

# #613 PLANNING BASICS

## Exemption From Planning

# 8



### 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.



### TEACHING METHOD:

- Self-study



### ESTIMATED TIME:

- 20 minutes



### MATERIALS / RESOURCES:

- Computer with Internet access—[www.seotraining.org](http://www.seotraining.org)
- Chapter Materials—All chapter materials are available at [www.seotraining.org](http://www.seotraining.org), Cont. Ed. Course Material, Courses, #613, Chapter 8, Chapter Study Materials.
  - ✓ Chapter Study Materials
    - Self-study guide (viewed on the Internet)
    - Workbook (print book)
    - Answer key (viewed on the Internet)
  - ✓ Chapter Resources
    - Sewage Facilities Act (Act 537 at [www.elibrary.dep.state.pa.us/dsweb/Get/Document-70481/3800-BK-DEP1416.pdf](http://www.elibrary.dep.state.pa.us/dsweb/Get/Document-70481/3800-BK-DEP1416.pdf))
    - Title 25 regulations (book or at [www.pacode.com/secure/data/025/025toc.html](http://www.pacode.com/secure/data/025/025toc.html))
    - Sewage Facilities Planning Module Application Mailer
    - Does a Sewage Planning Module Need to Be Completed? flowchart
    - Brown Exemption Documents



**CHECKLISTS**

The checklists below are to help you organize your training activities. All the listed activities should be completed prior to proceeding to the next chapter.



**WORKBOOK ACTIVITIES:**

- \_\_\_\_\_ 8-1: Planning Exemption Criteria
- \_\_\_\_\_ 8-2: Planning Exemption Review
- \_\_\_\_\_ 8-3: Tom Brown Planning Exemption

**ANSWER KEY:**

The workbook activity answers may be found in the answer key under Chapter Study Materials. [www.seotraining.org](http://www.seotraining.org), Cont. Ed. Course Material, Courses, #613, Chapter 8, Chapter Study Materials, Answer Key.



**TESTING:**

([www.seotraining.org](http://www.seotraining.org), Cont. Ed. Course Material, Courses, #613, Course Quiz)

When you complete all the chapters, you may take the online course quiz. To successfully complete the self-study portion of course #613, you must complete the course quiz. There is no minimum passing score. The score will be for your reference to measure your knowledge of the content.

**NAVIGATING THE COURSE MATERIAL:**

To take this course as it was designed, print the workbook and open the self-study guide on the computer. It is best to open another browser to access the chapter resources without closing the self-study guide.

When navigating through the materials, click the back arrow on your browser, rather than closing the PDF documents. If you close a document, you will have to start all over again. If you click the back arrow, you will go back to the chapter menu.



Go to the **Chapter 8 Self-Study Guide** to begin the chapter.



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

*Turn to Title 25, Section 71.51(b)(1)(i-v), of the regulations and Act 537, Section 7(b)(1)(5), to answer the following questions.*

- 1) The municipality’s official plan shows that the area planned for development is to be served by \_\_\_\_\_ facilities using a soil absorption area or a spray field.
- 2) The area proposed for the use of individual or community sewage systems is not underlain by \_\_\_\_\_ geology nor is this area within 1/4 mile of waters supplies documented to exceed 5 PPM \_\_\_\_\_ -nitrogen as confirmed by DEP from a USGS geology map or sampling data.
- 3) The proposed area for development is outside of \_\_\_\_\_ - \_\_\_\_\_ or exceptional-value watersheds as designated in Chapter 93 of the department’s regulations (Clean Streams Law).
- 4) All individual subdivided lots and the remaining portion of the original tract of the proposed subdivision would be \_\_\_\_\_ acre or larger in size.
- 5) Soils testing and a site evaluation establish that a \_\_\_\_\_ (Title 25, Section 73 system) onlot sewage system is available for both a primary and a replacement area on each lot in the proposed subdivision (including the residual tract, even if there is an existing dwelling on it).



Refer to the **Does a Sewage Planning Module Need to Be Completed? flowchart** in the chapter resources, and find the scenarios that end with No, Mailer, Exemption.



Return to the **Chapter 8 Self-Study Guide**.



**EXERCISE 8-2: Planning Exemption Review**

*Answer questions below about planning exemptions.*

- 1) An exemption differs from an exception because an exemption does not require \_\_\_\_\_ to be completed.
- 2) Under Section 8(c)(1) of the mailer, the municipality must certify that its \_\_\_\_\_ shows the proposed area to be served by onlot systems. Under Section 8(c)(2), the local agency SEO must certify both primary and \_\_\_\_\_ areas have been tested and found suitable for onlot sewage systems on every lot in the subdivision.
- 3) \_\_\_\_\_ or a \_\_\_\_\_ determines if a subdivision is eligible for an exemption from planning.



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

*Review the exemption paperwork and answer the questions below.*

- 1) Is the Tom Brown planning exemption request eligible for an exemption?
- 2) What form is used to request an exemption from planning?
- 3) What is the local agency SEO’s role and responsibility with a request for a planning exemption?



To view the answers for the activities in the workbook, go to [www.seotraining.org](http://www.seotraining.org), Cont. Ed. Course Material, Courses, #613, **Chapter 8**, Chapter Study Materials, **Answer Key**.



Return to the **Chapter 8 Self-Study Guide**.



## 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 permissible onlot sewage system.
- A permissible 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.