

FACTSHEET

TITLE: **SPECIAL PERMIT NO. 1762E**, the Vintage Heights Community Plan, to increase the number dwelling units to 990, to allow 84 units to be served by sanitary sewer requiring a sewage pump lift station to the City's sanitary sewer system, and a request to waive the block length requirements, located at South 98th Street and Old Cheney Road.

BOARD/COMMITTEE: Planning Commission

APPLICANT: Mark Hunzeker on behalf of Tom Smith.

RECOMMENDATION: Conditional Approval (8-0: Sunderman, Harris, Cornelius, Beecham, Corr, Lust, Scheer and Hove voting 'yes'; Weber absent).

STAFF RECOMMENDATION: Conditional Approval.

OTHER DEPARTMENTS AFFECTED: Public Works

SPONSOR: Planning Department

OPPONENTS: None present at hearing.

REASON FOR LEGISLATION:

To allow the Vintage Heights Community Plan to increase the number of dwelling units from 964 to 990, and which allows 84 dwelling units to be served by sanitary sewer, which requires a sewage pump lift station to use the City's sanitary sewer system, and a request to waive Section 26.23.130 of the Subdivision Ordinance to allow for a block length of more than 1,320 feet, on property generally located at South 98th Street and Old Cheney Road.

DISCUSSION/FINDINGS OF FACT:

1. This special permit (Bill #16R-43) request is associated with the resolution being prepared by the Law Department approving the Vintage Heights Pump Station Agreement (Bill #16R-44), which is one of the conditions of approval for said special permit.
2. This is a request to amend Special Permit No. 1762 for Vintage Heights CUP to remove the prohibition of serving a portion of the development with a pump station and force mains. It also includes a waiver to Section 26.23.130 of the Subdivision Ordinance to allow for a block length of more than 1,320 feet.
3. The staff recommendation of conditional approval is based upon the "Analysis" as set forth on pp.5-7, noting that serving the sanitary sewer needs of new development via pump stations has long been contrary to City policy, a policy that was formalized, expanded, and adopted by the City Council in 2004. The rationale for adopting the Policy on Temporary Pump Stations and Force Mains in 2004 were several. Primarily, pump stations are inefficient and more costly in the long-term when compared to the City's gravity system, due to the increased maintenance and operational costs.

For the land involved in this request, the fact that they couldn't be served by gravity sewer flow was known since the development was approved in 1997. However, what distinguishes this property from multiple others at the edge of the city that would also like to use pump stations, is that the property has already been annexed and re-zoned. Done today, annexation and re-zoning of any area that cannot be served by gravity flow would not be the recommended process.

Instead, those areas should remain outside the city limit and only annexed at such time as they can be fully served by the full range of city services, including gravity flow sanitary sewer. The staff presentation is found on pp.10-12.

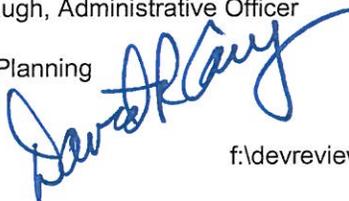
4. Testimony on behalf of the applicant is found on p.12.
5. Testimony on behalf of the Vintage Heights Homeowner's Association can be found on pp.12-13.
6. On January 20, 2016, the Planning Commission voted 8-0 (Weber absent) to recommend conditional approval of this application, as set forth in the staff report dated November 5, 2015, (See pp.7-9).

FACTSHEET PREPARED BY: Geri Rorabaugh, Administrative Officer

DATE: February 29, 2016

REVIEWED BY: David R. Cary, Director of Planning

DATE: February 29, 2016



f:\devreview\factsheets\2016\cc\SP1762E

LINCOLN CITY/LANCASTER COUNTY PLANNING STAFF REPORT

for November 18, 2015 PLANNING COMMISSION MEETING

- PROJECT #:** Special Permit No. 1762E - Vintage Heights CUP
- PROPOSAL:** Allow the use of a sanitary sewer lift station to serve 84 dwelling units where it was previously prohibited, and to revise the layout for the area of the CUP involved.
- LOCATION:** Southwest of the intersection of South 98th Street and Old Cheney Road.
- EXISTING ZONING:** R-3 Residential
- CONCLUSION:** Serving the sanitary sewer needs of new development via pump stations has long been contrary to City policy, a policy that was formalized, expanded, and adopted by the City Council in 2004. The rationale for adopting the Policy on Temporary Pump Stations and Force Mains in 2004 were several. Primarily, pump stations are inefficient and more costly in the long-term when compared to the City's gravity system, due to the increased maintenance and operational costs.

There has also been no shortage of developable land that could be served by gravity flow sewer to necessitate the annexation of land serviced by pumping systems. Additionally, the city's well-planned growth pattern is largely attributable to annexation of those properties which can equally share in all the City's services and infrastructure. This type of coherent growth has helped make development more predictable and equitable.

For the land involved in this request, the fact that they couldn't be served by gravity sewer flow was known since the development was approved in 1997. What distinguishes this property from multiple others at the edge of the city that would also like to use pump stations, is that the property has already been annexed and re-zoned. Done today, annexation and re-zoning of any area that cannot be served by gravity flow would not be the recommended process. Instead, those areas should remain outside the city limit and only annexed at such time as they can be fully served by the full range of city services, including gravity flow sanitary sewer.

GENERAL INFORMATION:**LEGAL DESCRIPTION:** See attached.**EXISTING LAND USE:** Vacant.**AREA:** 35.6 acres more or less.**SURROUNDING LAND USE AND ZONING:**

North:	Residential	AG, R-3
South:	Residential, Vacant	AG, R-3, B-5
East:	Agriculture, Residential	AG
West:	Residential, Vacant	R-3

HISTORY:

Jul 1997 The preliminary plat of Vintage Heights was approved. It included none of the land involved in this request, and any land that could not be served by gravity sewer was excluded from the plat. (See attached)

Jul 1998 The preliminary plat of Vintage Heights 1st Addition was approved, showing development to the south of that approved in the original addition. The limit of gravity sewer was clearly delineated on the plan, and no area was annexed or re-zoned that couldn't be served by sanitary sewer. (See attached)

Sep 1999 The preliminary plat of Vintage Heights 2nd Addition and Special Permit #1762 for Vintage Heights were approved (see attached). The area of Vintage Heights was extended to South 98th Street, including the area that could not be served by gravity sewer. The plat showed large acreage lots and a church site in the area that could not be served, but with the western edge of those lots able to be served by gravity sewer. Individual homes and a church could be located on the western edge of the lots, with the remainder dedicated to large yards, or in the case of the church, play fields and parking areas.

Feb 2003 Special permit #1762A to include an additional seven acres of land expanding the development to the south, along with revisions to the internal lot layout. There was no change in the lot layout where sewer was limited.

Oct 2004 Special permit #1762B was approved. The owner again requested a lift station but was denied by the City Council. The site plan for the CUP was revised to show a proposed urban density lot layout for those lots beyond gravity sewer flow. While the acreage lots could have developed

immediately using septic systems, the developer abandoned them and instead chose to show urban density lots with the understanding they could not be developed until gravity sewer was available. (See attached)

Mar 2005 Special Permit #1762C was withdrawn by the applicant.

Feb 2009 Special Permit #1762D was approved adjusting the setback for all lots adjacent to 98th Street in the event additional right-of-way is acquired.

ANALYSIS:

1. This is a request to amend the Vintage Heights CUP to delete Note #24 from the site plan, and to revise the layout for those lots within the area that can't be served by gravity sewer.
2. Note #24 states that "All lots that cannot be served by gravity sanitary sewer shall not be final platted until such time that gravity sewer is available or the City adopts a policy that allows a pump station.
3. A summary of the history:

1997 - The original Vintage Heights CUP was approved. All the property within the CUP could be served by gravity sewer.

1998 - Vintage Heights 1st Addition preliminary plat was approved. The area that could not be served by sanitary sewer was clearly delineated, and passive uses like open space, a park, or school site were shown, and was not annexed nor re-zoned.

1999 - Vintage Heights 2nd Addition was approved, and the request for a lift station to serve those areas beyond gravity sewer flow was denied. Instead, large acreage lots and a church site were shown.

2004 - A request for a lift station was again denied by the City Council. However, the layout for those lots affected by lack of sewer was revised to an urban density layout. The owner changed the acreage development plan (which could have been done immediately) for the urban density layout, but with the understanding that the smaller lots could not be developed until sanitary sewer was available.
4. In 2004, the City of Lincoln adopted the Policy on Temporary Pump Stations and Force Mains (see attached). While there had been guidance in this regard in the Comprehensive Plan, the adoption of a policy statement was deemed important due to the number of requests for lift stations, including this one, that the City had been receiving.

In summary, some of the key points of the policy regarding pump stations includes the following:

- A. Allowed on a temporary basis, which is less than six years in duration.
- B. In Priority A areas only. That is, areas where city services are anticipate in the near future.
- C. A substantial public benefit needs to be demonstrated.
- D. How the development allowed by the pump station will impact other services.
- E. The sewer system has the capacity to accept the discharge form the pump station.
- F. The pump stations should not require the use of storage tanks.
- G. The pump and force main should be sized to serve all the land within the sub-basin that drains to the pump, at least 500-1,000 acres.
- H. The length of the force should be as short as possible due to maintenance costs.
- G. The developer should own the pump station and land, but the City should operate it along with the force mains.

5. The city's growth has long been predicated upon orderly, predictable growth at the edge where all public facilities were available. Once infrastructure is built to standard, the City accepts it for maintenance and the burden of upkeep and is shared by all.

The main disadvantages of lift stations is that they are more costly and less reliable to operate when compared to gravity sewer systems. For efficiency alone, gravity systems are superior.

6. There are currently only five private lift stations in operation within the City today. They are:
 - a. Lincoln Benefit Life (now Allstate). The lift station was approved to support a major employer.
 - b. Southwest Village. The lift station was adopted in accordance with the Pump Station Policy.
 - c. Waterford Estates. A lift station was allowed in accordance with the Pump Station Policy, but has since been decommissioned. The development has been connected to the City system.
 - d. Super Target at South 40th Street and Yankee Hill Road - A lift station was allowed because it served one user, and on a temporary basis. It is scheduled for decommissioning in the next 12 months.
 - e. South 8th and Calvert Streets - A lift station was approved on a temporary basis as the developer failed to connect to a trunk line. It is also scheduled for decommissioning in the next 12 months.
7. In his letter the applicant notes that the subject property is in Tier 1, Priority A, and has already been annexed and re-zoned. This does distinguish this property from most all others at the edge of the City also requesting to develop and use pump stations.

8. The site plan proposes a revised street and lot layout. There were no prior meetings with staff to discuss the layout shown, so there are a number of recommended revisions/changes which are listed below:
 - A. Due to block length, show a pedestrian easement in a 15 foot wide outlet between Lots 14 and 15, Block 28. Revise the grading plan to show that the easement meets ADA standards.
 - B. Show a pedestrian easement leading from the cul-de-sac (south of Beaumont Drive) to 98th Street. Revise the grading plan to reflect the sidewalk and show that the easement meets ADA standards.
 - C. Add a pedestrian easement, in a minimum 15 foot wide outlet, from S. 97th Street Circle to Nappa Ridge Drive to provide for pedestrian access to Kloefkorn Elementary School and as required by block length.
 - D. The cul-de-sac in Block 28 needs a street name.
 - E. Label the natural gas pipeline in Outlot B.
 - F. Identify the Pipeline Planning Area as determined by the Health Department.
 - G. Identify Outlot B, Vintage Heights 26th Addition on the CUP.
 - H. Identify those lots on the CUP which are to be served by the pump station.
9. The applicant notes that a waiver to block length is requested for Block 10. This request is not necessary, as the basic street layout was approved by prior amendment. Also, the east portion of the block abuts South 98th Street, an arterial street. The Access Management Policy limits intersections to 1/4 mile intervals, and another connection to South 98th Street is not warranted in this area.
10. If approved, an agreement needs to be entered into between the owner and the City. The terms of the ownership, maintenance, operation, and cost responsibilities of the pump station need to be stated so they are clear to all involved. The details of that have not yet been defined, but this should be done prior to this request being considered by the City Council.
11. Moving forward, the City should not annex and re-zone areas that cannot be served by gravity sewer in the first place. The fact the property is annexed and properly zoned, however, is unique. If a pump station is allowed to serve the lots in question, it should be made clear that it was allowed due to these special circumstances. Given this, it is clear that a precedent is not established by this action for use by others under different circumstances also seeking to employ pump stations.

CONDITIONS OF APPROVAL:

Standard:

Permits a total of 990 dwelling units within the CUP, 84 of which are to be served by a sanitary sewer pump station.

Site Specific:

1. Before receiving building permits:
 - 1.1 The applicant will submit a revised site plan including 5 copies showing the following revisions:
 - 1.1.1 Due to block length, show a pedestrian easement in a 15 foot wide outlot between Lots 14 and 15, Block 28. Revise the grading plan to show that the easement meets ADA standards.
 - 1.1.2 Show a pedestrian easement leading from the cul-de-sac (south of Beaumont Drive) to 98th Street. Revise the grading plan to reflect the sidewalk and show that the easement meets ADA standards.
 - 1.1.3 Add a pedestrian easement, in a minimum 15 foot wide outlot, from S. 97th Street Circle to Nappa Ridge Drive to provide for pedestrian access to Kloefkorn Elementary School and as required by block length.
 - 1.1.4 Provide a street name for the cul-de-sac in Block 28.
 - 1.1.5 Label the natural gas pipeline in Outlot B.
 - 1.1.6 Identify the Pipeline Planning Area as determined by the Health Department.
 - 1.1.7 Identify Outlot B, Vintage Heights 26th Addition on the CUP.
 - 1.1.8 Identify those lots on the CUP which are to be served by the pump station.
 - 1.2 Revise the grading and drainage plan to the satisfaction of Public Works and Utilities.
 - 1.3 Prior to scheduling with the City Council:
 - 1.3.1 The applicant enters into an agreement with the City regarding the terms of the ownership, maintenance, operation, and cost responsibilities of the pump station.

General:

2. Prior to final plats:
 - 2.1.1 Provide documentation from the Register of Deeds that the letter of acceptance as required by the approval of the special permit has been recorded.

Standard:

3. The following conditions are applicable to all requests:
 - 3.1 Before occupying the new dwellings all development and construction is to be in substantial compliance with the approved plans.
 - 3.2 All privately-owned improvements are to be maintained by the owner or an appropriately established owners association approved by the City.
 - 3.3 The site plan accompanying this permit shall be the basis for all interpretations of setbacks, yards, locations of buildings, location of parking and circulation elements, and similar matters.
 - 3.4 This resolution's terms, conditions, and requirements bind and obligate the permittee, its successors and assigns.
 - 3.5 The applicant shall sign and return the letter of acceptance to the City Clerk. This step should be completed within 60 days following the approval of the special permit. The City Clerk shall file a copy of the resolution approving the special permit and the letter of acceptance with the Register of Deeds, filling fees therefor to be paid in advance by the applicant. Building permits will not be issued unless the letter of acceptance has been filed.
4. The site plan as approved with this resolution voids and supersedes all previously approved site plans, however all resolutions approving previous permits remain in force unless specifically amended by this resolution.

Prepared by

Brian Will, 441-6362, bwill@lincoln.ne.gov
Planner
November 5, 2015

APPLICANT: Tom Smith
4089 South 84th Street
Omaha, NE 68127
402-437-1026

OWNER: Pine Lake Development
4089 South 84th Street
Omaha, NE 68127
402-437-1026

CONTACT: Mark Hunzeker
1248 O Street
Lincoln, NE 68508
402-475-1075

SPECIAL PERMIT NO. 1762E

SPECIAL PERMIT NO. 1762E

VINTAGE HEIGHTS CUP TO INCREASE DWELLING UNITS TO 990

TO ALLOW 84 UNITS TO BE SERVED BY SANITARY SEWER

ON PROPERTY GENERALLY LOCATED AT

SOUTH 98TH STREET AND OLD CHENEY ROAD.

PUBLIC HEARING BEFORE PLANNING COMMISSION:

January 20, 2016

Staff recommendation: Conditional Approval.

Members present: Beecham, Cornelius, Corr, Harris, Lust, Hove, Scheer and Sunderman present; Weber absent..

Hove disclosed Brad Korrell is on the Board of Directors at the bank for which he works, and had stated this item was coming through.

Staff Presentation: Brian Will of the Planning Department came forward to state that Vintage Heights is a large development bounded by 84th on the west, Old Cheney on the north, Pine Lake Road on south, and 98th Street on the east. The application today is to amend the overall Special Permit to delete Note 24 regarding the requirement for availability of gravity fed sanitary sewer and to modify the lot layout of the northeast two-thirds of the CUP.

There is a line just west of the area in question, beyond which everything is developed and flows west. The area under discussion today cannot be served by typical gravity fed sanitary sewer because of the grade which causes everything to flow east. This request is to allow that area to be served by a pump station and force main. It would be located midway within the area.

Vintage Heights has been around for a long time with many incremental changes. It started out a much smaller development along Old Cheney Road in 1997. A year later that was expanded to the south. The area to the east was identified at that time as an area that could not be served by the gravity fed system, so it was not included at that time, and the necessity for today's request is no surprise. In 1999, additional area was approved farther east. It showed in concept large acreage lots and a church lot. The thinking was there could still be some development there, potentially locating homes on the western edge, or as acreages with septic systems. That plan was not developed. In 2004, a more substantial modification was made to the plan to leave out the acreage and church lots and to create an urban density residential lot layout. The Planning Department is recommending approval. This was originally on the November 18, 2015, Planning Commission agenda. It was delayed primarily to create the agreement between the developer and the City regarding the cost for construction and maintenance of the lift station and associated facilities. That agreement has been completed, with the exception of a few details that will be resolved before this application appears before City Council.

The rationale for allowing a lift station now, even though it is not consistent with City policy, is that this area is already annexed and rezoned into the City, which is a unique situation. We are not concerned about setting a precedent because the facts of this case are so unique. Other conditions of approval relate to revisions to site plan. We have not met with the developer regarding those changes, but in our view, they are not that significant.

Lust asked whether the distinguishing factor for this application is that the area in question has already been annexed and rezoned. Will said that is the primary distinguishing factor. Lust went on to say we would not have recommended annexation and rezoning for other property in a similar situation. Will suggested that today, we would not do that. Lust said, so aren't we really just compounding the error of allowing the annexation and rezoning of an area that could not be served by gravitation sewer? Will said the Planning Director would like to address that larger issue.

David Cary, Director of Planning, came forward to explain that this is a very good question. The uniqueness of this proposal is the annexation and rezoning and that is in the future service area of the City within the Long Range Plan. The lesson learned is about how we make decisions about whether or not we do or do not annex certain properties. For our purposes, we are very aware now that moving forward, we would avoid this situation to the best of our ability. That does create a unique feature of this situation. Another factor here is that this property has sat vacant for years, while the rest of it has been built out. The streets have been improved, which is a contributing factor. Additionally, we made sure as part of the agreement that the developer is paying for the improvement and maintenance of the pump station over many years into the future. We looked at the whole situation to come to a conclusion.

Lust said but even though it was annexed and rezoned, it is not a surprise to the owner and developer that typically development would not have been allowed because of the City's policy. They have known about that. Cary said that is correct. Lust wondered if then, this creates an expectation within the neighborhood that this particular lot would not be developed because of existing policy. Cary said the expectation of it remaining undeveloped should not be there. From the very beginning, there were discussions about it being developed in some manner and not to be open space. If gravity-flow sewer, and it will eventually reach this spot, so that gets into the part of the agreement where the pump sewer would be decommissioned, but when it gets to this area coming around from the north, this will develop the way it is being proposed now. One way or another, this area will be developed.

Lust asked how this area got into Tier I area. It is her understanding that there was nothing included in Tier I that could not be served by gravity sewer. Cary said that is correct. Planning Department is responsible for not being clear on that in the past when the annexation was taking place. Granted, many of the same staff were not here, but that is another valuable lesson to be aware of the future service limit in relation to what we annex when those proposals come forward.

Harris asked whether Cary knew whether Planning recommended approval of the lift stations in previous cases when they were denied by the City Council. Cary asked if she meant in other locations. Harris said no, in say 1999 the request for a station was denied and in 2004. Do you know the recommendation by planning for those?

Cary said he is sure that the recommendation at that time was that we should not be approving those lift stations. Harris said, so in your opinion, enough has changed. Cary said the rest of the development has built out and this area has been vacant. Another factor is the roads that have been approved. That is an urban service that is often lacking in an area like this, but that is not the case here.

Corr said she knows the developer is paying for the stations. She asked if that is being guaranteed with a bond. Cary said the applicant and Public Works staff are both here to speak to that, but it has been worked out.

Proponents:

1. Mark Hunzeker, 1248 O Street, came forward representing the applicant. The original plan was approved in 1997 and much has happened since then. The entire area is developed, the arterial streets are built, and there is a school site that virtually abuts this location. Water lines are in and available. This would represent a very efficient use of infrastructure that was paid for by taxpayers and this developer. The area has been designated as a Tier I development area in the Comprehensive Plan. It is annexed and zoned R-3. We are not aware of any other property area that meets such criteria.

In addition to these unique factors, an agreement has been reached with the City that the developer will pay for construction, installation, maintenance and replacement costs for the pump station for the next thirty years. This is an opportunity to bring in approximately \$25 million in property valuation at virtually no cost. There will also be no cost to the surrounding property owners. The area will be made part of the Vintage Heights Homeowner's Association with substantially similar neighborhood covenants. Another benefit is the access that will be created out to 98th Street. If you look at the street network as it exists today, this will provide for better circulation.

When this was approved, there was no lift station policy, except to say that the City has a preference to use the gravity system. The fact is, the City now has 13 lift stations and they are used and operated every day. This is not an unprecedented use of equipment or an engineering feat that has not been accomplished. It is an exception to a policy, or more accurately, a general preference for the gravity sewers. Lincoln was built in a bowl so it has had the luxury to use the gravity-flow system. Everything has developed uphill, and now we are at the top of the hill and are looking at some long and expensive trunk lines to bring in additional land. This is one area where there are some additional lots, and it is an easy exception, given the circumstances.

Beecham asked if the cost of decommissioning is included in the agreement. Hunzeker said yes, along with construction, maintenance and hookup.

2. Richard Rice, Crosby Guenzel Law Firm, came forward representing the Vintage Heights Homeowner's Association who are not necessarily here in favor or opposition to this application. He acknowledged the presence of several members of the HOA, including the President, Dan Wheeler. We will not oppose this and will support it if the things stated by Mr. Hunzeker are true and that there is no cost that will fall upon the

existing Vintage Heights residents in connection with this project. There has been reference to an agreement but we have yet to see that. It is also understood that this will be single-family housing and the lot density and design standards will be consistent with the existing area. We also now understand that the new residents would become members of the current HOA. As long as those issues are resolved as we have been told here today, there is no opposition, but we reserve official judgement until the agreement is finalized.

Opponents:

There was no testimony in opposition.

Staff Questions:

Harris asked if all of the financial terms that were stated in today's meeting will be fleshed out and ready before City Council so that the homeowners will have a chance to review the agreement and to appear during the Public Hearing. Will said that is correct. It will be done and available prior to City Council and will part of the public record.

Beecham wanted to make sure there was no liability that would be placed on the homeowners. Will said the agreement is between the developer and the City and is an up front, lump some payment to cover the costs. There would be no involvement on the part of the existing association.

Beecham asked if all of the lots are single family. Will said that is what the revised site plan shows.

Corr asked if there is just one additional access point to 98th Street. Will said that is correct and that according to the Access Management Policy, it would be limited to every quarter mile. Corr asked for details on where the access will be located. Will said he is unsure, but it is approximately halfway between Old Cheney and Napa Ridge Drive, around a quarter mile.

Corr stated she has questions about the agreement. **Donna Garden of the Public Works and Utilities Department** came forward. Corr wondered what would happen if the developer went bankrupt. Garden said the agreement asks for all of the funds up front, prior to anything else going in, so the money will be in the bank to cover the costs of construction and maintenance well into the future. Corr wondered if there is any way to know how long the station will be there. Garden said at least 30 years or longer. Corr asked whose responsibility it would become if it is needed for 50y years. Garden said that beyond the projected amount of time and funding, it would become the responsibility of the City.

Applicant Rebuttal:

Hunzeker came forward to reiterate that there will be no responsibility placed on the current homeowners. All of the money will be provided up front. He addressed the location of the access point which will be built at the half section line and that

connection will be at Forest Glen Drive. It will provide easy access in and out, particularly around the school site. The agreement will likely be finished by the end of the week and is a requirement of the conditions of approval today. It must be entered prior to scheduling on a City Council agenda, so it will be delivered, signed and available prior to that.

Hove asked if that information will be shared. Hunzeker said that it will be part of the public record and will be available right away. Hove asked for confirmation that the units will be single family, as shown, and that they will become due-paying members of the same HOA. Hunzeker confirmed all of that is true. This developer did the original covenants and provided the right to add additional property to it in the future, so it makes good sense.

SPECIAL PERMIT NO. 1762E

ACTION BY PLANNING COMMISSION:

January 20, 2016

Beecham moved approval, seconded by Harris.

Lust said she has never felt more reluctant to support an application due to the City's long standing policy on gravity sewers that has driven the Comprehensive Plan and what areas development are classified as Tier I. If there had been any neighborhood opposition at all, she would vote against this, but as is, she feels compelled to not be the only one opposed. She only supports this because it is already annexed and zoned and this will likely be the only time this will come up.

Scheer said he agrees with Lust's comments.

Beecham said she will support this even though it feels strange to recommend it without seeing the agreement. Considering this is going out so far, 30 years, it seems like we are doing a lot of estimation in terms of cost, but she will trust that City staff has done their due diligence.

Corr said a key for her is that the Staff Report clearly states that approval of this will not set a precedent for other developers. She will support it for that reason.

Hove said he will also support this and appreciates the neighborhood's involvement.

Motion carried 8-0: Beecham, Cornelius, Corr, Harris, Lust, Scheer, Sunderman, and Hove voting 'yes'; Weber absent.

VINTAGE HEIGHTS 4TH ADDITION

AMENDMENT TO COMMUNITY UNIT PLAN
SPECIAL PERMIT #1702A

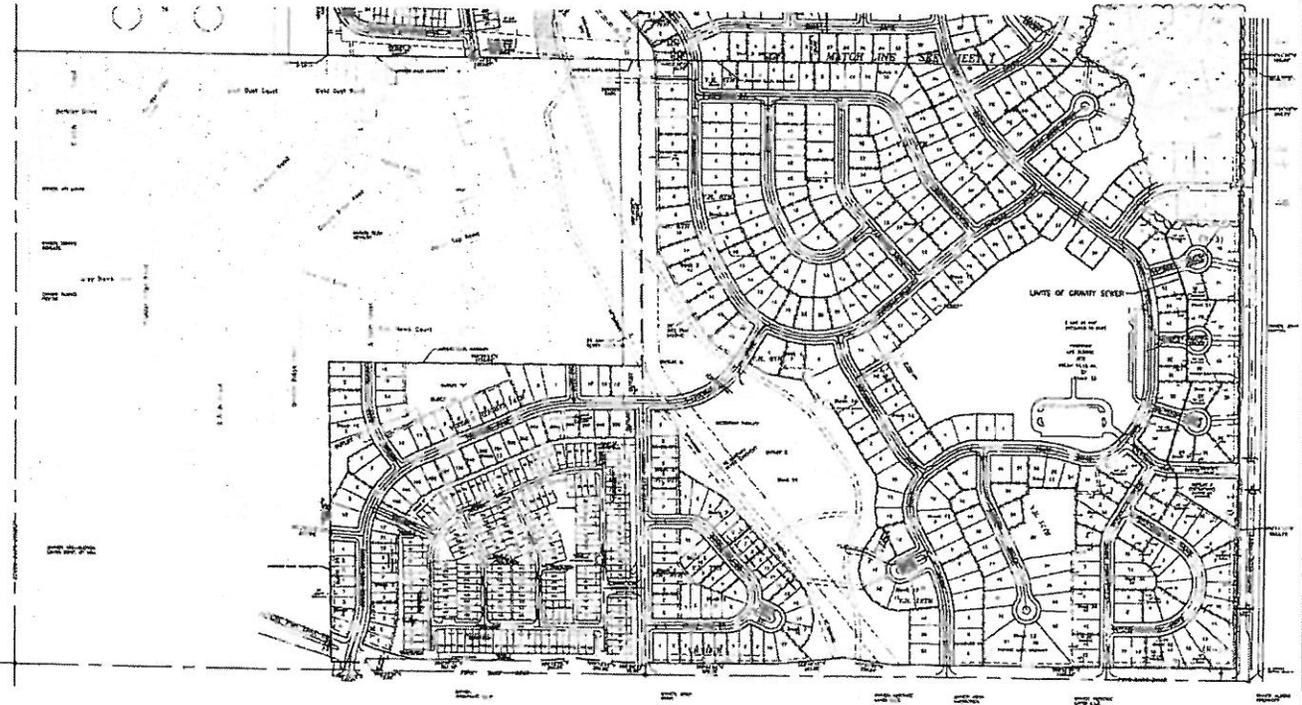
OLSSON ASSOCIATES

LEGEND

	PROPOSED PAVING CENTERLINE
	EXISTING PAVING CENTERLINE
	THE UNITS FOR DECK/POORHOUSE FANS
	PAVED CLEAR BOUNDARY
	SECTION LINE
	EXISTING STRUCTURE
	EXISTING STRUCTURE TO BE REMOVED
	PROPOSED UTILITY EASEMENT
	EXISTING UTILITY EASEMENT
	ADDITIONAL PROPERTY ACCESS TO C.U.P.
	RAIN DIVERSION
	EXISTING WATER MAIN WITH C & HYDRANT
	PROPOSED WATER MAIN
	EXISTING SANITARY SEWER
	PROPOSED SANITARY SEWER
	EXISTING GAS MAIN
	PROPOSED GAS MAIN
	PROPOSED FIRE HYDRANT
	PROPOSED WATER VALVE
	EXISTING STORM SEWER
	LIMITS OF DRAINAGE SEWER
	UTILITY EASEMENT
	MINIMUM PLUMBING CONFORMANCE EASEMENT
	PROPOSED PAVEMENT

BENCHMARKS

1. BRASS CAP IN EAST END OF CONCRETE HEADWALL, SOUTHWEST CORNER OF 64TH & PINE LAKE RD. ELEV. 1184.79
2. TOP CAP IN SECTION CORNER NORMAL, NORTH 1/4 CORNER, SECTION 14, TOWNSHIP 8 NORTH, RANGE 7 EAST ELEV. 1180.00
3. TOP OF CHISEL "I" IN SOUTH END OF CONCRETE HEADWALL, NORTHWEST CORNER OF WY. 85TH AND PINE LAKE RD. ELEV. 1113.92



VINTAGE HEIGHTS 4TH ADDITION - COVER SHEET

AMENDMENT TO SPECIAL PERMIT C.U.P. NO. 176-A

LINCOLN, NEBRASKA

SHEET 2 of 14

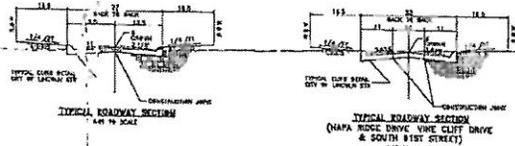
LEGEND

- W- DRAINAGE WATER MAIN
- P- PROPOSED WATER MAIN
- S- EXISTING SANITARY SEWER
- PS- PROPOSED SANITARY SEWER
- SS- SANITARY SEWER MANHOLE
- E- FIRE HYDRANT
- WV- WATER VALVE
- S- EXISTING STORM SEWER
- PS- PROPOSED STORM SEWER

SCALE 1"=100'

CURVE DATA

STATION	PC	PT	PI	PT	PC	STATION	PC	PT	PI	PT	PC	STATION	PC	PT	PI	PT	PC	STATION	PC	PT	PI	PT	PC
1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00	1+00.00



PARALLEL PRIOR TO FINAL PLATING OF BLOCKS 1085 & 1086 TO BE CREATED IN ACCORDANCE WITH THE CITY OF LINCOLN SUBDIVISION AND ZONING REGULATIONS

VINTAGE HEIGHTS 2nd ADDITIO

PRELIMINARY PLAT & CUP SITE PLAN

DEVELOPER
TRANSPORT DEVELOPMENT SERVICES
2000 ROBERT HATHORN
4815 VILLAGE DRIVE, SUITE 101
LINCOLN, NE 68516
PHONE (402) 434-5600

OWNERS
LINCOLN PUBLIC SCHOOLS
2000 ROBERT HATHORN
4815 VILLAGE DRIVE, SUITE 101
LINCOLN, NE 68516
PHONE (402) 434-1010

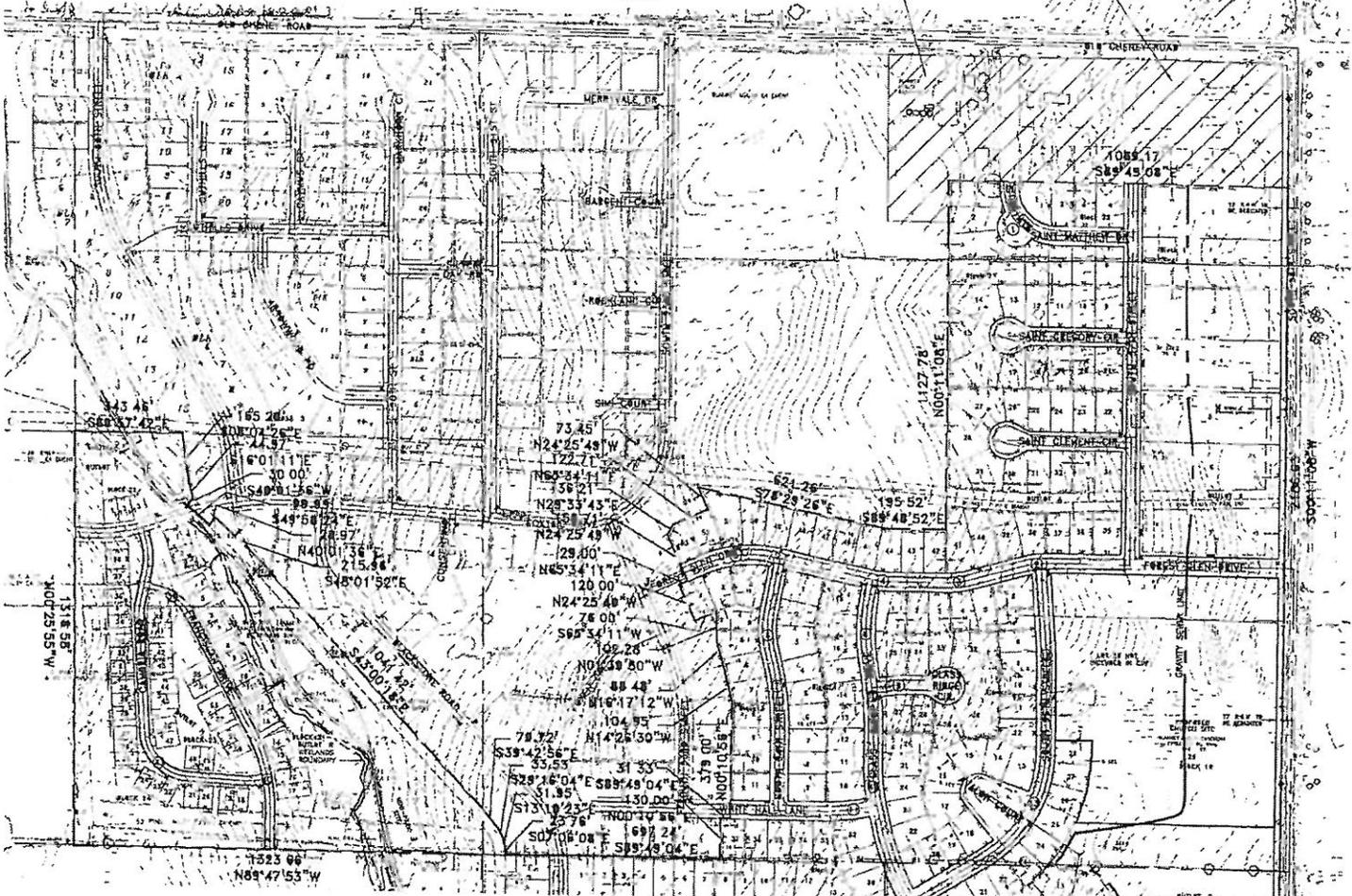
1999

APPROVAL
THE FOREGOING PRELIMINARY PLAN WAS APPROVED BY THE LINCOLN CITY LAND-USE COUNTY PLANNING COMMISSION ON THIS _____ DAY OF _____

APPROVAL
THE FOREGOING PRELIMINARY PLAN WAS APPROVED BY THE CITY OF LINCOLN ON THIS _____ DAY OF _____

LEGAL DESCRIPTION

A LEGAL DESCRIPTION FOR A TRACT OF LAND COMPOSED OF LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.



REGISTERED IN 1999
FINAL
SURVEYOR'S CERTIFICATE
I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT REPRESENTATION OF THE PLAT AS SUBMITTED TO ME BY THE DEVELOPER AND OWNERS.

MATCH SHEET 2

GENERAL SITE NOTES

- 1. SLOPE SHALL BE MAINTAINED AS MUCH AS POSSIBLE...
2. EXISTING UTILITIES SHALL BE MAINTAINED...
3. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE COST OF...
4. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE COST OF...
5. THE DEVELOPER SHALL BE RESPONSIBLE FOR THE COST OF...

LEGAL DESCRIPTION

AMENDED SUBDIVISION & SPECIAL PERMIT
A PORTION OF LAND CONTAINED IN SECTION 14, TOWNSHIP 14N, RANGE 12E, COUNTY OF LENOIR, NORTH CAROLINA...
LEGAL DESCRIPTION OF THE PROPERTY...

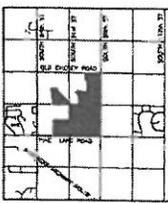
REQUESTED WAIVERS (GENERAL SITE)

- 1. MINIMUM FRONT YARD SETBACK...
2. MINIMUM SIDE YARD SETBACK...
3. MINIMUM REAR YARD SETBACK...

VINTAGE HEIGHTS 4TH ADDITION

AMENDMENT TO COMMUNITY UNIT PLAN
SPECIAL PERMIT #1762A

2004



LEGEND

- PROPOSED PAVING CENTERLINE
EXISTING PAVING CENTERLINE
EXISTING UTILITY EASEMENT
EXISTING UTILITY EASEMENT
EXISTING WATER MAIN VALVE & HYDRANT
PROPOSED WATER MAIN
EXISTING SANITARY SEWER
PROPOSED SANITARY SEWER
EXISTING GAS MAIN
PROPOSED PIPE HIGHLIGHT
PROPOSED WATER MAIN
EXISTING STORM SEWER
LIMITS OF DRAINITY SEWER
WELFARE BOUNDARY
MINIMUM FLOOD ELEVATION EASEMENT

SHEET INDEX

- 1. COVER SHEET-NORTH
2. COVER SHEET-SOUTH
3. SITE PLAN
4. GRADING PLAN
5. DRAINAGE PLAN
6. UTILITY PLAN
7. STREET PROFILES
8. STREET PROFILES
9. STREET PROFILES

ENGINEER

DIONISIO DESIGN CONSULTANTS
200 FLEMING AVENUE, SUITE 102
LENOIR, NC 28540
(405) 438-0014

OWNERS

THE LANE DEVELOPMENT, L.L.C.
MICHAEL G. WILKINSON
3000 LINDEN DRIVE
LENOIR, NC 28541
(405) 438-0040

DEVELOPER

THE LANE DEVELOPMENT, L.L.C.
MICHAEL G. WILKINSON
3000 LINDEN DRIVE
LENOIR, NC 28541
(405) 438-0040

BENCHMARKS

- 1. BRASS NAIL IN EAST END OF CONCRETE HEADWALL...
2. TOP CORNER IN EAST END OF CONCRETE HEADWALL...
3. TOP OF CURBWAY IN SOUTH END OF CONCRETE HEADWALL...

SURVEYOR'S CERTIFICATE

I, THE SURVEYOR, HAVE BEEN DULY SWORN AND HAVE PERSONALLY EXAMINED THE PLACES AND POINTS AND THE INSTRUMENTS USED IN THE SURVEY...

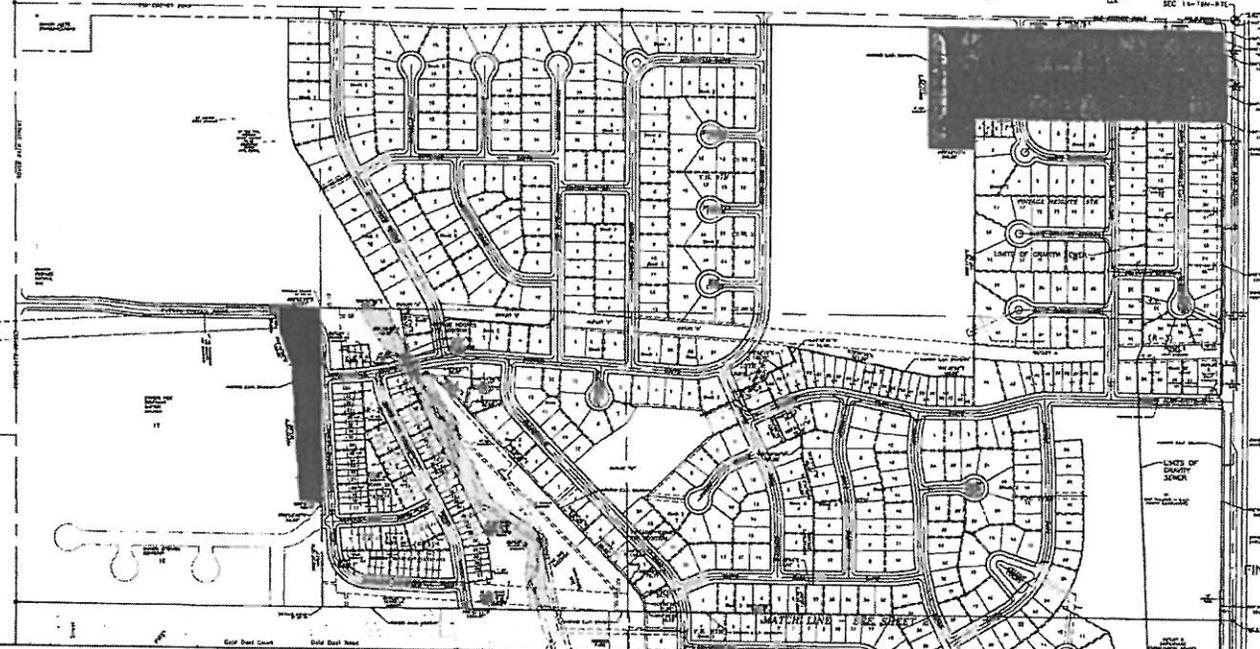
CITY COUNCIL APPROVAL

THE CITY COUNCIL HAS APPROVED THIS PERMIT ON THIS DATE BY RESOLUTION NO. 2004-001.

DENSITY CALCULATIONS

Table with columns: TOTAL AREA OF C.U.P. (A-C), DENSITY, TOTAL AREA OF C.U.P. (A-C), DENSITY, TOTAL AREA OF C.U.P. (A-C), DENSITY.

- 14. THE DEVELOPER AGREES TO MAINTAIN AND REPAIR THE LAND DRAINAGE...
15. THE DEVELOPER AGREES TO MAINTAIN AND REPAIR THE LAND DRAINAGE...
16. THE DEVELOPER AGREES TO MAINTAIN AND REPAIR THE LAND DRAINAGE...



Project No. 1762A
Date: 7/14/04
Drawn by: MGC
Checked by: MGC

Vintage Heights 4th Addition - Cover Sheet
Lenoir, NC
Amendment to Special Permit (C.U.P.) No. 1762A

FINAL APPROVED COPY

SHEET 1 OF 14

Policy on Temporary Pump Stations & Force Mains
Approved by the Lincoln City Council on December 6, 2004
Resolution A-83112

For decades the community has been well served by its policy to use a gravity based sanitary sewer system. This policy has led to more efficient and cost effective utility service for the citizens and rate payers. Alternatives, such as relying on pump stations, are more expensive to maintain and operate in the long run.

More importantly, the gravity system is a fundamental tool of the City's infrastructure and community planning that has allowed Lincoln to grow in a more contiguous and predictable manner in order to meet the community's goals.

The 2025 Lincoln/ Lancaster County Comprehensive Plan states:

"The City's collection system, in general, will continue to be a gravity fed system that is designed to accommodate urbanization of drainage basins and sub-basins. This system encourages orderly growth within the natural drainage basin boundaries. This policy encourages urban growth from the lower portion of the drainage basin and prohibits pumping of wastewater across basin boundaries. Explore alternative methods, such as lift stations, where practical."

The adopted City of Lincoln sanitary sewer design standards state:

"The various elements of the sanitary sewer system in the City of Lincoln are designed to handle only that wastewater contribution which originates within the natural surface watershed where in the sanitary sewer system is located. The transfer of wastewater from one watershed to another by any means, such as lift station or construction of a sanitary sewer which cuts through the ridge separating the watersheds, shall not be permitted."

In light of developer requests to waive this standard and permit temporary pump stations and force mains, such requests will be considered based on the criteria on the following pages.

1. **Temporary Basis:** Pump stations are more expensive to maintain and operate than gravity systems and will only be allowed on a temporary basis. Gravity flow sanitary sewer lines are still the best and most cost efficient long term method to provide service. Temporary shall mean a period up to six years, at which point the new gravity line is built allowing the facility to be discontinued. As soon as the gravity line is available, the pump station shall be discontinued and removed.
2. **Priority A Areas Only:** Pump stations and force mains shall only be allowed in Tier I - Priority A areas; provided that the gravity trunk line to the service area is in the 6 Year Capital Improvement Program (CIP) with funding clearly identified.
3. **Limited Use:** The City of Lincoln's gravity sewer system policy has served the community well for decades. It is the most efficient and cost effective system for the citizens and rate payers of Lincoln. Pump stations and force mains shall only be used in unusual circumstances for a substantial public benefit. It is anticipated that temporary pump stations may only be used one or two times in the entire Lincoln area. In the vast majority of situations, gravity sewer should be used, even if the trunk line construction is several years away. Pump stations and force mains are to be temporary due to a delay in the construction of the gravity line.
4. **Impact on Other Services:** Use of a pump station to advance development may also impact the provision of other public services. Thus, the developer must address the following information (based on principles for serving Priority B areas before Priority A areas, page F 30 of the Comprehensive Plan):
 - a. "Demonstrate how the necessary infrastructure improvements to serve the sub-basin would be provided and financed. The City shall contact other public agencies to obtain their report on the infrastructure necessary to serve the sub-basin including utilities, roads, fire service, public safety, parks, trails, schools and library needs.
 - b. The impact that development in the sub-basin will have on capital and operating budgets, level of service, service delivery and Capital Improvement Programs is addressed.
 - c. There is demonstrated substantial public benefit and circumstances that warrant approval of the proposal in advance of the anticipated schedule."
5. **Crossing Creeks:** Permanent lift stations to transfer sewage from one side of a creek to the other, as part of gravity system have always been permitted. There are circumstances where a lift station to cross a creek is the best solution instead of siphons. This has been a policy and practice of the city for decades.
6. **Receiving Sewer Line Capacity:** The receiving trunk and/or smaller line must have capacity based on current and projected flows to receive the extra flow during the temporary basis. The projected capacity should assume a full buildout of any land that is already planned to be served in the Comprehensive Plan, then projected capacity should be based on a reasonable buildout of any undeveloped land.

7. **Basins with Sewer Line Capacity:** The following sanitary sewer trunk lines have capacity as of this date (assuming projected Tier I development)

Lines With Capacity

- West O
- Little Salt

Lines Without Capacity

- Havelock
- Dead Man's Run
- East Campus
- Antelope Creek
- Beal Slough
- Salt Creek (south)
- Middle Creek
- Oak Creek
- Lynn Creek

"Lines Without Capacity" is based on current and projected flows and could not be pumped into unless there is capacity based on a reasonable buildout of the area to be served. In some situations, once major improvements to a few of these lines are made, then there may be some capacity.

The new Stevens Creek trunk line, when constructed, would have capacity. The new Salt Valley relief trunk line is designed for a specific service area and will be considered at capacity.

8. **Use of Storage Tanks:** The use of storage tanks is prohibited. Developments have proposed building storage tanks in order to pump the waste out at night in areas where the existing pipes are at capacity. There are compelling technical and operational problems with storing effluent for period beyond a few hours. For example, there are odor problems and the waste when held for a long period can cause corrosion problems in pipe lines. A pump station is typically designed to pump all the waste out every 2 to 3 hours, which is the longest period the waste should be held.
9. **Service Area of Pump Station:** The pump station and force main should be sized to serve Tier I, Priority A land that is in the same sub-basin which naturally drains to the pump station. Pump stations to benefit and serve a single property are discouraged. Small pump stations are inefficient to operate. Pump stations should be designed to serve at least 500 to 1,000 acres. The area to be served by the pump station must be contiguous to the city limits. This policy is not intended to permit "leap frog" or growth that is not contiguous to the city. Any land to be served must be inside the city limits prior to service.
10. **Length of Force Main:** Even if fully funded by a developer, building long force mains rather than a gravity sewer lines is inefficient use of the future homeowner's financial resources. The longer time it takes to transport the waste, the greater potential for problems with respect to corrosion and odor. The transit time must be based on estimated sulfide generating capacity (or offset by chemical addition). The developer must ensure reasonable velocity with at least 4 to 5 feet per second (fps) at least 1x/day. It will be important to make appropriate use of air relief valves, blowoffs, oxygen injection (if needed), in accordance with City design standards. To protect against peak flow impacts of major storm events, the pump station should be sunk in the ground and with an enlarged pipe coming in to the pump station to provide additional storage (Hydraulic Institute Standards 98). Standards will be needed for acceptable chemicals for use in pump station odor control.

11. **Notification of Other Affected Properties:** The City is responsible for contacting all other property owners that may reasonably be served by a pump station, early in the review process. This will allow other owners to have the same information and determine their interest in the potential pump station.
12. **Location of Pump Stations:** The developer is responsible for all costs involved in acquiring suitable land for the pump station and any costs for providing access drives to the facility. Pump stations shall not be in public right-of-way. The developer shall be solely responsible for all costs of any environmental analysis needed to locate the facility.
13. **Obtaining Right-of- Way and Easements:** The developer shall be solely responsible for all costs of obtaining right-of-way and easements without any reimbursement from the City or third parties. Force mains will be allowed to be located in arterial street right-of-way, if space is available. If the force main is to be abandoned after conversion to a gravity system, the developer must prove that there is adequate right-of-way for the unused force main and all other utilities typically found in the right-of-way.
14. **Construction:** The developer shall be solely responsible for all costs of constructing the pump station and force main. Construction plans shall be approved by the Director of Public Works and Utilities Department and be per city standards. Pump stations and force mains are considered temporary facilities and thus are not eligible for reimbursement under the Impact Fee Ordinance. Any construction will be solely at the cost of the developer without reimbursement from the City.
15. **Pump Station Design Specifications:** The developer will conform to the City design specifications for temporary pump stations and force mains as developed by the Director of the Public Works & Utilities Department. Even with the design standards, there may be additional review time required for the pump stations since they are uncommon in Lincoln. All costs for any additional review time, outside of the normal EO process, of the pump station and force main shall be paid for by the developer.
16. **Third Party Connections:** Provided there is downstream capacity, when another party other than the developer connects to the pump station that party shall reimburse the developer for their "fair share" of the cost of constructing and operating the pump station and force main (including design and soft costs.) The method and formula for contribution is to be determined.
17. **Ownership and Operation:** The developer will own the pump station, land and easements, and the City will operate the pump station and force mains once inspections have been completed and the facilities are found acceptable. Pump stations in general are costly to maintain and operate and take staff dedicated to handle some time late night calls on failures and problems. Pump stations should be avoided and the City accepts operation responsibilities only to avoid problems of an inexperienced or inaccessible private operator would inadequately respond to complaints or emergency situations.