# Draft Sewer Ordinance Amendment

1. **Sewer Service Area**
	1. A Sewer Service Area (SSA) is that area designated by the City in which sewer capacity may be allocated. The South Burlington SSA is defined in “Appendix A. Sewer Service Area”. No sewer allocations shall be allocated outside the SSA as of the date of the adoption of this Amendment.
	2. South Burlington owns and operates two sewer treatment Plants: Airport Parkway and Bartlett Bay, hereinafter referred to as the Plants. The capacity of the Plants is the property of the City. Since uncontrolled assignment of capacity could reduce the projected life span of the Plants and could result in excessive demands on the Plants, responsible planning dictates that uncommitted reserve capacity of the Plants should be allocated over the projected life span of the Plants. In order to accomplish this and establish a balance between residential and nonresidential uses, the Department of Public Works shall allocate the uncommitted reserve capacity as specified below.

# Capacity Allocation Plan

The Department of Public Works shall establish Five-Year Capacity Allocation Plans (CAP) to manage reserve capacity and determine the remaining reserve capacity to be allocated within the CAP as follows: The total permitted sewer flow for the Plants will be assessed. From this amount, the average daily sewer flow, the committed reserve capacity, and a 20% set-aside of the total permitted sewer flow for the Plants will be subtracted. The resulting amount will be divided by the remaining number of years of the projected life of the Plants, and then multiplied by five. The CAPs are set forth in Appendix B.

# Distribution of Five-Year Capacity Allocation Plans

* 1. Priority Reserve Capacity Allocations: The City has identified the City Center District and the Transit Overlay District as priority growth areas. In each allocation plan period, the City council will request the Department of Public Works to reserve sufficient capacity for the priority growth areas as the City Council deems necessary. Priority reserve capacity will be allocated to specific projects on specific parcels of land within the priority growth areas. Any priority reserve capacity allocation which is undistributed during a CAP shall be returned to the City’s uncommitted reserve capacity.
	2. Residential Allocations: In each allocation period seventy per cent (70%) of the CAP shall be distributed to residential uses.
	3. Nonresidential Allocations: In each allocation period thirty per cent (30%) of the CAP shall be distributed to nonresidential uses.
	4. Other Allocations: The City Council may request the Department of Public Works to reserve capacity for specific types of development, including affordable housing and housing for special populations. Such a reserve capacity may be created only to implement specific goals of the Comprehensive Plan.

# Allocation Procedures

* 1. Timing of Applications: The Department of Public Works shall act promptly on all applications on a first come, first served basis.
1. Application Eligibility: No applications for individual project allocations shall be considered by the Department of Public Works unless the project has first received preliminary plat approval by the Development Review Board (DRB), and is located within the SSA on a lot in a preexisting or approved residential or commercial/industrial subdivision.
2. Preliminary Plat Approval: A project which has received subdivision preliminary plat approval by the DRB may be granted a one-year preliminary sewer allocation.
3. Application: Sewer allocation applications shall be completed and submitted to the Department of Public Works. The application shall be accompanied by an application fee established by the City.
	1. Priority of Applications: If an application is filed with the Department of Public Works within thirty (30) days after the granting of preliminary plat approval, its priority vis-à-vis other applications shall be determined by the date of said approval; otherwise, its priority shall be determined by the date of filing with the Department of Public Works.
	2. Phasing:
4. Exceeding the CAP: If the allocation required for a project exceeds the amount remaining in a CAP, the applicant may apply for the next or future CAPs.
5. Maximum Allocation: Except for City Center and the Transit Overlay Districts, no applicant or project may be granted more than twenty percent (20%) of the CAP for either residential or nonresidential uses. If sewer capacity remains in a CAP at the time that the twenty percent (20%) limit is imposed on an application, the applicant may apply for the remaining allocation needed from future CAPs under the same conditions as specified in Section (1).

# Expiration of Allocations

* 1. Subdivisions or PUDs: Sewer allocations shall expire at the same time and under the same stipulations as the plat permit application to which they are attached.
	2. Multiple Use or Lots: Where allocation was granted for multiple uses or lots, allocation shall expire for any such use or lots not connected to the sewers within three (3) years of the allocation date.
	3. Phased Allocations: For phased allocations, a connection for each approved unit must be made to the sewers within three (3) years of the date on which allocation becomes available to a use or a lot or that allocation shall expire.
	4. Extensions : The Department of Public Works shall grant sewer allocation extensions equal to the extensions of the plat application to which the sewer allocation is tied.
	5. Reversion of Allocation: Reserve capacity is allocated by the Department of Public Works to a specific project on a specific parcel of land. After completion of the project, or upon expiration of necessary permits issued under the City’s zoning or subdivision regulations, the unused allocation (adjusted to the actual development constructed, if necessary), shall be returned to the City’s uncommitted reserve capacity
	6. Undistributed Capacity in a CAP: Any residential or nonresidential allocation which is undistributed during a CAP shall be returned to City’s uncommitted reserve capacity.

# Capacity Waiting List

* 1. CAP Waiting List: Once a CAP has been fully distributed, any subsequent applications for allocation within that period shall be placed on a waiting list. Applications on the waiting list shall be acted on in the order as specified in Section 4 once a subsequent CAP begins.
	2. Removal from the List: Unless voluntarily withdrawn, an application will remain on the waiting list until notified that capacity is available.

# Control

This ordinance shall not be construed as an abandonment or relinquishment of the authority of the City Council to control, regulate, and supervise all means and methods of sewage collection, treatment and disposal. The City Council may at any time request the Department of Public Works to reserve capacity for preferred projects or for the implementation of a Comprehensive Plan goal. Such requests to reserve capacity shall be placed on a waiting list in the same order as specified in Section 4.

# Appendix A. Sewer Service Area

The Sewer Service Area is that area comprising the following City of South Burlington Zoning Districts:

QCP, LN, R1, R2, R4, R7, R12, R7-NC

C1 R12, C1 R15, C1-AUTO, C1-LR, C2, IC AR, SW

AIR, AIR-I PR, MU FBC

# Appendix B. Five-Year Sewer Allocation Plan (CAP)

Total Permitted Sewer Flow

* Less the Average Daily Sewer Flow
* Less the Committed Reserve Capacity
* Less a 20% Set Aside of Total Permitted Sewer Flow
* Divided by the remaining number of years of the projected life of the Plants
* Multiplied by five