

**154.067 MINIMUM SEPARATION
DISTANCES: SUBSURFACE
ABSORPTION SYSTEMS AND WELLS.**

(A) Applicability.

(1) The standards established by this section shall apply to all lawful lots recorded in the Clerk's Office of the Circuit Court of Northampton County after December 1, 2005, and to all other lots in Northampton County.

(2) If a subdivision or site plan application was made to the Northampton County Department of Planning and Zoning prior to December 1, 2005, then the application shall not be subject to this section and shall be granted a period of time, not to exceed 18 months from December 1, 2005, to be processed, reviewed, and acted upon by the Department of Planning and Zoning, including review and action by the Health Department, regarding subsurface absorption systems and wells; if, at the conclusion of this time frame, the subdivision or site plan application has failed to receive approval from the Department of Planning and Zoning and the Health Department, then the application must comply with the full terms and conditions of this section.

(3) The provisions of this section and any amendments adopted subsequent thereto shall not apply within the boundaries of the following incorporated towns:

(a) Cape Charles;

(b) Cheriton;

(c) Eastville;

(d) Exmore.

(B) Standards.

(1) The minimum distance from bottom to sidewall of any subsurface soil absorption system trench, gravel pad, or seepage bed to any property line shall be ten feet.

(2) The minimum distance from bottom or sidewall of any subsurface soil

absorption system, trench, gravel pad, or seepage bed to the boundary of any sewage system easement area shall be 25 feet.

(3) The minimum distance from any private well to any property line shall be 25 feet.

(4) The minimum standoff for any secondary treated effluent from the bottom of any absorption trench or from the bottom of any trenchless system to the water table shall be a minimum of 12 inches.

(C) Deviations.

(1) For any lot recorded prior to December 1, 2005, on which the standards established by this section can not be met, the Northampton County Department of Planning and Zoning, in consultation with the State Health Department, shall permit deviations from the standards established herein to the minimum extent necessary to permit the installation of the well or subsurface absorption system for which a permit is sought.

(2) For any lot, recorded or not, which is the subject of a valid Virginia Department of Health Certification Letter dated not later than December 1, 2005, the standards of this section shall not apply for 18 months after December 1, 2005. Thereafter, the Northampton County Department of Planning and Zoning, in consultation with the State Health Department, shall permit deviations from the standards established herein to the minimum extent necessary to permit the installation of the well or subsurface absorption system for which a permit is sought.

(3) If compliance with division (B)(1) would require the installation of a secondary treatment system, and a conventional sewage system could be installed in compliance with VDH Sewage Regulations, the placement of the conventional system will be allowed. (Ord. passed 10-21-2009)