



# Implementation of SB236

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Governor's Intergovernmental  
Commission for Agriculture – GICA

*June 25. 2012*

# How does SB236 affect new development?

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- Beginning December 31, 2012
- If Tiers not adopted, no residential major subdivisions outside of sewer areas
- If Tiers adopted, for new residential subdivisions:
  - Tier I - public sewerage
  - Tier II - public sewerage; septic systems shall be viewed as interim
  - Tier III - septic systems
  - Tier IV - no major subdivisions w/o exemption



# How does SB236 affect new development?

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- Controlling authority required for new community sewerage and shared facilities
  - Applies to all new shared facilities even if no subdivision is proposed
- Planning Board Review, Recommendation & Public Hearing
  - For major subdivisions in Tier III



# Definition of Subdivision in SB236

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- “Division of a tract or parcel of land into at least two lots for the immediate or future purpose of sale or building development.”



# Local Jurisdiction Responsibilities

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- July 1, 2012:
  - Controlling Authority Required
- Before December 31, 2012:
  - Develop and Adopt Tiers
  - Tweak Development Review Process
  - Major/Minor Subdivision Definitions
  - Tier IV Exemption



# Local Jurisdiction Responsibilities

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- Before and After December 31, 2012:
  - Residential Subdivision Tracking
- On and After December 31, 2012:
  - Implement Restrictions on Further Subdivision and Resubdivision
  - Public Hearing & Planning Board Review of Major Subdivisions in Tier III
  - Changes to Tiers over time



# First Step: Develop and Adopt the Tiers

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# Develop and Adopt Tiers

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- Tier Criteria
- Information Needed to Develop Tiers & Technical Assistance
- Resolving Conflicting Designations
- Adopting the Tiers
- Submittal Requirements to MDP
- Public Hearing if MDP comments



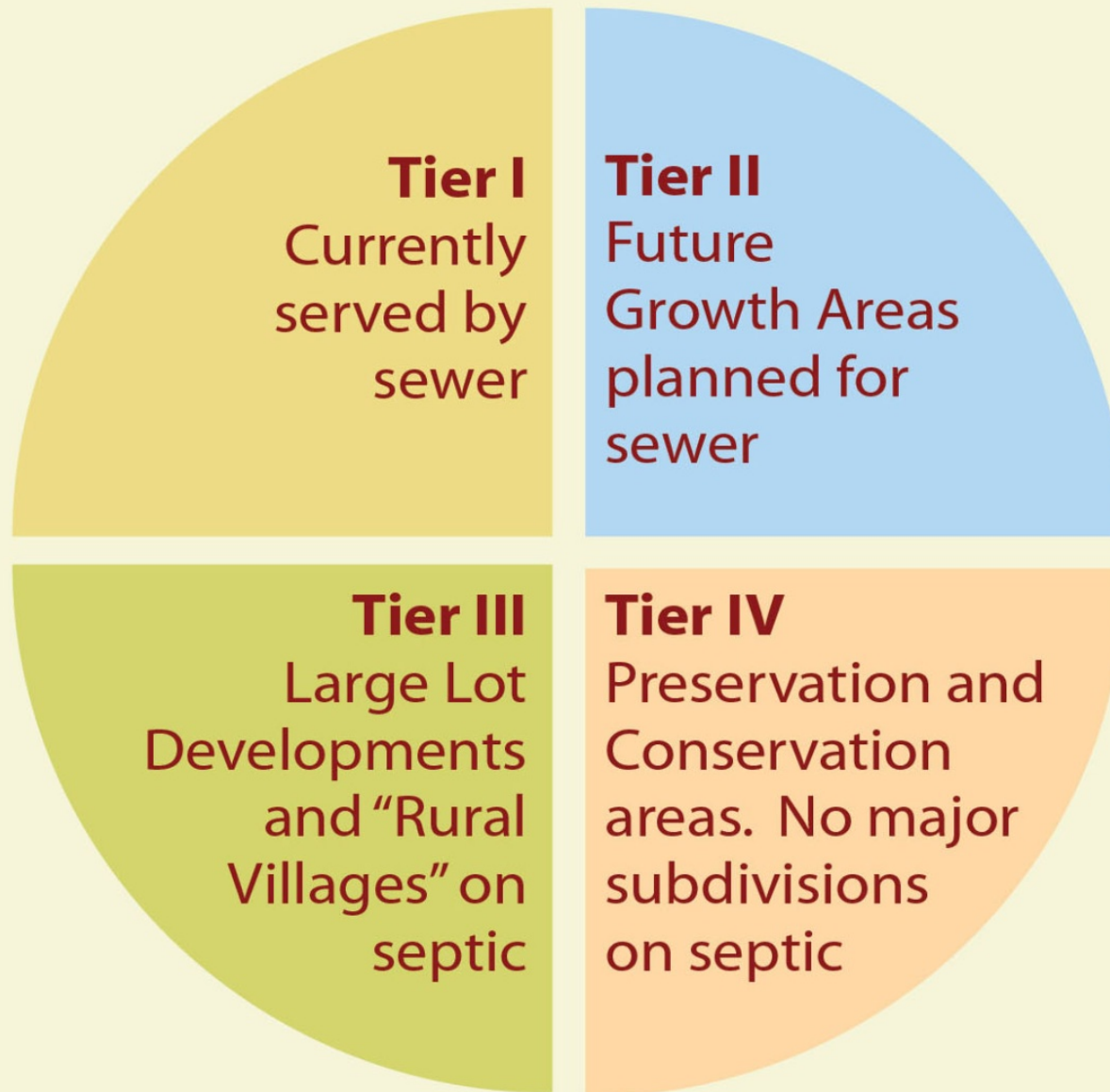


# Developing the Tiers

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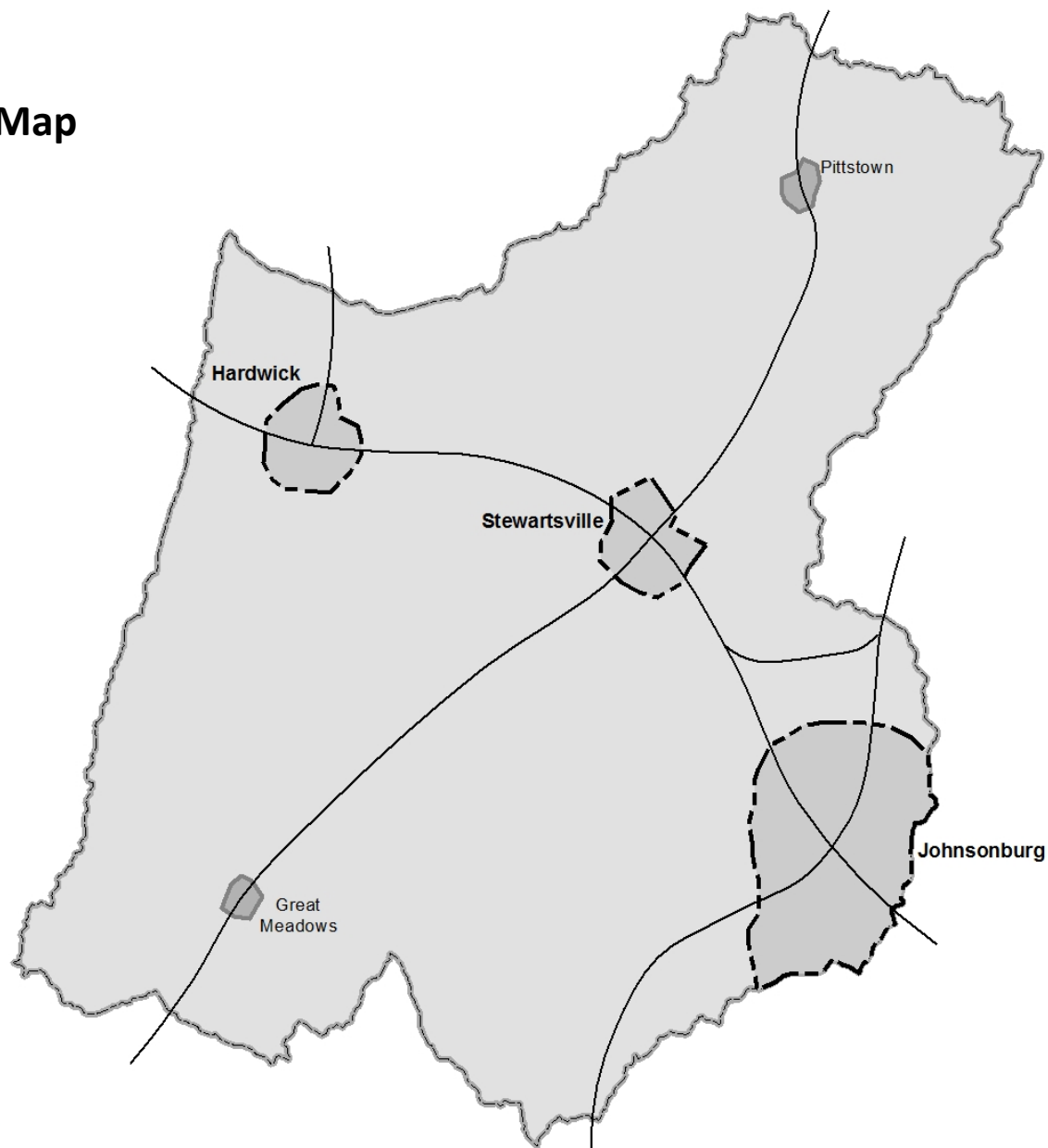
- MDP technical assistance
- Information needed to develop tiers
  - Sewer service areas
  - Mapped locally designated growth areas
  - Existing and proposed land use
  - Zoning districts
  - Rural Village boundaries
  - Etc.

# Four Tiers



# Crab County

## Political Boundaries Map

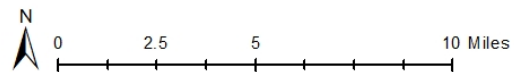


### Legend

#### Boundaries

 Municipal Boundary

 Rural Village



# Crab County

## Local Growth Areas & Sewer Service Areas

### Tier 1 Areas


- Served by Existing Public Sewerage Systems and in a Mapped Growth Area

### Tier 2 Areas

- Planned to be served by Public Sewerage Systems, AND
- Mapped Growth Areas that are needed to meet long-term growth projections.


#### Legend

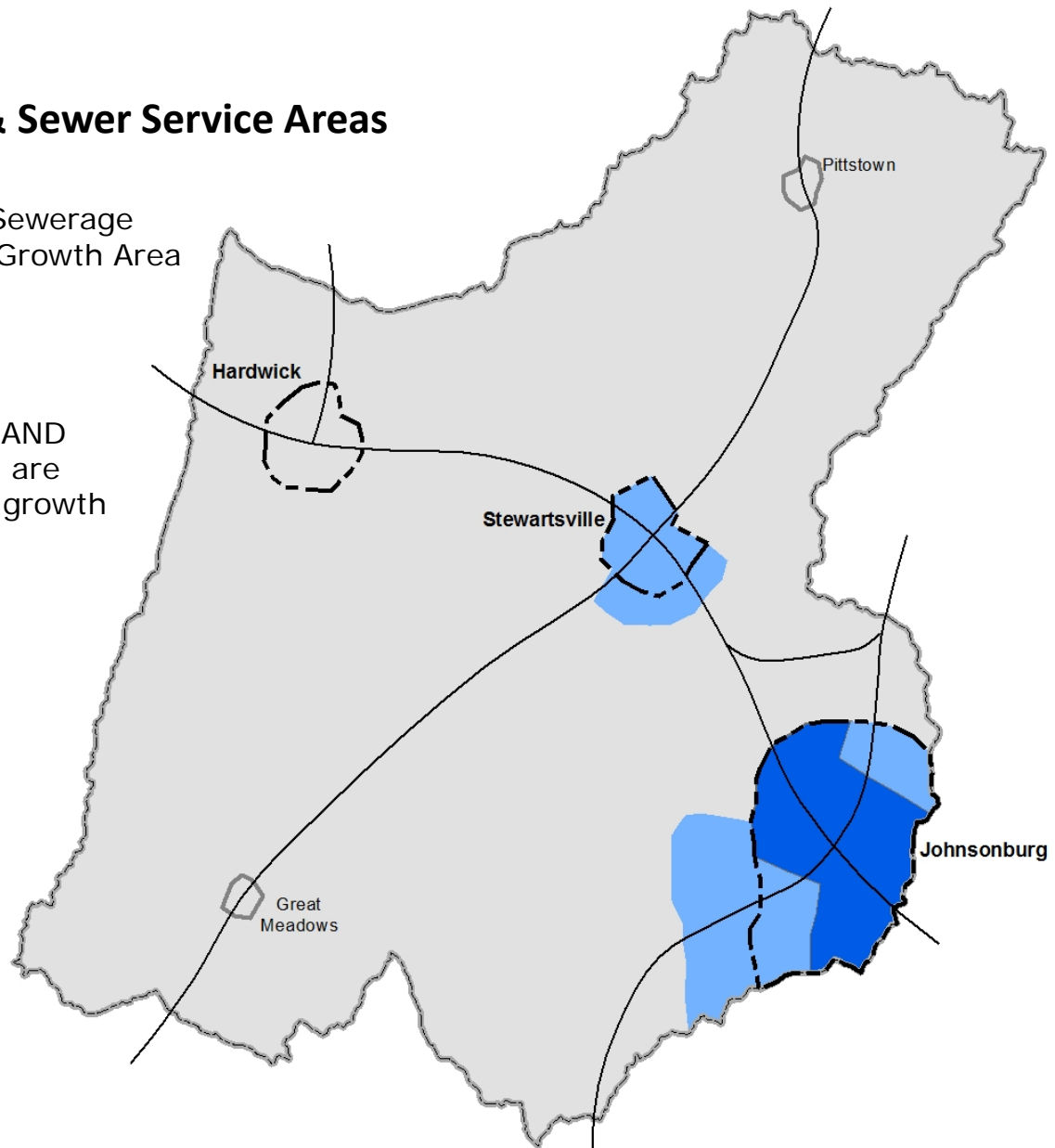
 Municipal Boundary

 Rural Village

#### Sewer Service Areas

 Existing Sewer Service

 Planned Sewer Service



## Tier 3 Areas


- No Planned Sewer Service,
- Areas not planned for agricultural use or preservation
- Planned/Zoned for Large Lot Development
- Municipality without Public Sewerage System
- Rural Villages without Public Sewerage System

## Crab County

### Low Density Zoning & Non Agricultural Use Areas


#### Legend

 Municipal Boundary


 Rural Village


#### Zoning

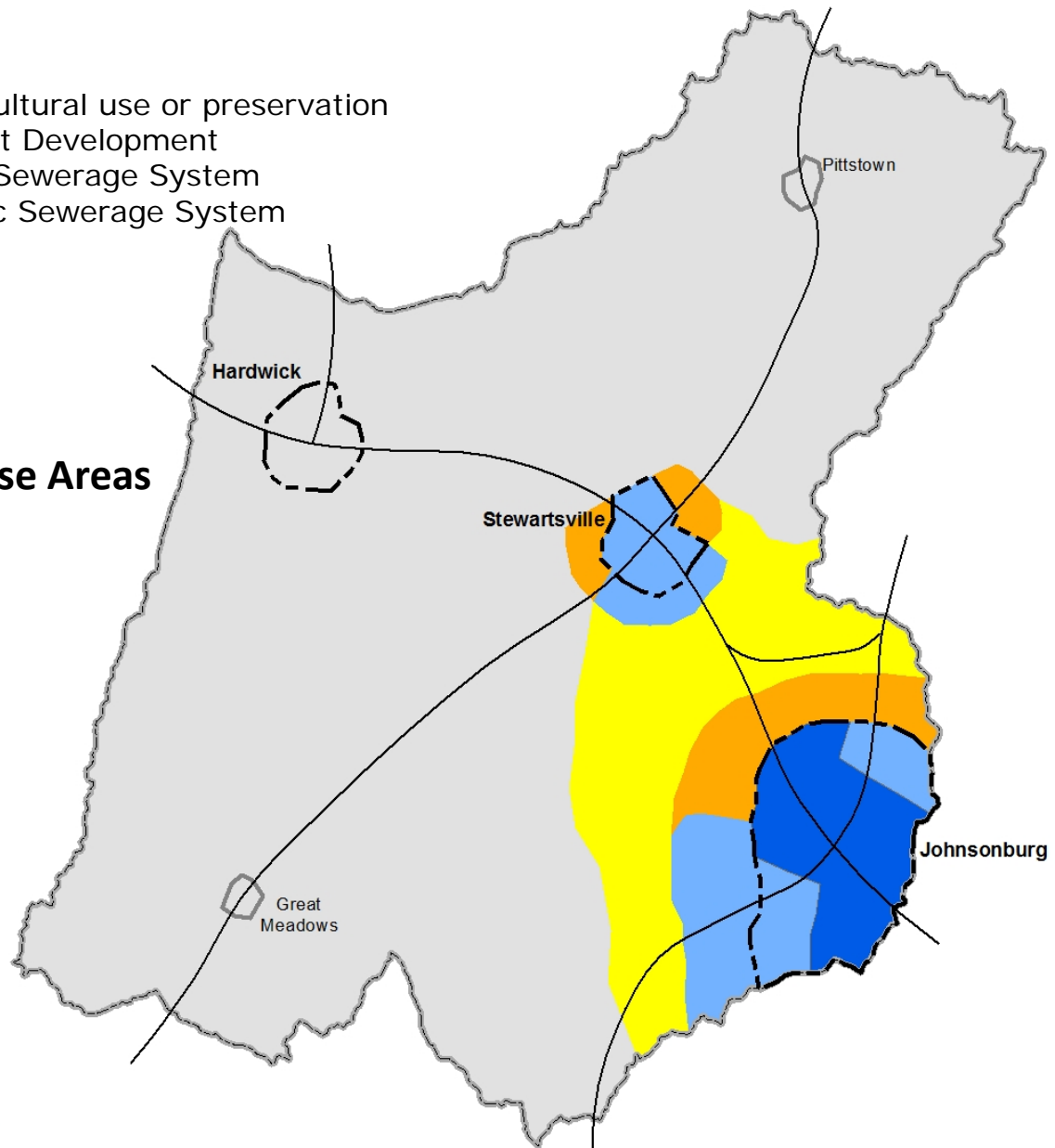
 Very Low Density Residential

 Low Density Residential

#### Sewer Service Areas

 Existing Sewer Service

 Planned Sewer Service



# Crab County


## Preservation Areas

### Tier 4 Areas

- No Planned Sewer Service
- Planned/Zoned for Ag/Resource Protection
- Dominated by Ag/Forest
- Rural Legacy Areas
- Priority Preservation Areas


### Legend


 Municipal Boundary

 Rural Village

### Targeted Preservation Areas

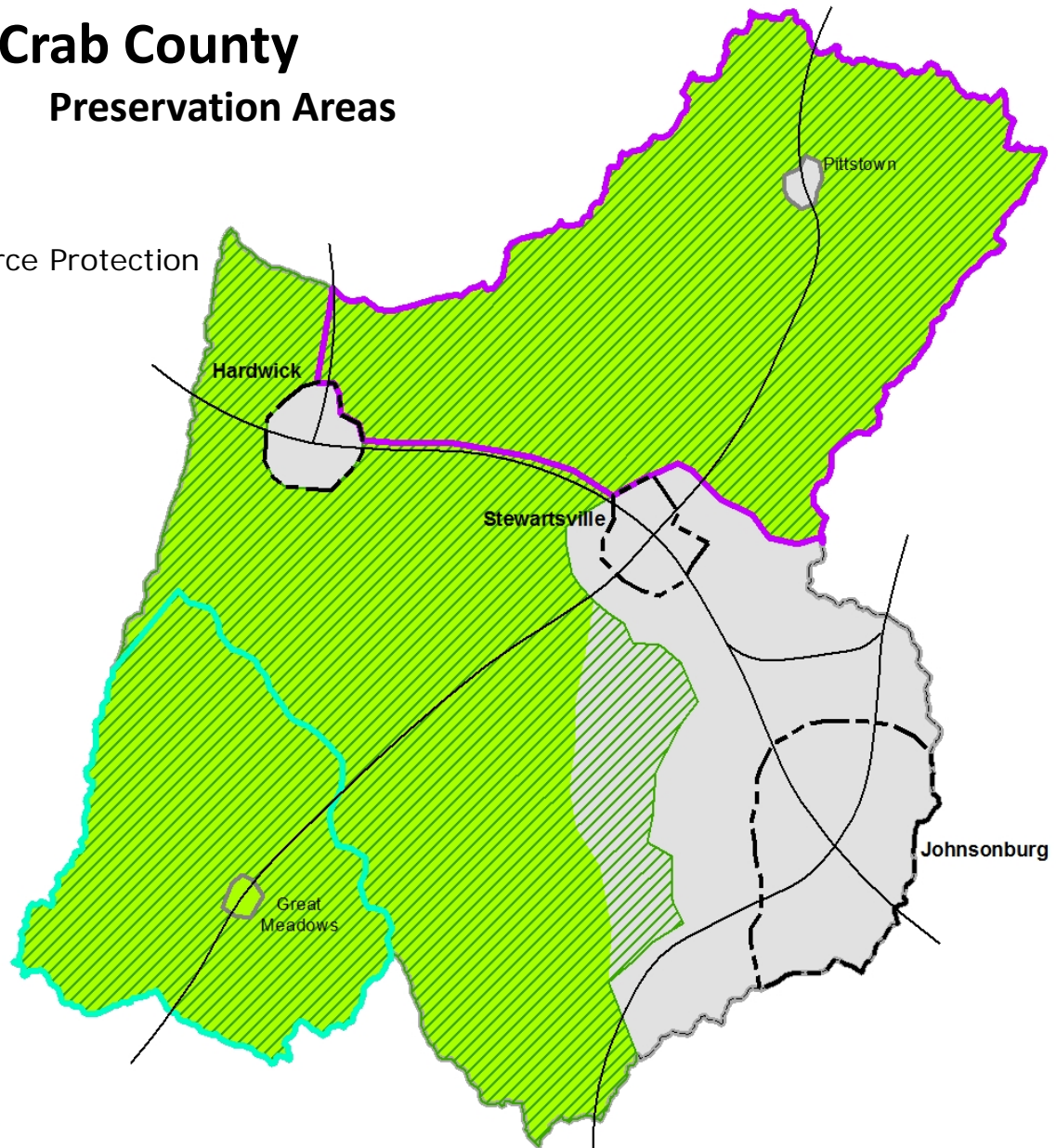
 Priority Preservation Area

 Rural Legacy Area

 Areas Dominated by Ag/Forest

### Zoning

 Agricultural-Resource Protection



# Crab County

## Septic Tier Map

### Legend


 Municipal Boundary

 Rural Village

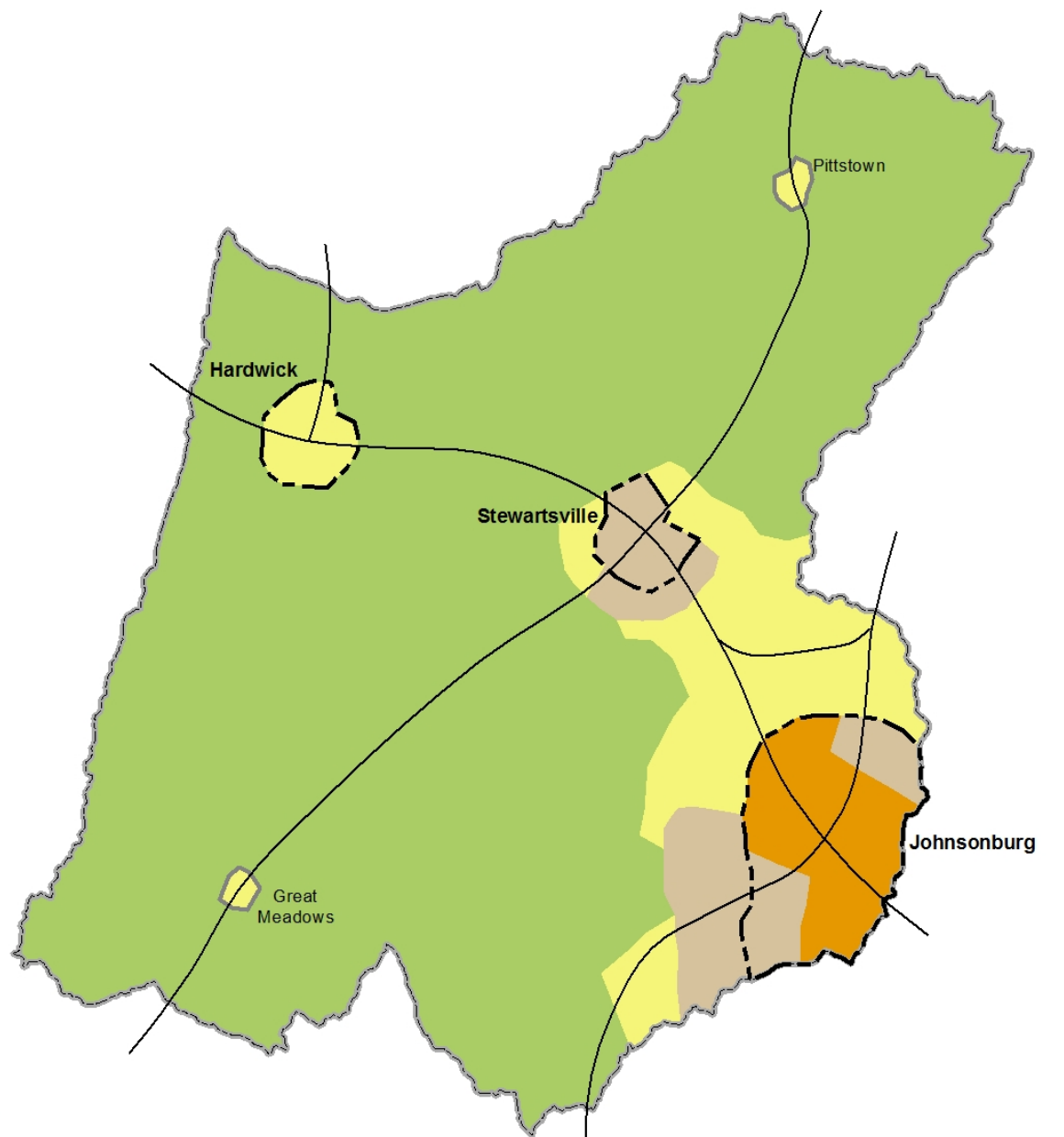
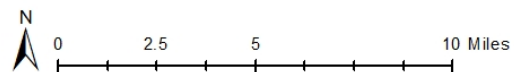
### Septic Tiers

 Tier 1

 Tier 2

 Tier 3

 Tier 4



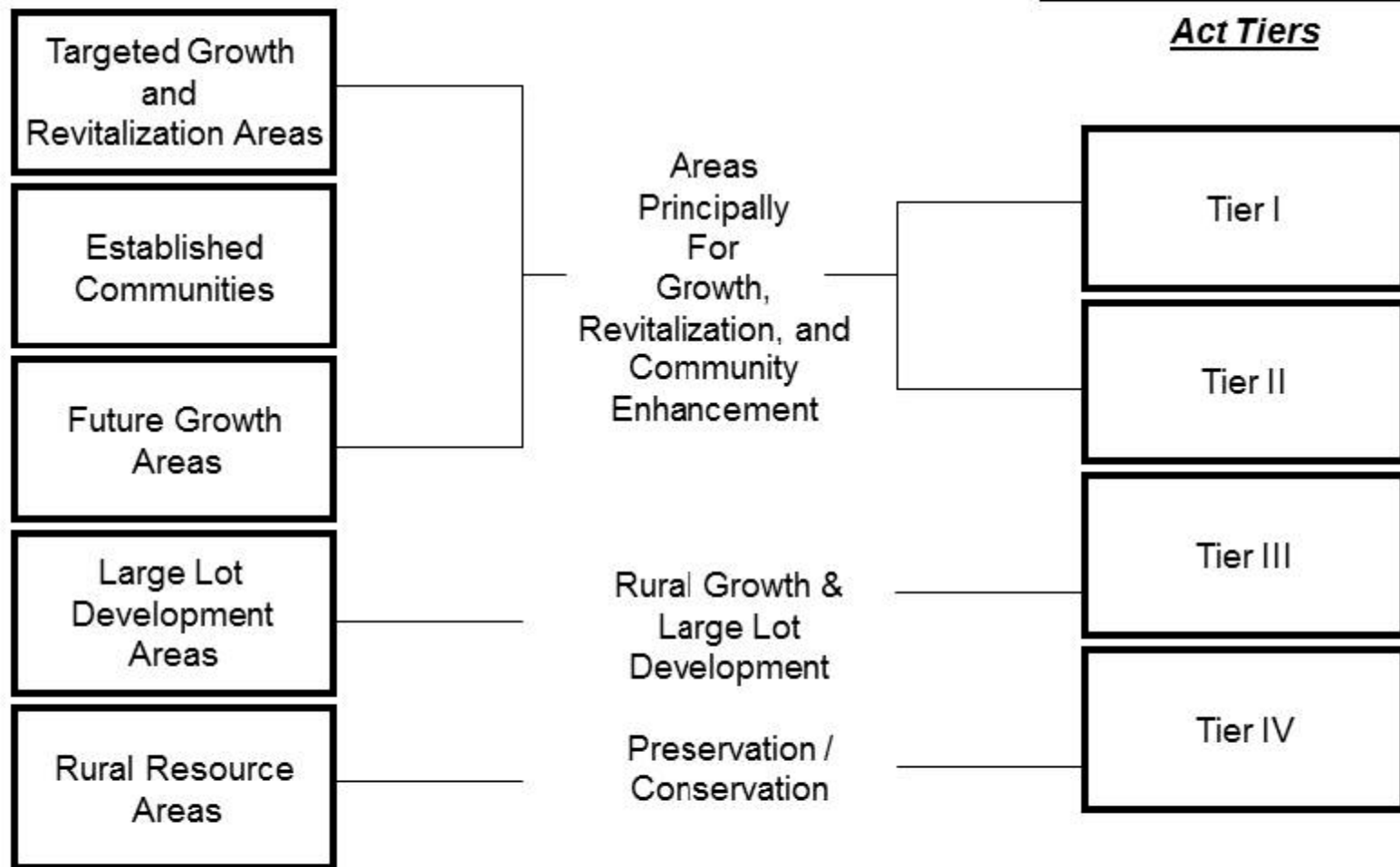


# PlanMaryland Planning Areas and Corresponding Sustainable Growth and Agricultural Preservation Act Tiers

## PlanMaryland Planning Areas

## Purpose

## Sustainable Growth and Agricultural Preservation Act Tiers







# Resolving Conflicting Designations

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- Likely a rare occurrence, but counties and municipalities should work closely on Tier development to identify and resolve these early in the process
- If conflicts are not resolved, SB236 establishes a process to resolve them



# Adopting the Tiers

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- Administrative adoption by December 31, 2012
- Subsequent to adoption, they are considered adopted
- When next 6-year review of comprehensive plan occurs, Tiers must be incorporated, else not considered adopted



# Opportunity for MDP Comments

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- After adoption, must submit Tiers and supporting documentation to MDP
- If MDP comments on the Tiers, local legislative body or planning board shall hold at least one public hearing on the comments



# Opportunity for MDP Comments

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- Local legislative body or planning board shall review the adopted Tiers in light of MDP's comments
- If the planning board holds the hearing, they shall recommend to the local jurisdiction that the Tiers be changed or remain unchanged



# What Else Needs to be Completed in 2012

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# Tracking Residential Subdivisions

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- All jurisdictions, whether or not they adopt the Tiers, should track all major and minor residential subdivisions to determine grandfathering



# Development Review Process

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- Development review process will need to be tweaked somewhat to ensure all new subdivisions are in conformance with SB236



# Controlling Authority

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- New shared facilities and community sewerage systems can only be approved if they are managed, operated and maintained by a controlling authority or a third party under contract with the controlling authority





# Major/Minor Subdivision Definitions

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- Use existing local definitions in effect on or before January 1, 2012
- If desired, local jurisdictions may adopt a definition of major and minor subdivisions for the purposes of the bill by December 31, 2012
- New definitions of minor subdivisions may not exceed 7 new lots



## Tier IV Exemption

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- Counties must have subdivision and zoning requirements in their Tier IV area that result in a protection level of not more than 1 dwelling unit per 20 acres
- Developable land and how zoning and other tools apply to it



# What Happens after 2012

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# Restrictions on Further Subdivision and Resubdivision

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- Ensures provisions of SB236 can be implemented in perpetuity
- Plat requirements
- Does not apply if within Priority Funding Area and designated for public sewerage within 10-year period



# Public Hearing & Planning Board Review of Major Subdivisions in Tier III

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- Major subdivisions in Tier III may only be approved if the planning board has reviewed and recommended the approval of the subdivision
- Review must consider cost of services and environmental impacts
- At least one public hearing must be held



# Changes to Tiers over Time

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- Until Tiers are included in the comprehensive plan, a local jurisdiction can change the Tiers administratively
- Once the Tiers are included in a comprehensive plan, Tiers only can be changed through a local jurisdiction's comprehensive planning process.
- Rezoning, water/sewer plan amendments and other changes will change Tier designations



# MDP Report to the General Assembly

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- On or before February 1st, 2013 MDP in consultation with MDE shall report on:
  - adoption of the tiers by each local jurisdiction
  - adoption or alteration of local ordinances or regulations to implement the Act
  - list of comments that MDP provided to each jurisdiction



# Questions?

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- Jason Dubow, Director, MDP's Environmental Planning Division, 410-767-3370
- John Leocha, Regional Planner Environmental Planning Division 41-767-5497