

**APPLICATION FOR WAIVER
TO WASTEWATER MANAGEMENT PLAN**

City of Topeka Planning Department
620 SE Madison Ave. 3rd Floor
Topeka, KS 66607

Property owner(s) must complete pages 1 and 2 of this form. You may attach additional materials if necessary. Assistance completing the form can be provided by the Topeka Planning Department in coordination with City Engineering, Topeka Water Pollution Control, and Shawnee County Health Agency.

Location

City _____ **Primary Service Area** _____

- 1.) Common Address/Location: _____
- 2.) Is the property currently platted? _____ What year was it recorded? _____
- 3.) Legal Description: Lot(s) _____ Block _____ Subdivision _____
- 4.) If not platted, waiver requests should be accompanied by a subdivision application. If applicable, what is the name of the proposed subdivision? _____
- 5.) Lot size (acres): _____ Number of lots: _____
- 6.) Current zoning: _____ Proposed zoning (if any) _____
- 7.) Comprehensive Plan designation _____
- 8.) Existing use of property: _____

- 9.) Proposed use of property: _____

- 10.) Sewage Disposal Source: _____
- 11.) Water Source: _____
- 12.) Is any portion of the property within a flood plain or stream buffer? _____ If Yes, check below:

a. flood plain (FEMA or City)	100 year	500 year	
b. stream buffer	Type I	Type II	Type III
- 13.) Is the waiver request due to (a) a failing septic system? _____; (b) expansion of an existing septic system? _____; (c) relocating an existing septic system? _____
- 14.) What is the cost to extend sanitary sewer to the site? _____
(attach certified estimate by City of Topeka Engineering Division)
- 15.) Has Shawnee County Health Agency approved a septic system for the property? _____
(attach evidence of approval from Shawnee County Health Agency)

- 16.) Would you agree to participate in a benefit district for the extension of sanitary sewer to your property? _____ (attach benefit district information from City of Topeka Engineering Division)
- 17.) Would you agree to connect to sanitary sewer when it is made available to your property? _____
- 18.) If not within the city, do you consent to annexation by the City? _____
- 19.) Briefly explain why a waiver is necessary:

Applicant Information and Authorization

Owner(s) of Record : _____

Address: _____
 _____ Phone: _____

(if different than owner)

Developer(s): _____

Address: _____
 _____ Phone: _____

(if different than owner)

Owner/Developer Representative: _____

Address: _____

 Phone: _____ Fax: _____ e-mail: _____

I certify I am the above owner of record or have been authorized to submit this application on behalf of the owner who has been provided a copy of this completed application including the attached policy background explanation (pages 3 and 4). The information provided on this application is true and correct to the best of my knowledge.

 Signature

 Date

POLICY BACKGROUND

In large measure, decisions regarding the development of land are controlled and influenced by the availability of public services (i.e. streets, water, sewer, etc.). Uncontrolled growth and the lack of adequate public services have significant environmental, social and economic consequences. Previous Wastewater Management Plans have established a primary service area for sanitary sewer service. New urban development would be required to connect to sanitary sewer service. However, policies of the Land Use and Growth Management Plan 2040 do not support urbanization except in Tier 1 and guides new growth to developable areas served by existing/anticipated public facilities in order to create greater cost efficiencies in public infrastructure while minimizing impacts to environmentally sensitive areas.

As with any public policy document, the Land Use and Growth Management Plan 2040 cannot anticipate all situations regarding development of land and therefore, establishes a process by which a property owner may seek a waiver from strict adherence to the requirement to connect to sanitary sewer service within the primary service area. There are existing urbanized areas that are currently receiving sewer service or have been approved for that service in the past. These policies are not meant to apply to these existing urban developments, unless noted below.

GUIDELINES FOR EVALUATING WAIVER REQUESTS

Based upon these adopted policies and goals, waiver requests for new development within the Primary Service Area should not be supported either within the City limits or outside the City limits for Level 4 on-site sewage systems. *As policy, staff is not supportive of a waiver for **new** development unless a site has been approved for similar development in the past and a benefit district is not feasible.* Standards for evaluating whether a wastewater waiver request would qualify under this policy include the following:

1. The property was previously platted and/or is already developed.
2. A re-zoning would not intensify sewer usage. The amount of wastewater volume generated by the proposed development would not exceed what would have or has been created under the zoning/development for the platted lot(s).
3. The cost to extend sanitary sewer to the property exceeds a reasonable amount.
4. The cost to the property owner under a benefit district exceeds a reasonable per lot district cost or is not feasible because of a lack of participation.
5. The owner agrees to connect to sanitary sewer when made available.
6. Property owner(s) agrees to participate in a future benefit district for the extension of sanitary sewer to the property and share their pro-rata costs.
7. Approval of a waiver will not worsen any known environmental impacts.
8. Design of on-site sewage disposal system is approved by the Shawnee County Health Agency and City of Topeka Water Pollution Control Division. Approval may include conditions to mitigate environmental impacts.
9. If outside city limits, property owner(s) consents to annexation.
10. Meets the plat requirements.
11. Meets the policies of this Comprehensive Plan.

Based upon the above standards, the waiver application will be reviewed by the following agencies accordingly:

City of Topeka Engineering Division (368-3842)

- o *How reasonable is the cost to extend sanitary sewer?*
- o *How viable is the formation of a benefit district and cost to participate?*
- o *Does the City anticipate extending sewer to the area in the near future?*

City of Topeka Water Pollution Control Division (368-3818)

- o *How does the anticipated wastewater volume compare to previous wastewater volume of development approved for the site?*
- o *Would the waiver worsen any known environmental impacts?*
- o *Are there any mitigation measures necessary?*
- o *Is the site in an area for septic system elimination program?*

Shawnee County Health Agency (368-2000)

- *How does the anticipated wastewater volume compare to previous wastewater volume of development approved for the site?*
- *Has the site been approved for an on-site system*

City of Topeka Planning Department (368-3728)

- *Has the property been approved for development (e.g., platting) in the past?*
- *Is the proposed land use consistent with the Comprehensive Plan?*
- *Is the proposal consistent with any other Comprehensive Plan policies regarding adequate infrastructure, annexation, growth areas, etc.*

After reviewing comments of all agencies, staff will make an administrative determination of whether or not to approve the waiver. If approved and a plat is required, agreed upon conditions will need recording through a plat of subdivision prior to receiving approval of construction permits. If not approved, a major plat will need to be approved by the Planning Commission and Governing Body prior to receiving approval of construction permits.