

POLICY REGARDING THE EVALUATION OF RESIDENTIAL HOUSING DEVELOPMENTS FOR ON-SITE SEWAGE DISPOSAL

(1) General Requirements.

(A) Definitions:

1. Definitions as set forth in the Missouri Clean Water Law and 10 CSR 20-2.010 shall apply to those terms when used in this rule.

2. **Common promotional plan.** A plan, undertaken by one (1) or more persons, to offer lots for sale or lease; where land is offered for sale by a person or group of persons acting in concert, and the land is contiguous or is known, designated or advertised as a common unit or by a common name or similar names, the land is presumed, without regard to the number of lots covered by each individual offering, as being offered for sale or lease as part of a common promotional plan.

3. **Developer.** Any person who directly or indirectly, sells or leases or offers to sell or lease, any lots, but shall not include any licensed broker or licensed salesman who is not a shareholder, director, officer or employee of a developer and who has no legal or equitable interest in the land.

4. **Limiting layer.** Any soil horizon that will severely limit the soil's ability to treat or dispose of effluent. The limiting layer may include a restrictive horizon, or permanent or seasonal high water table as defined in 19 CSR 20-3.060(1)(A).

5. **Lot.** Any portion, piece, division, unit or undivided interest in real estate, if the interest includes the right to the exclusive use of a specific portion of real estate, whether for a specific term or in perpetuity.

6. **Residential Housing Development.** Any land which is divided or proposed to be divided into one (1) or more lots, whether contiguous or not, for the purpose of sale or lease as part of a common promotional plan.

(B) Unless specifically provided otherwise, this rule shall apply to any developer who owns or controls land and-

1. Develops or divides land into residential housing lots;

2. Resubdivides land into more lots, adds additional lots to which when added to an existing group of lots which are contiguous, or which are known, designated or advertised as a common unit or by a common name, as part of a common promotional plan, will in total constitute a residential housing development; and

3. Any expansion of one (1) or more lots in any subdivision or development will be subject to this rule.

(C) The following subdivisions or residential housing developments are exempted:

1. If a developer proposes a centralized wastewater collection and treatment system, the requirements of this rule shall be considered met, provided that all other requirements of the Missouri Clean Water Law and regulations can be satisfied and continuing authority, in accordance with 10 CSR

20-6.010, will be established prior to the sale or lease of lots or the commencement of construction of residences; and

2. Residential housing developments with each lot consisting of five (5) or more acres.
3. Recreational developments will be subject to section (4) of this rule.

(D) Unless exempted in this rule, the developer of any residential housing development shall obtain approval from the Platte County Health Department (PCHD) for the method of sewage treatment and disposal to be used in the development prior to the sale or lease of any lot, or the commencement of construction on any lot by the developer or any person. To obtain approval the developer must submit to PCHD a copy of the soils report and the plat map as described in this rule.

1. The developer may apply for approval to use individual on-site systems in the proposed development provided that the minimum lot size is forty thousand (40,000) square feet (0.92 acres). For residential housing developments with lots of less than forty thousand (40,000) square feet, only centralized sewage collection and treatment are acceptable for the development.

(2) Soils Report.

(A) A soils report for each residential housing development must be prepared by a soil scientist as defined in “Minimum Construction Standards for On-site Sewage Disposal Systems”, a copy of which is available at PCHD. The soils report can be generated only after a thorough, systematic investigation of the soil properties and landscapes in the proposed development. Soil observation pits must be dug on each lot smaller than five (5) acres. Soil observation pits must be dug to a minimum depth of forty-eight inches (48”). These pits may be supplemented by soil borings to help determine the extent of similar soil properties. A detailed soils evaluation, as described in “Minimum Construction Standards for On-site Sewage Disposal Systems”, shall be submitted.

1. The soils report shall contain topographic information delineating each lot smaller than five (5) acres into the following slope categories: 0-2%, 3-14%, 15-30% and 31% and greater.

2. Table 1 shall be used to determine the minimum lot size based on soil properties and site conditions. More than fifty percent (50%) of each lot must be in a single acreage category or more than fifty percent (50%) may be in that and smaller acreage categories in order to use that minimum sized lot.

TABLE 1

Minimum Lot Size (Acres) for Soil Absorption Systems Based on Soil Depth and Slope

Acceptable Soil (inches)

		>30”	18-30” Limiting Layer	18-30” Bedrock	<18”
	0-2	0.92 acre	2 acres	2 acres	3 acres
Slope (%)	3-14	0.92 acre	2 acres	2 acres	3 acres
	15-30	1 acre	3 acres	3 acres	5 acres
	31+	2 acres	5 acres	5 acres	5 acres

3. On lots with less than eighteen inches (18”) of acceptable soil, a design of the proposed

sewage disposal system must be drafted and signed by a qualified Registered Professional Engineer or Registered Architect. The design must show that mitigation of the limiting soil condition is a feasible option. Lots with less than twelve inches (12") of acceptable soil will not be approved for soil absorption systems unless the limiting condition is a high water table and the soil scientist determines that water table lowering schemes may be effective.

(B) Wastewater stabilization ponds (lagoons) may be allowed for the single-family residence wastewater treatment facilities.

1. Minimum lot size for lagoons is two and one-half (2.5) acres; larger lot sizes are recommended in order to provide for all wastewater to be contained on the lot and handled in a manner that there will be no violation of the Missouri Clean Water Law and regulations.

2. Report must show that the soils, available area and landscape position is suitable for lagoons. A minimum of four feet (4') of soil is required if the natural soil is to be used as the liner. Strongly sloping areas should be avoided. Areas with slopes greater than fifteen percent (15%) will not be considered suitable for lagoons.

(3) Plat Map.

(A) A map drawn to a scale of one inch (1") equals from fifty to two hundred feet (50-200') showing the location of the individual lots, roads, existing wells, and known easements shall be provided. The number of lots, lot sizes and type of water supply shall also be provided.

(4) Recreational Development.

(A) A development is considered recreational when land is sold or leased for the purpose of camping in recreational vehicles. In order to be considered a recreational development, restrictive covenants must prohibit continuous year round living on the lot and no cabins or other structures will be allowed that could be used for year round residential purposes.

1. The minimum lot size for a recreational development that will use individual on-site wastewater treatment facilities is twenty thousand (20,000) square feet. A one-half (1/2) reduction in minimum lot size as indicated by the soils report may be allowed.

2. In recreational developments where sewage collection and treatment is provided by sewage dump stations, the sewage dump stations will be considered centralized sewage collection and treatment for the purposes of compliance with this rule.

3. The developer must submit a copy of the restrictive covenants along with any plans for sewage dump stations or centralized sewage collection and treatment systems.

(5) Multiple Family Housing Units

(A) For the purposes of compliance with this rule, each housing unit of multiple family housing dwellings (duplexes, quadplexes, etc.) shall be considered equal to a single family residence.

(6) Department Review

(A) PCHD shall determine if the requirements of this rule are satisfied. Minimum lot size will be the larger of the values calculated in the soils report. Approval under this rule does not guarantee that each lot in the residential housing development will be approved for a soil absorption system.

(B) The developer of any residential housing development required to obtain approval from PCHD, shall obtain written approval and comply with all conditions and requirements set forth in writing by PCHD and in the Missouri Clean Water Law and corresponding regulations, prior to the sale or lease of any lot or the commencement of construction on any lot by any developer(s) or owner(s).

(C) There shall be no deviation or change that may adversely affect the soils report, lot sizes, number of lots, or the proposed water supply for a residential housing development following PCHD approval without first securing written approval of the proposed changes from PCHD.

(D) Within ten (10) days of receipt of the completed requirements and any other documents or information required in this rule by the department, PCHD will approve or disapprove the wastewater disposal plans and attach any conditions to an approval which it deems necessary to protect waters of the county and state in accordance with the Missouri Clean Water Law and regulations.

(E) Any developer or person owning any residential housing development or lots covered by this rule who has a proposal for wastewater disposal denied, or any condition in an approval in all or in part, may appeal to the Health Officer within thirty (30) days of issuance of the denial or conditioned approval.

(F) Compliance With Other Law. Nothing in this rule shall excuse any person from complying with or from liability for violations of the Missouri Clean Water Law and regulations or any other laws of Missouri.

(G) Severability. If any section, paragraph, sentence, clause or phrase of this rule, or any part of each, be declared unconstitutional or invalid for any reason, the remainder of this rule shall not be affected and shall remain in full force and effect.