

Section 4.13 GWC Groundwater Conservation District

4.13.01 Intent

The intent of this overlay district is to protect the environmentally sensitive lands and the limited supply of groundwater found within the approximate eastern 1/3 of Seward County. The overlay is not intended to eliminate specific uses from this portion of Seward County but to limit uses, especially those that are water intensive. Water intensive uses shall include but are not limited to residential development(s) and confined feeding operations.

4.13.02 Purpose

The purpose of this overlay district is to provide additional criteria in the eastern 1/3 of Seward County. This overlay district does not limit specific uses; these shall be controlled by the underlying districts. This overlay only works to prescribe certain conditions in regard to groundwater availability, drawdown, and usage. Applicants are required to demonstrate specific conditions prior to approval of any requested use including any uses that are considered as permitted and/or as conditional uses.

The requirements of this overlay district include a number of mechanical testing and monitoring techniques as well as common sense practical conservation methods. The combination of these two approaches is intended to create an area of Seward County where a mixture of desirable uses can be established and/or expanded, while maintaining and conserving a current depleting natural resource of the area, groundwater.

4.13.03 Specific Conditions Required

The following are specific requirements and guidelines for placing any water intensive use within this overlay district.

1. Subdivisions for purposes of this district shall mean anytime a rezoning is approved for the purpose of increasing the density in a "A-1" Agricultural Preservation District or the "TA-1" Transitional Agricultural District for purposes of platted or establishing five or more lots within the same or adjoining ¼ sections.
2. No new subdivisions shall be platted within this overlay unless developments of more than four lots per ¼ section are supplied by a regional system or rural water district and are required to construct a central distribution system to supply water to the individual lots of the development.
 - a. The central water system shall meet all county, state, and federal guidelines.
 - b. The developer shall demonstrate that the proposed central water system will not create an impact upon existing properties and wells surrounding the development.
 - c. The central water system shall be designed to provide fire protection flows to the development.
3. Subdivision developments will be required to maintain a minimum of 15% of the development in green space or crop ground, as defined in 4.13.03 (1) above.
 - a. Subdivisions shall meet all requirements in the Subdivision Regulations and the items within this Section.
 - b. A subdivision may clear 15% of all tree cover and/or natural ground cover such as prairie grasses for individual lots that are constructing a structure or structures. The necessary ground cover may be disturbed for constructing streets and infrastructure.
 - c. The developer shall provide the County with a site plan and construction plan for such developments.
 - d. All required green space will be required to be held in a conservation easement and made part of a homeowner's association agreement, the developer, or another authorized organization or agency.
4. All other uses including commercial and industrial developments shall be required to meet the requirements of this Section.
5. No construction on slopes of 15% or more shall be allowed in this overlay district.
6. Wetlands within this area shall not be disturbed or mitigated and shall be maintained and conserved as part of any construction project.
7. Only small CAFOS shall be allowed within the overlay district, but all confined pens and shelters shall be for purposes of short-term confinement including back grounding and calving. The open grazing of livestock within this overlay is highly encouraged.
8. No new wells shall be drilled within this overlay for purposes of filling existing or new ponds or swimming pools.
9. New residences shall be required to implement all forms of water conservation procedures including sinks, water closets, showers and other interior water uses.
10. Replacement wells for existing residences shall meet all regulations of the Nebraska Department of Natural Resources, subsequent agencies.
11. All ground source heat pump systems shall be a closed loop system.
12. All rural water districts shall be required to construct all wells outside of this overlay district.

4.13.04 Approval

Approval of an application within this overlay district shall only occur upon the applicant complying with and meeting the requirements of this Section. Failure to meet the requirements and conditions of this Section shall result in an application being denied.

4.13.05 Fines and Penalties

Violation of this section, once an application is approved, or no application was given by Seward County shall be considered a violation of this regulation and shall constitute a misdemeanor. Any person who violates this regulation or fails to comply with any of its requirements shall upon conviction thereof be fined not more than \$500.00 per offense, with each day resulting in a separate offense, and in addition, shall pay all costs and expenses involved in the case.