

ORDINANCE NO. 1146

AN ORDINANCE TO AMEND CHAPTER 4 "ACHIEVE" OF THE COMPREHENSIVE PLAN OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA; TO REPEAL ORDINANCES IN CONFLICT; AND TO PROVIDE FOR THE EFFECTIVE DATE HEREOF.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF SPRINGFIELD, SARPY COUNTY, NEBRASKA:

Section 1. Approval of Amendment to Comprehensive Plan. On September 12, 2023, the Springfield Planning Commission conducted a public hearing on the matter of amending Chapter 4 of the comprehensive plan to update the Sarpy County and Cities Wastewater Agency Growth Management Plan and adopt the implementing Policies and Procedures for such plan and reported a recommendation of approval to the City Council. On September 19, 2023, the City Council held a public hearing on said proposed amendment to the comprehensive plan and found and determined that said proposed amendment to the comprehensive plan is advisable and in the best interests of the City. The City Council further found and determined that public hearings were duly held and notices given. Therefore, the City Council hereby approves said proposed amendment to the comprehensive plan as set forth in this Ordinance.

Section 2. Amendment to Comprehensive Plan. Chapter 4.4 is revised as follows:

SPRINGFIELD COMPREHENSIVE PLAN
CHAPTER 4 ACHIEVE SPRINGFIELD
SECTION 4.4 SARPY COUNTY AND CITIES WASTEWATER AGENCY
GROWTH MANAGEMENT PLAN & RATES

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

Amended on April 27, 2022, pursuant to Resolution No. 2022-015; and on May 27, 2023, pursuant to Resolution No. 2023-019

I. **Purpose and Interpretation.**

A. 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").

B. With respect to applying the Growth Management Plan and these Policies to a particular development, the term "development(s)" shall have the meaning ascribed to such term as set forth in the applicable Member's comprehensive plan or similar-type zoning and/or subdivision regulations. For Members that do not have a definition of the term "development" or "developments" in their comprehensive plan or similar-type zoning and/or subdivision regulations, the definition of "development(s)" set forth in Sarpy County's comprehensive plan or similar-type zoning and/or subdivision regulations shall apply. Notwithstanding anything contained herein to the contrary, the term "development" shall not include the following:

i. the construction, ownership or operation of temporary structures under a building permit duly issued by the applicable Member having jurisdiction over the same, so long as such temporary structure will not be connected to public wastewater or other utilities, is not used for commercial purposes and not made available for use by the general public, and will be removed from the subject property within 24 months following issuance of the applicable building permit, or at such other date mutually agreed to in writing by the owner and applicable Member;

ii. the construction, ownership or operation of outbuildings, pools, sheds and other similar accessory buildings under a building permit duly issued by the applicable Member having jurisdiction over the same, so long as such outbuildings, pools, sheds and other similar accessory buildings will not be connected to public wastewater; and

iii. the construction, ownership or operation by the Agency of any buildings, structures, pipelines necessary or incidental to the operation of the Agency System.

II. **URZ and Udz Policies.** The following Policies, as adopted by the Agency and its individual members (individually, a "Member"; collectively, "Members"), 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 developments requiring municipal water and/or 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. The use of septic systems of any kind to service new developments in the Agency's Service Area is generally prohibited under the Growth

Management Plan and these Policies, unless an Exception is granted pursuant to these Policies.

2. New 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 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 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 (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.

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. The use of septic systems of any kind to service new developments in the Agency's Service Area is generally prohibited under the Growth Management Plan and these Policies, unless an Exception is granted pursuant to these Policies.

2. Development must be urban/suburban/industrial in character and follow the Agency's sewer flow and revenue assumptions and projections for the land within the UDZ and the Agency's Jurisdiction.

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 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. *Policies Applicable to Governmental or Quasi-Governmental Developments.* If a Member notifies the Agency of a proposed development 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 II or set forth in the Growth Management Plan, no Member shall be responsible for the payment to the Agency 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.

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

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. *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. Such reviews and updates 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.

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 a request for such a minor boundary adjustment, the Agency Board shall consider whether the following criteria can be met:

1. The applicable Member and/or developer must have taken the necessary steps to ensure that 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. The applicant can show that there is a factual defect in the delineation of the URZ boundary line;

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

4. 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 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. Except for as otherwise expressly permitted in these Policies, 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. Exception requests should be made in writing to the Agency Administrator stating the reason or reasons why the 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, except for as otherwise expressly permitted in these Policies, 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 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; provided, however, in the event an applicant requests an Exception related to the replacement or reconstruction of an existing structure, the applicant shall not be required to set aside new or additional sewer easements to allow for future expansion of the System, but only to the extent the Agency Project Engineer (or his/her designee) determines that any such replaced or reconstructed structure will not be located within an area planned for future expansion of the System or otherwise interfere with any future expansion plans for the Agency System;

(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 estate planning purposes or for settlement of an estate between family members so that ownership will be continued uninterrupted within the family and that the applicant has followed the County's guidelines for utility and drainage easements and roadway access and connections; and/or

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.

(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 the applicant has followed the County's guidelines for utility and drainage easements and roadway access and connections.

4. New developments in the URZ that are subject to an Exception approved pursuant to these Policies may be serviced with a temporary septic sewer system provided that the owner, developer or sub-divider of such land under development shall, at no additional cost to the Agency, abandon such temporary septic system and connect such development to the Agency System at such time as each such development can be served by the Agency System in accordance with then applicable Agency policies, procedures and resolutions. Prior to any use of a septic sewer system for a new development in accordance with this subsection and Sections V or VI.C., the (1) Agency Project Engineer (or the Project Engineer's designee) shall approve in writing the plans and specifications of such temporary septic system, (2) the Agency Project Engineer shall confirm in writing that such temporary septic system will not be located within an area planned for future expansion of the System or otherwise interfere with any future expansion plans for the Agency System, and (3) this provision shall be incorporated into the terms and conditions of a development or subdivision agreement between such developer, owner or sub-divider and the applicable Agency Member having zoning and planning jurisdiction over such development.

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

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

7. 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.

8. 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 or incorporated into development or subdivision agreement between such developer, owner or sub-divider and the applicable Member having zoning and planning jurisdiction over such development.

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:

i. 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;

ii. 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;

iii. 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;

iv. 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 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;

v. 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;

vi. 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

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.

vii. 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:

i. 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;

ii. 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;

iii. 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;

iv. 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;

v. 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;

vi. 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

vii. 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. *Administrative Approvals of Exceptions.* Requests for an Exception and/or Agency approval of developments within the Agency's Jurisdiction that are, as determined by the Agency's 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 (3) in conformance with, or otherwise 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 Agency 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.

VIII. **Connection Agreements.** Prior to a Member's approval of a final plat for any development or land located within the Agency's 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

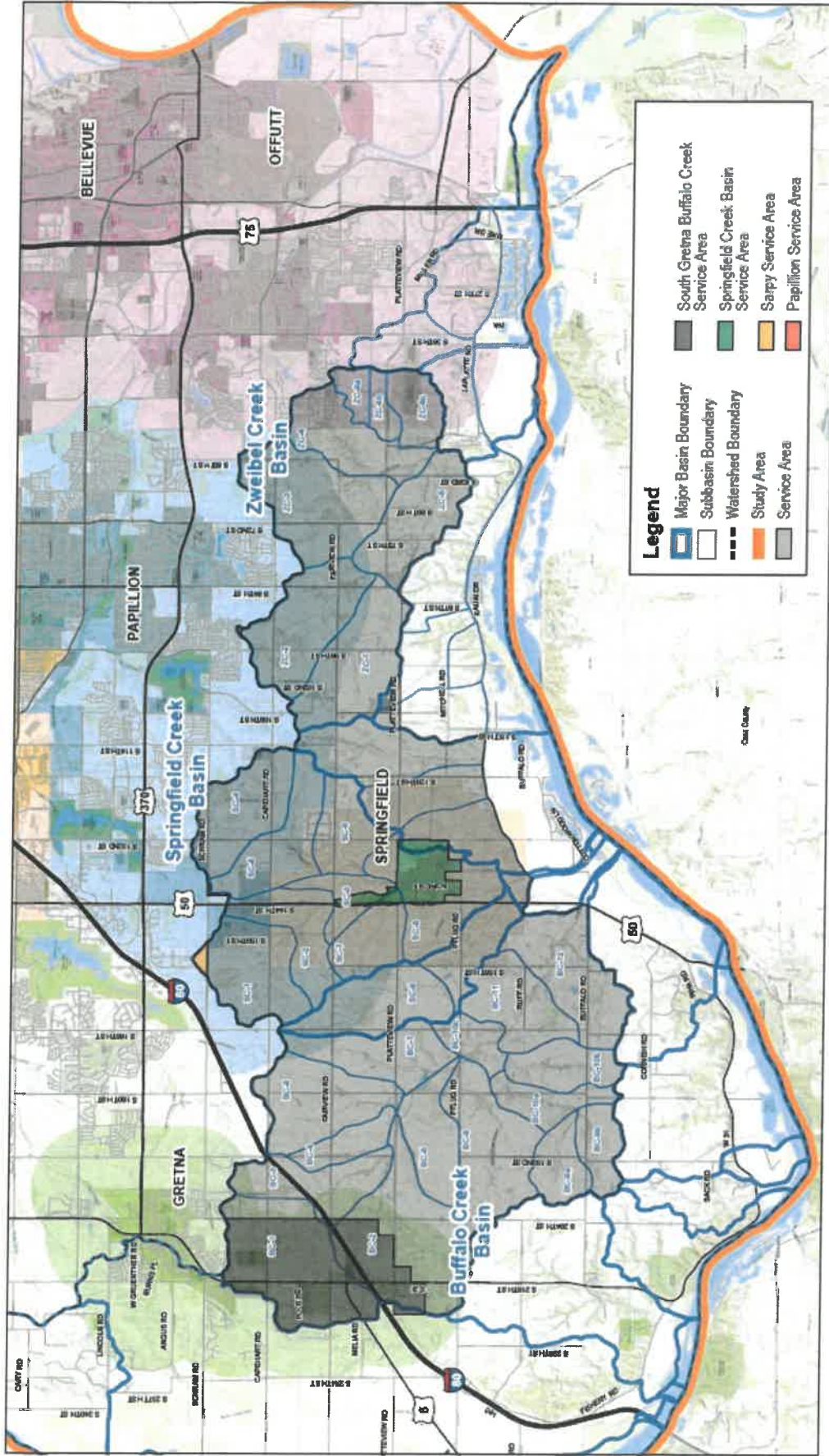
approved as to form by the Agency Administrator (or his or her designee). Such three-party agreement (or two-party agreement with the Agency as a third-party beneficiary) or a memorandum of the same shall be recorded against the subject land in order to provide notice of the Agency's rights therein. 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.

FIGURE 1

Agency's Jurisdiction

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

[Attached]



June 2019
FIGURE
Service Area

SOUTHERN SARPY COUNTY



HDR

FIGURE 1
Growth Management Plan

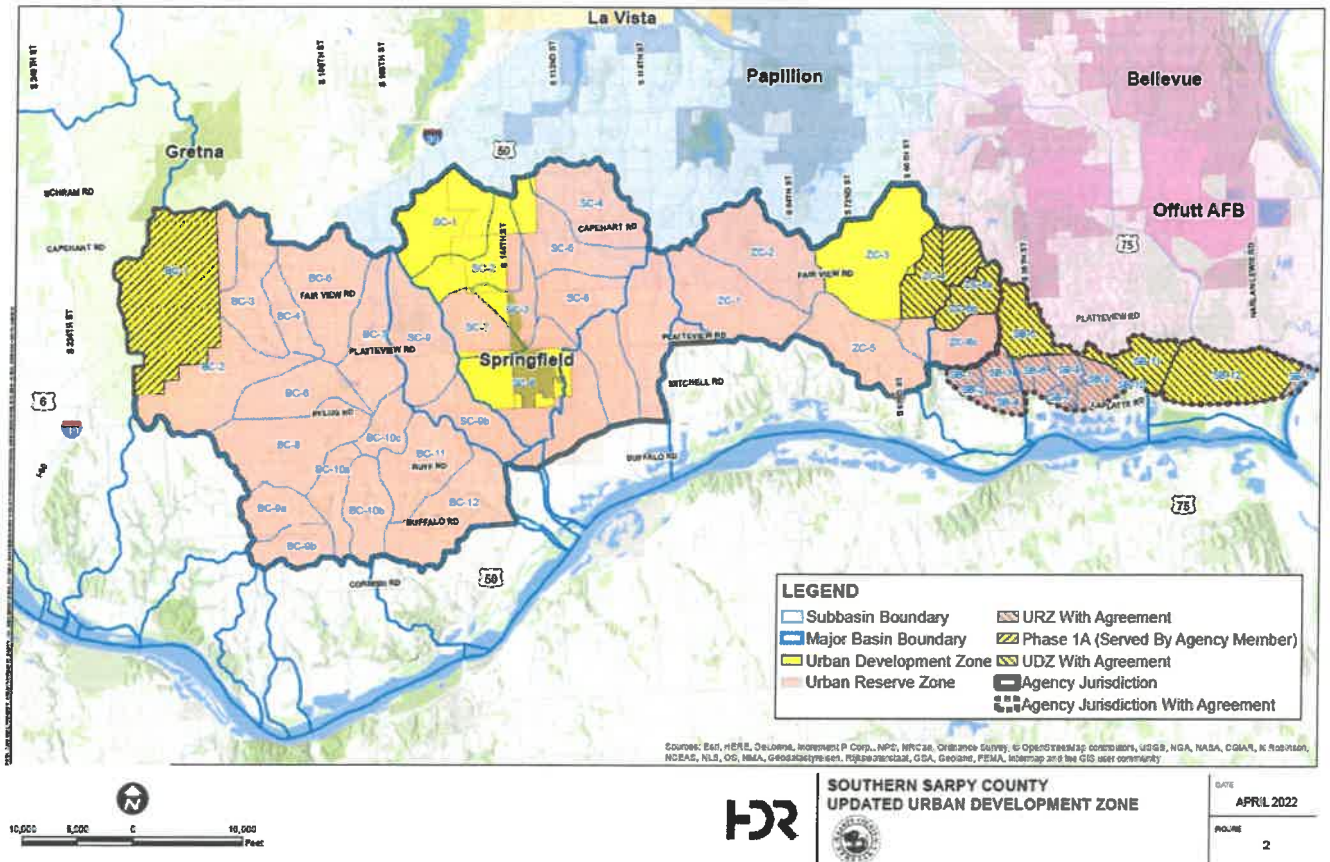
FIGURE 2

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]



Section 3. Repeal Ordinances in Conflict. All other ordinances in conflict are hereby repealed.

Section 4. Effective Date. This Ordinance shall be in full force and effect from and after passage, approval and publication as provided by law.

PASSED AND APPROVED THIS 19TH DAY OF SEPTEMBER, 2023.

(SEAL)

Attest:

City Clerk





Mayor



City Clerk