. ~~The update~~ Such reviews and updates shall follow the same process as the initial adoption of the plan, as follows:

1. ~~(a)~~ Document and review historic development data and trends in the Agency's Jurisdiction and the surrounding metropolitan area.
2. ~~(b)~~ Review all plans for the area and ensure that those plans and the new growth management plan are compatible.
3. ~~(c)~~ Analyze current market conditions and estimate future development needs.
4. ~~(d)~~ Review actual revenue from various sources and estimate revenue based on future development patterns and trends.

5. ~~(e)~~ Review potential watersheds for a shift from the URZ to the UDZ and estimate costs.

6. ~~(f)~~ Consider not only the sewer costs but also the cost of other needed public infrastructure, utility, facility and service costs.

7. ~~(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.

8. ~~(h)~~ Meet with the Member jurisdictions, development community, business community and public, to develop the proposed changes, costs and financing plan.

9. ~~(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.~~

IV. **Boundary Change Procedures and Criteria**

A. *Agency Jurisdiction Boundary Changes.* Except as expressly provided in these Policies, the area comprising the Agency's Jurisdiction shall be established in accordance with the Formation Interlocal.

B. *Minor Adjustments to Growth Zones Boundaries.* The following section outlines the process and criteria for making minor adjustments to the URZ and UDZ boundaries following a request by an Agency Member. Requests for minor Growth Zones boundary adjustments shall be made by a Member in writing to the Agency Administrator stating the reason or reasons for a minor boundary adjustment based on the criteria set forth below. The Agency Administrator shall transmit the request to the Board as a minor Growth Zone boundary adjustment for consideration. In considering ~~the a~~ request for a such a minor boundary adjustment, the Agency Board ~~should inquire~~ shall consider whether the following criteria can be met:

1. ~~(a)~~ The applicable Member and/or developer must have taken the necessary steps to ensure that ~~a portion of the URZ~~ the development subject to

the boundary adjustment request will be served by municipal sanitary interceptor sewers and other infrastructure necessary to support urban-~~/suburban/industrial~~ development.;

2. ~~(b)~~ The applicant can show that there is a factual defect in the delineation of the ~~Urban Reserve Zone~~ URZ boundary line.;

3. ~~(c)~~ A developer can show that after the proposed grading of a portion of its ~~plat~~ development that is within the URZ, the property can be served by industry standard depth gravity flow to an existing ~~municipal~~ Member sanitary sewer line ~~in the Urban Development Zone (UDZ).~~, or the Agency System, as applicable, in the UDZ; and/or

4. ~~(d)~~ Any other criteria not now anticipated that follows the objectives outlined in the Growth Management Plan and these Policies.

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, as applicable, 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~~ minor adjustment 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 resolutions, policies and/or procedures then in effect.

C. Growth Zones Boundary Changes. The following section outlines the process and criteria for adjusting the URZ and UDZ boundaries following a request by an Agency Member that does not meet the criteria for a minor adjustment under subsection (B) above or under Section VI below.

1. 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 and the Growth Zone boundaries should be adjusted to include such development within the UDZ, that Member may allow such standard suburban/urban/industrial development consistent with the following procedure, unless waived or otherwise permitted by these Policies or by resolution of the Agency Board:

(a) Such Member must notify the Agency Administrator in writing that it desires to pursue a Member Agreement (defined below) to allow a standard suburban/urban/industrial development in the URZ and to move such development to the UDZ. Such boundary adjustment requests should state the reason or reasons for the boundary adjustment;

(b) The Agency pays for and commissions from its financial advisor(s) a new study of the potential adverse impact of moving within the boundary of the UDZ to the System's anticipated capacity, function and connection fees if such development were to occur. The Member shall provide the Agency staff and its advisor(s) with all pertinent information reasonably requested by said staff and 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 or application for 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 moving such development from the URZ to the UDZ. 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 moving such development from the URZ to the UDZ 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. 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.

V. Exception Requests Procedures and Criteria

A. *Exception Policy.* 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 URZ 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.

B. *Exception Process.* 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 requests should be made in writing to the Agency Administrator stating the reason or reasons why the ~~guidelines~~Growth Management Plan and/or these Policies 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: provided 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, unless otherwise waived pursuant to subsection 3(a) below:

(a) The applicant/developer can show that the subject land is subject to an approved preliminary subdivision plat and/or rezoning with an application that was submitted on or before August 9, 2019¹, and, therefore, should be entitled to complete its development in accordance with the regulations prevailing at the time it submitted its plat and/or rezoning application, and such developments under shall not be subject to payment to the Agency of any sewer connection fees. Replats and rezonings that result in significant changes to the original plat and/or use

¹ August 9, 2019 represents the date that all governing bodies of the Members approved the Growth Management Plan initially adopted by the Agency on June 26, 2019 pursuant to Agency Resolution No. 2019-004.

of the affected property may be reviewed on a case-by-case basis, and such development may be required to set aside new or additional sewer easements and pay applicable Agency connection fees;

~~(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~~;~~ and/or

(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.~~

4. ~~B.~~ Exceptions shall not be granted if the proposed development or subdivision is ~~proposed~~ for land that has previously been set aside as an "outlot" through the Build-Through Overlay Zoning District process.

5. ~~C.~~ Exceptions related to ~~3b~~ 3(b) above should not be granted unless the development is supported by the applicable Member jurisdiction within which the ~~exception development~~ 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.

6. ~~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.

7. Any approval by the Agency Board of any such Exception shall, at the request of the Agency Board, be memorialized in a written agreement between the Agency and the governing body of the applicable Member.

VI. Administrative Changes/Approvals.

A. Administrative Approvals of Agency Jurisdiction Boundary Changes. To the extent permitted by the Formation Interlocal, the Agency Administrator may amend the boundary of the Agency's Jurisdiction without Board approval in accordance with the following procedure:

1. A Member must submit to the Agency Administrator a written request for an administrative boundary adjustment to the Agency's Jurisdiction. Such written administrative boundary adjustment request shall state the reason or reasons supporting the administrative boundary adjustment to the Agency's Jurisdiction is necessary. The Member shall also provide the Agency staff and its advisor(s) with all pertinent information reasonably requested by said staff and advisor(s) related to the administrative boundary adjustment request;

2. If such Member requests only to remove land from the Agency's Jurisdiction, the Agency's financial advisor must confirm in writing that removal of such land from the Agency's Jurisdiction does not result in a substantial loss of Agency projected revenue²;

3. If such Member requests only to add land to the Agency's Jurisdiction, then the Agency's Project Engineer must confirm in writing the System has sufficient capacity³ to serve any added land based on projected flows from such additional land;

4. If such Member requests both to remove and add land to the Agency's Jurisdiction, then (a) the Agency's financial advisor must confirm in writing that the net result of such removal and addition does not result in a

² For purposes of Section VI(A) and (B), a proposed boundary change shall be deemed to result in a "substantial loss of Agency projected revenue" if the cumulative result is a net reduction of projected Agency connection fees for five (5) acres or more of land from the Agency's Jurisdiction or from the UDZ Growth Zone, as applicable.

³ For purposes of Section VI(A) and (B), the Agency shall be deemed to have "sufficient capacity" to serve additional land under a boundary change if the cumulative result is a net increase of no more than five (5) acres of land to the Agency's Jurisdiction or to the UDZ Growth Zone, as applicable.

substantial loss of Agency projected revenue, and (b) the Agency's Project Engineer must confirm in writing the System has sufficient capacity to serve any added land based on projected flows from such additional land;

5. Land added, removed and/or swapped administratively pursuant to this subsection (A) must be located entirely within the requesting Member's extraterritorial jurisdiction and contiguous to the then existing boundary of the Agency's Jurisdiction;

6. All non-requesting Members shall have no less than ten (10) business days to review and comment on such administrative boundary adjustment request. The Agency Administrator shall not approve or deny such written boundary adjustment request within such ten-business day period, unless the Agency Administrator receives written comments from a representative of each of the non-requesting Members during such ten-business day period, in which case the Agency Administrator may approve or deny such request prior to the expiration of such review and comment period; and

7. The Agency Administrator shall have the discretion to approve or deny such boundary change requests so long as such decision is in writing and accompanied by a written recommendation by the Agency Project Engineer (or the Agency Administrator's designee) and approved by Agency legal counsel. The Agency Administrator reserves the right to refer any and all requests for administrative boundary changes to the full Agency Board in his/her sole and absolute discretion.

B. *Administrative Approvals of Growth Zones Boundary Changes.* The Agency Administrator may amend the Growth Zones boundaries without Board approval in accordance with the following procedure, which shall apply to all requests for administrative changes to the Growth Zones boundaries, whether such request adds, removes, swaps or defers land between the URZ and UDZ Growth Zones:

1. A Member must submit to the Agency Administrator a written request for an administrative Growth Zones boundary adjustment to the Growth Zones. Such written administrative boundary adjustment request shall state the reason or reasons supporting the administrative boundary adjustment to the Growth Zones is necessary. The area subject to such requested Growth Zone boundary adjustment change shall be reflected in a subdivision/plat application submitted to such Member. The Member shall also provide the Agency staff and its advisor(s) with all pertinent information reasonably requested by said staff and advisor(s) related to the administrative boundary adjustment request;

2. The Agency's financial advisor must confirm in writing that the Growth Zone boundary change does not result in a substantial loss of Agency projected revenue;

3. The Agency Project Engineer (or the Agency Administrator's designee) must confirm in writing the area subject to such Growth Zone boundary change can be served by gravity flow with standard depth sewers and the System has sufficient capacity to serve any land added to the UDZ under such request;

4. The Agency Project Engineer (or the Agency Administrator's designee) must confirm in writing whether (i) there is available Agency sewer infrastructure to serve the land added to the UDZ under such request, or (ii) the requesting Member is willing to pioneer any required additional sewer infrastructure. Any pioneering of additional sewer infrastructure shall be subject to a Member Agreement approved by the Agency Board and the governing body of the requesting Member;

5. Land added, removed and/or swapped administratively pursuant to this subsection (B) must be located entirely within the requesting Member's extraterritorial jurisdiction and subject to the Agency's Jurisdiction;

6. All non-requesting Members shall have no less than ten (10) business days to review and comment on such administrative boundary adjustment request. The Agency Administrator shall not approve or deny such written boundary adjustment request within such ten-business day period, unless the Agency Administrator receives written comments from a representative of each of the non-requesting Members during such ten-business day period, in which case the Agency Administrator may approve or deny such request prior to the expiration of such review and comment period; and

7. The Agency Administrator shall have the discretion to approve or deny such boundary change requests so long as such decision is in writing and accompanied by a written recommendation by the Agency Project Engineer (or the Agency Administrator's designee) and approved by Agency legal counsel. The Agency Administrator reserves the right to refer any and all requests for administrative boundary changes to the full Agency Board in his/her sole and absolute discretion.

C. ~~VI. Administrative Changes/Approvals.~~ *Administrative Approvals of Exceptions.* 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)~~ Project Engineer, (1) subject to a bona fide subdivision plat and/or rezoning application submitted to the applicable Member on or before August 9, 2019 (not including replats or rezonings), (2) non-material or administrative in nature,

or (b3) in conformance with, or otherwise ~~satisfy~~satisfies, 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 counselAgency Project Engineer (or the Agency Administrator's designee) and approved by Agency legal counsel. All non-requesting Members shall have no less than ten (10) business days to review and comment on such Exception requests. The Agency Administrator shall not approve nor deny such written Exception requests within such ten-business day period, unless the Agency Administrator receives written comments from a representative of each of the non-requesting Members during such ten-business day period, in which case the Agency Administrator may approve or deny such request prior to the expiration of such review and comment period.

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~~Jurisdiction, the Agency, the Member having zoning and planning jurisdiction, and such owner, developer or sub-divider shall enter into a three-party connection agreement (or subdivision agreement or similar instrument) 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. In lieu of such three-party connection agreement (or subdivision agreement or similar instrument), such Member and owner, developer, or sub-divider shall be deemed to have complied with this section without entering into a three-party agreement if such agreement between the Member and owner, developer, or sub-divider (1) incorporates the Agency's Growth Management Plan, these Policies, and the

sewer connection fees and user rates schedules and policies then in effect, (2) expressly names the Agency as a third party beneficiary with respect to the enforcement of the same, and (3) is approved as to form by the Agency Administrator (or his or her designee). Such three-party agreement (or two-party agreement with the Agency as a third-party beneficiary) or a memorandum of the same shall be recorded against the subject land in order to provide notice of the Agency's rights therein. Each Member shall include this provision as a condition to each preliminary plat approval. Provided however, that no such three-party connection agreement (or two-party agreement with the Agency as a third-party beneficiary) 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.

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

Agency Board:	August 26 <u>April 27, 2020</u> <u>2022</u>
Sarpy County Governing Body:	December 8, 2020 <u>[]</u> , 2022
Bellevue Governing Body:	May 18, 2021 <u>[]</u> , 2022
Gretna Governing Body:	October 20, 2020 <u>[]</u> , 2022
La Vista Governing Body:	October 20, 2020 <u>[]</u> , 2022
Papillion Governing Body:	November 17, 2020 <u>[]</u> , 2022
Springfield Governing Body:	October 20, 2020 <u>[]</u> , 2022

FIGURE 1

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

[Attached]

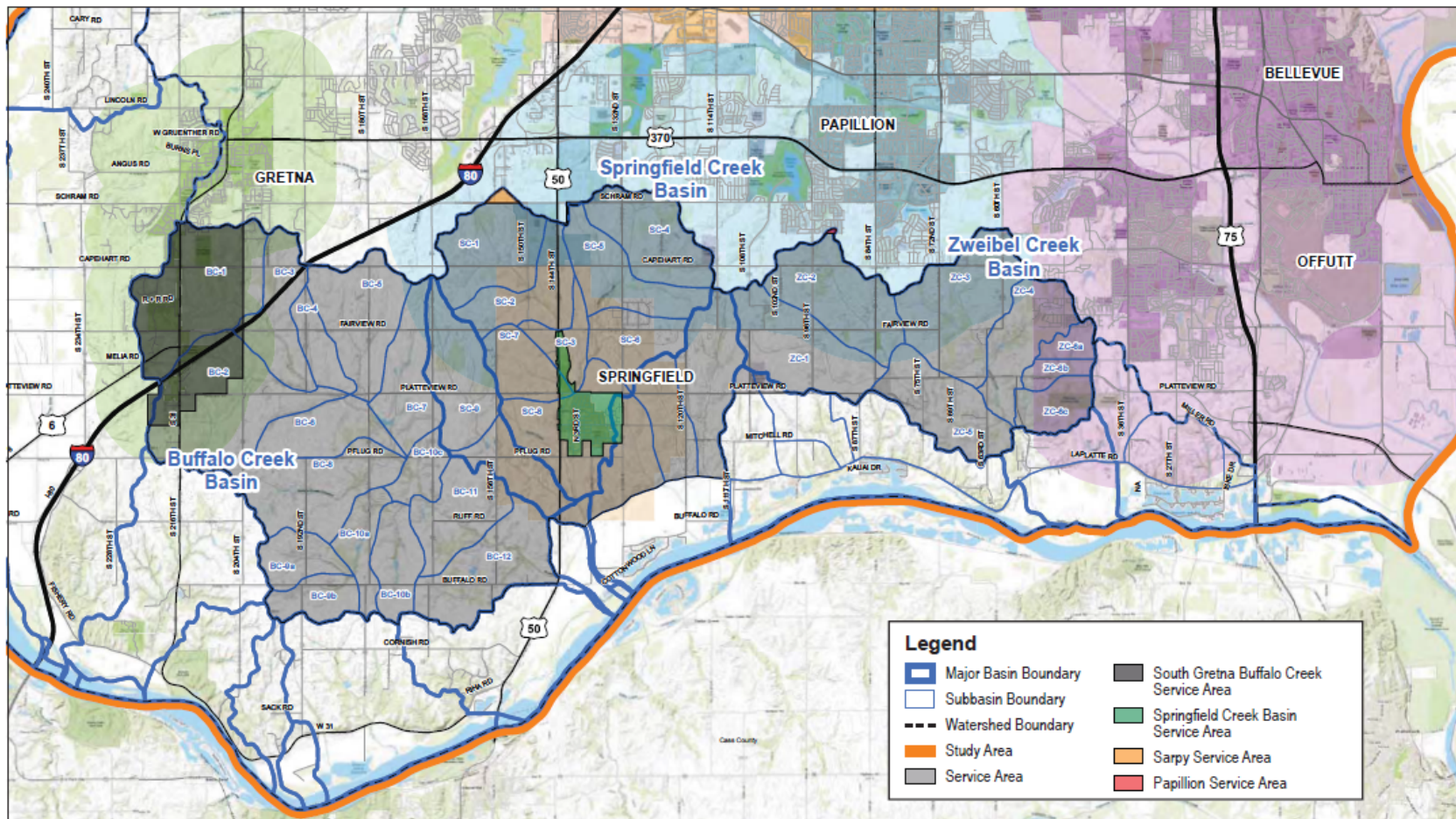


FIGURE 1
Growth Management Plan



SOUTHERN SARPY COUNTY



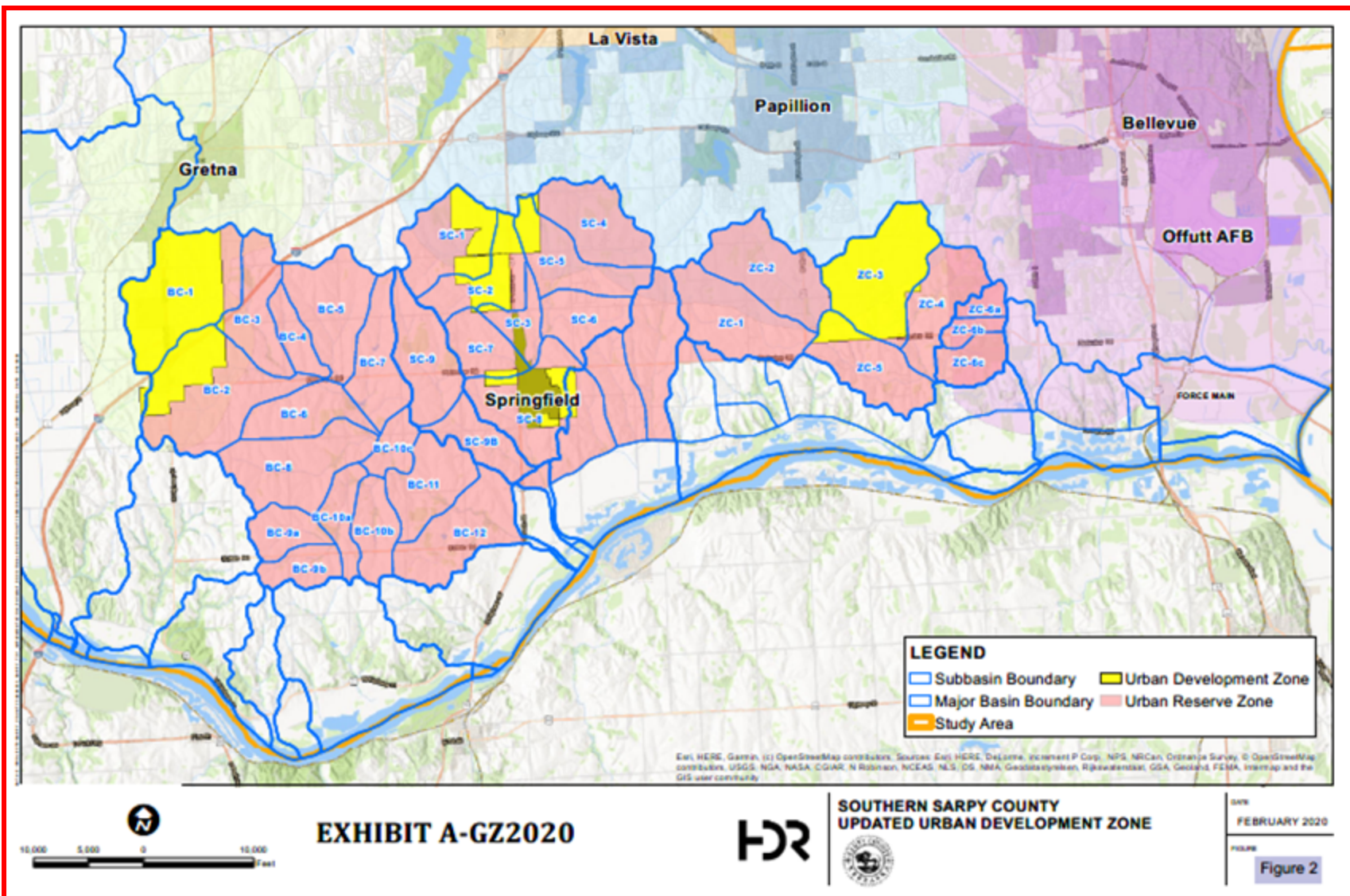
DATE
June 2019
FIGURE
Service Area

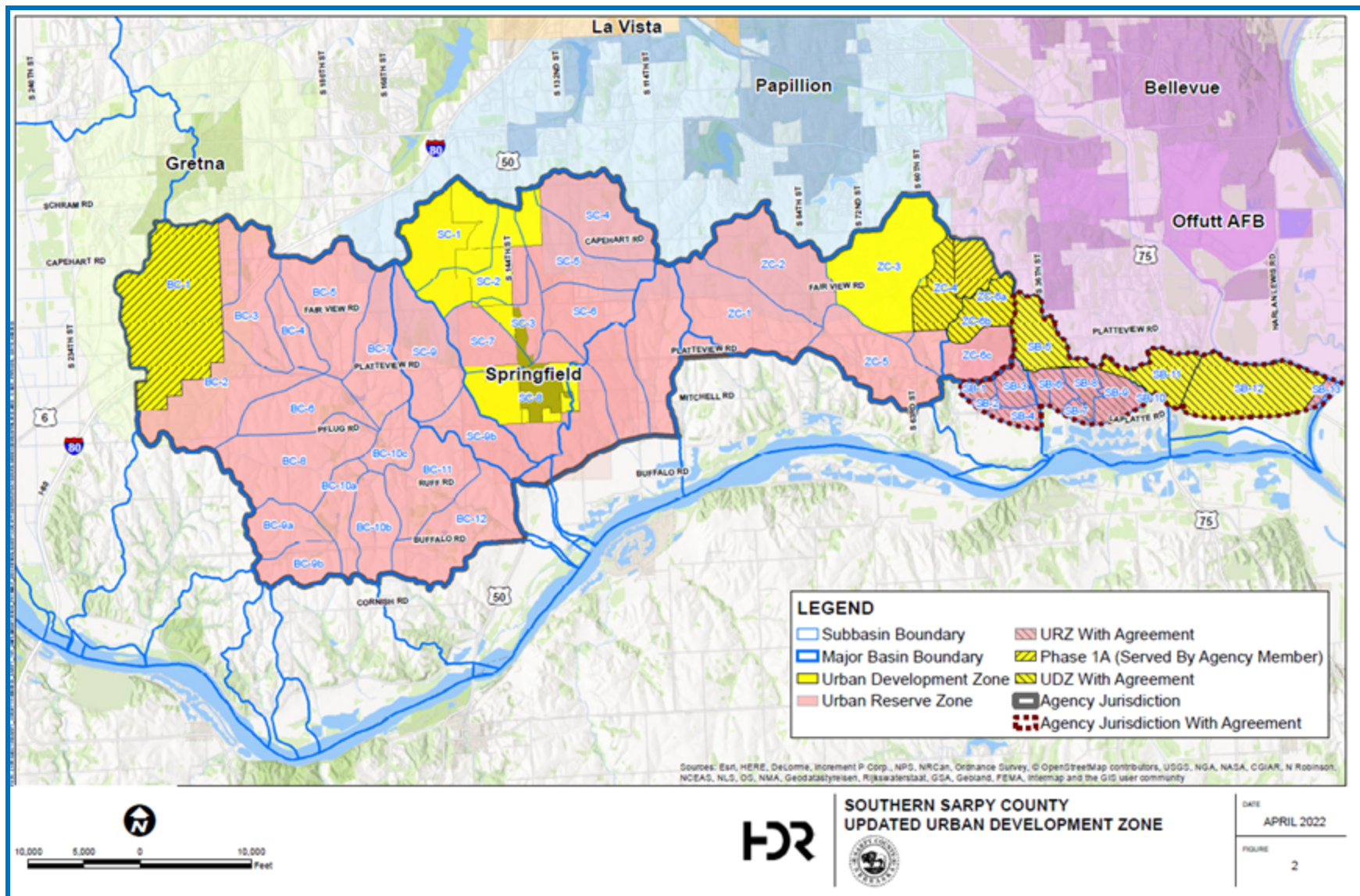
FIGURE 2

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; [and on April 27, 2022 Pursuant to Resolution No. 2022-015](#)

[Attached]





Summary Report	
Title	compareDocs Comparison Results
Date & Time	4/28/2022 3:09:18 PM
Comparison Time	3.70 seconds
compareDocs version	v5.0.104.1

Sources	
Original Document	[#4871-8186-1905] [v1] Revised GMP Policies and Procedures 2022 updates.docx
Modified Document	[#4871-8186-1905] [v11] Revised GMP Policies and Procedures 2022 updates.docx

Comparison Statistics	
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Deletions	59
Changes	54
Moves	52
Font Changes	0
Paragraph Style Changes	0
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Deletions	
<u>Moves</u> / Moves	
Font Changes	
Paragraph Style Changes	
Character Style Changes	
Inserted cells	
Deleted cells	
Merged cells	
Changed lines	Mark left border.

compareDocs Settings Used	Category	Option Selected
Open Comparison Report after saving	General	Always
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Character Level	Word	False
Include Comments	Word	True
Include Field Codes	Word	True
Flatten Field Codes	Word	False
Include Footnotes / Endnotes	Word	True
Include Headers / Footers	Word	True
Image compare mode	Word	Insert/Delete
Include List Numbers	Word	True
Include Quotation Marks	Word	False
Show Moves	Word	True
Include Tables	Word	True
Include Text Boxes	Word	True
Show Reviewing Pane	Word	True
Summary Report	Word	End
Detail Report	Word	Separate (View Only)
Document View	Word	Print