

Q&A: Proposed SADC Policy on Placement of Septic Systems to Service Structures on Exception Areas

Why did the SADC develop this policy?

The SADC developed this policy in response to situations in which landowners have preserved their farms with non-severable exception areas, with the intent of using these areas for future residential or agricultural uses, but for various reasons have been unable to obtain approvals for septic systems within those areas. Because the SADC views houses located on non-severable exceptions as closely related to the agricultural operation, the SADC believes that allowing associated septic systems to be placed on the preserved farmland, when absolutely necessary, is appropriate.

What does the proposed policy do?

It allows for placement of a septic system outside of a non-severable exception area, on the preserved portion of the farm, to service residential and agricultural uses inside the exception area if: 1) the SADC finds there is no feasible alternative within the exception area, 2) that placement of the septic system on the preserved farm would have a minimal impact on the agricultural operation, and 3) certain other conditions are met.

What other conditions apply to the construction of a new house on a nonseverable exception area?

If a request to place a septic system outside the non-severable exception meets the first two tests identified above, a landowner may place a septic system to service new residential construction outside the exception area as long as the new house has no more than four bedrooms.

What other conditions apply to the replacement or expansion of an existing house on a nonseverable exception area?

Again, if a request to place a septic system outside the non-severable exception meets the first two tests identified above, a landowner may place a septic system outside the exception area if there is no increase in the number of bedrooms or if the replacement/expansion results in no more than four bedrooms, whichever is larger.

How will the SADC determine whether there is a feasible alternative within an exception area?

Landowners will be required to provide supporting documentation from a licensed engineer showing it is not possible to obtain approval for construction of a septic system within the exception area pursuant to relevant statutes and regulations. The licensed engineer also will be required to provide justification for the proposed location of the septic system.

How will the SADC determine whether locating a septic system outside the non-severable exception would have minimal impact on the agricultural operation?

The SADC will consider factors such as how much agricultural land will be displaced, the location of that land and whether the septic system would interfere with the agricultural operation.

How does this policy apply to an existing house on a non-severable exception area that already has a septic system outside the exception area?

If a house existed on a non-severable exception area at the time of preservation with a septic system outside the exception area, the septic system can remain outside the exception area without being subject to the provisions of this policy.

What about the placement of septic systems on preserved land outside of severable exceptions?

The placement of a septic system outside of a severable exception, on the preserved premises, to service structures within the exception area will not be permitted under any circumstances.