



## #613 Planning Basics

### Chapter 8: Exemption From Planning



#### CHAPTER OBJECTIVES:

After completing this chapter, you will be able to . . .

- Explain what it means to be exempt from planning.
- List the criteria that must be met for a subdivision to qualify for an exemption.
- Explain the paperwork required for a planning exemption.
- Describe the role of the local agency SEO in a planning exemption.
- Explain who determines if the subdivision is eligible for an exemption.

**Note:** This chapter reviews an exemption from formal *planning*. Act 537, Section 7, describes a 10-acre *permit* exemption. Being exempt from an onlot sewage **permit** is not the same as being exempt from the formal **planning** process.

The workbook and self-study guide were designed to be viewed together. Within these two documents, you will be given directions on when to move back and forth between the two books. The self-study guide presents the course content, and the workbook contains activities and exercises to complete and also provides a place to take notes. The course was designed so that you print out the workbook and needed resources. That way you can take notes and complete activities and exercises in the hard copy of the workbook as you view the self-study guide on the computer.

To begin each chapter, review the opening pages in the workbook. The first two pages of each workbook chapter contain the chapter objectives, checklists to help you organize your work, an estimated time for completing the chapter, and a list of the resources needed to successfully complete the course work for each chapter.

2-18-2010





**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### Exemption From Planning

In this chapter, we will discuss an **exemption** from planning. An exemption means no formal planning must be completed. In the previous chapters, the Component 1, 2, and 3s planning modules were discussed, and the approval process was reviewed. Now that you understand when planning is required, we will discuss when a subdivision proposal may be exempt from planning requirements.

An **exemption** does not require a revision to the official plan, and it is not an exception to the requirement to revise the official plan. If a proposal qualifies for an exemption, it is exempt from formal planning. No planning module must be filed, but some paperwork must be completed to determine if the proposal qualifies for an exemption.

Earlier in the course, the Component 1 (an exception to revise the official plan) was discussed. Although subdivisions that fall into this category do not formally revise the official plan, a sewage facilities planning module must be completed, and the proposal must go through an abbreviated form of the planning process. Revisiting this issue will help to explain the difference between **exceptions** (Component 1) and **exemptions** (no planning), which will be covered in this chapter.





## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### Exemption From Planning (continued)



Act 537, Section 7(a2)(5), & Title 25, Section 71.51(b)

The exemption from sewage facilities planning applies to subdivisions that are proposing the use of onlot sewage systems and that meet a list of conditions spelled out in the act and regulations. Turn to Title 25, Section 71.51(b) (1), and read this section explaining when an exemption may be used.



Go to **Chapter 8 Workbook** to complete the following exercise:

**EXERCISE 8-1: Planning Exemption Criteria**

#### WHAT HAPPENS IF THE CRITERIA FOR AN EXEMPTION ARE MET?

The act and regulations describe the criteria that must be met to be exempt from planning. If the criteria can be met, then . . .

- 1) the **official plan** does not have to be formally revised by resolution, and
- 2) a **planning module** does not need to be completed.



## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### Exemption From Planning

##### APPLICANT RESPONSIBILITY

If an applicant wants to apply for a planning exemption, he or she would fill out Sections 1 through 8(b) and 8c(3) of the **Sewage Facilities Planning Module Application Mailer**, attach the required documentation, and give the materials to the municipality.



**Chapter 8 Resources** has a link to the **Sewage Facilities Planning Module Application Mailer**.

##### MUNICIPALITY RESPONSIBILITY

The municipality is responsible for filling out Section 8(c)(1) of the mailer to certify that its official plan shows the proposed area is to be served by onlot sewage systems.

**Remember:** An applicant who must complete sewage planning and is not exempt from planning would fill out Sections 1 through 7 of the Sewage Facilities Planning Module Application Mailer and mail it to DEP (or the delegated local agency). Based on the information in this application, DEP (or the delegated local agency) will send the applicant the proper planning module forms.



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### Exemption From Planning

##### SEO RESPONSIBILITY

Under Section 8(c)(2) of the mailer, the local agency SEO must certify that every lot (including the residual tract, if one exists) in the subdivision has had soil testing and the site evaluation results have found a **permittable** site for both a primary and a replacement onlot system. The local agency SEO must confirm the site testing by either observing or conducting the testing on each proposed lot in the subdivision.

**Permittable** is considered by DEP to be an onlot sewage system as described in Title 25, Chapter 73, when the exemption process originated (1997).





**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### SEO RESPONSIBILITY (continued)

##### Soil Testing and Site Evaluation

The soil testing and site evaluation for an exemption request is conducted using the same procedures that are used to test lots when an onlot sewage permit is sought. The testing results would be provided on a Site Investigation and Percolation Test form. Each complete site evaluation may typically include the following:

- 1) a slope measurement,
- 2) verification of isolation distances,
- 3) at least one soil pit, and
- 4) one complete percolation test (except for IRSIS).

All the tests must be conducted at two separate sites for each proposed lot (primary and replacement area). If a local agency SEO verifies that each lot has been tested (with suitable results for a permissible onlot sewage system), then he or she would sign the mailer, date it, and provide his or her SEO certification number where noted.





**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### Exemption From Planning

##### DEP OR THE DELEGATED LOCAL AGENCY RESPONSIBILITY

After the applicant, the local agency SEO, and the municipality complete their parts of the application mailer, it is forwarded to DEP (or the local delegated agency). The department (or delegated local agency) then determines if the criteria for this type of planning exemption has been met. The approving agency, whether DEP or the delegated local agency, will render a decision on the exemption request within 10 days of receiving the request and will notify both the applicant and the municipality of its decision.

If the exemption is denied, DEP (or the delegated local agency) will mail the developer the correct module forms, and the subdivision will be required to go through the formal planning process.



Go to **Chapter 8 Workbook** to complete the following exercises:

**EXERCISE 8-2: Exemption Review**

**EXERCISE 8-3: Tom Brown Planning Exemption**





**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## #613 Planning Basics

### Chapter 8: Exemption From Planning

#### Planning Exemption Summary

The applicant, municipality, local agency SEO, and DEP (or the delegated local agency) each have a role to play in the process of determining if a subdivision would be eligible for an exemption from planning. All the criteria must be met for a subdivision to be eligible for an exemption from planning, and DEP (or the delegated local agency) is the only entity that can make that decision.





## #613 Planning Basics

### Chapter 8: Exemption From Planning



#### KEY POINTS

- An exemption from planning means that the municipality's official plan does not need to be revised, formal planning does not need to be done, and a planning module does not need to be completed.
- The following criteria must be met for an exemption from planning to be granted:
  - ✓ The municipality's official plan must show that the area planned for development is to be served by onlot sewage systems using soil absorption areas or spray fields.
  - ✓ The proposed development must be outside of an area conducive to nitrate-nitrogen groundwater contamination.
  - ✓ The proposed development must be outside of a high-quality or exceptional-value watershed as designated in Chapter 93 of the DEP regulations (Clean Streams Law).
  - ✓ All subdivided lots and the remaining portion of the original tract after subdivision must each be one acre or larger in size.
  - ✓ Soils testing and a site evaluation for a primary site and a replacement area must be completed on each proposed lot, including the residual tract, and must have acceptable results for a permittable onlot sewage system.



**pennsylvania**

DEPARTMENT OF ENVIRONMENTAL PROTECTION

## #613 Planning Basics

### Chapter 8: Exemption From Planning



#### KEY POINTS (continued)

- A permittable onlot sewage system is considered by DEP to be an onlot sewage system as described in Title 25, Chapter 73, when the exemption process originated (1997).
- DEP (or the delegated local agency) determines eligibility for an exemption from planning.
- The local agency SEO verifies or conducts soil testing and a site evaluation for a primary and replacement area on each lot proposed in the exemption from planning.
- The local agency SEO fills out Section 8(c)(2) of the Sewage Facilities Planning Module Application Mailer.

