

Maryland's Septics Law: What Planning Commissioners Need to Know



Sustainable — Attainable

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This continuing education module will:

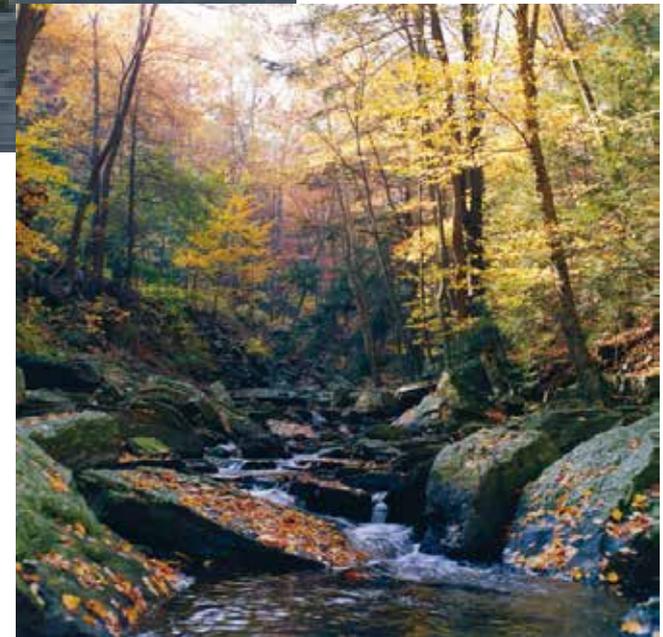
- Provide background on the Sustainable Growth and Agricultural Preservation Act of 2012 (the Septics Law)
- Outline the roles and responsibilities of Planning Commissioners and Planning Advisory Board members in implementing the law



Background

The Septics Law passed in 2012.

It guides the use of septic systems for new residential development to limit nitrogen pollution in the Chesapeake Bay and other waterways.



Background

Applies only to
new residential
subdivisions



Background

The Septics Law also limits the loss of forest and agricultural land to large-lot development.

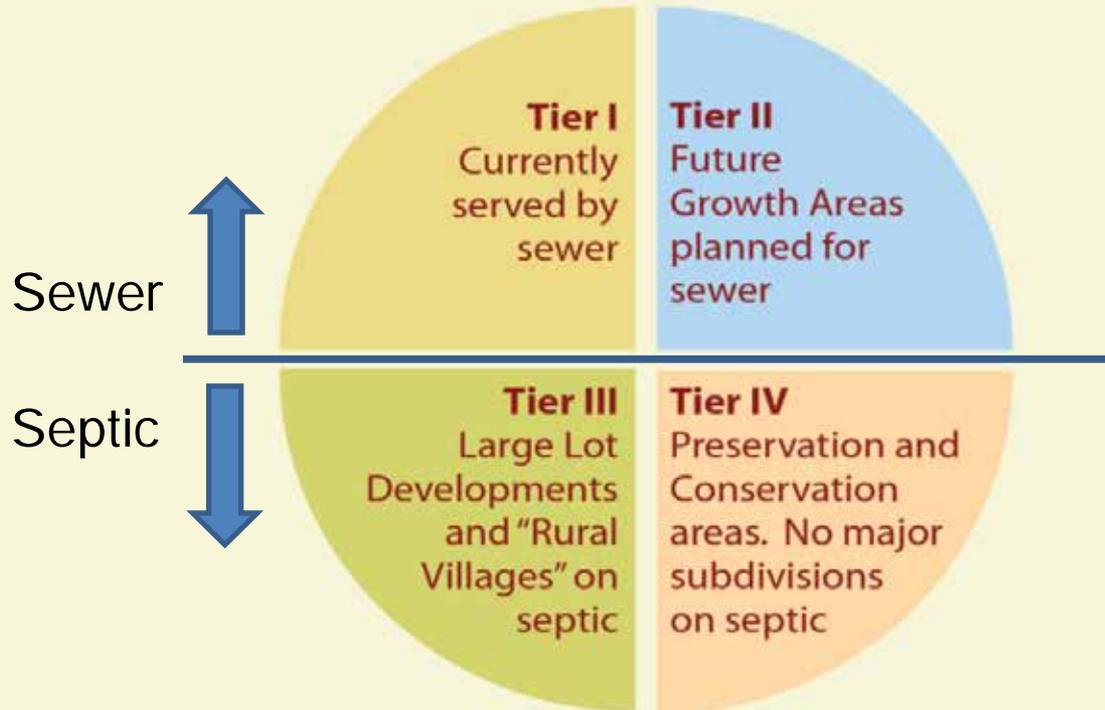


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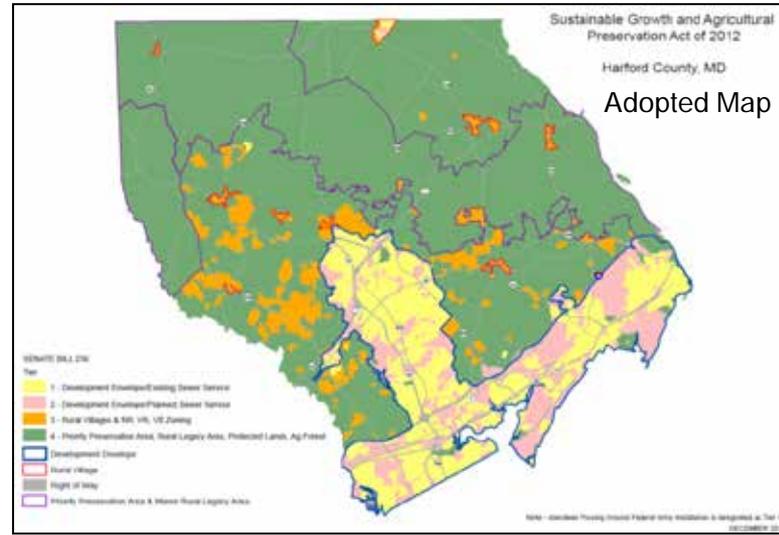
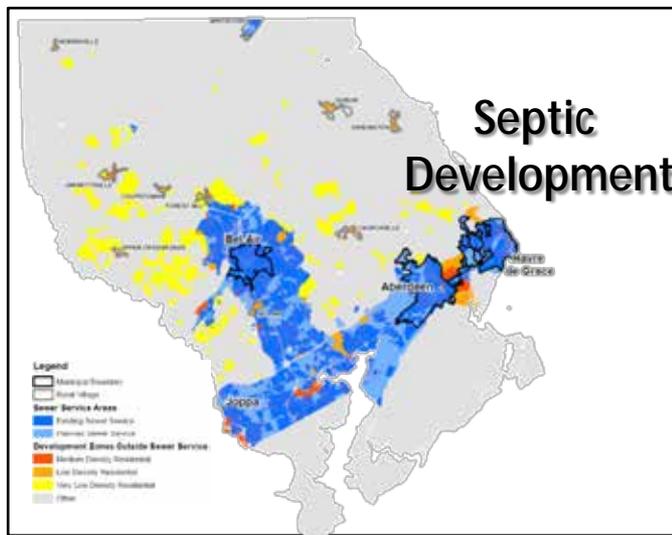
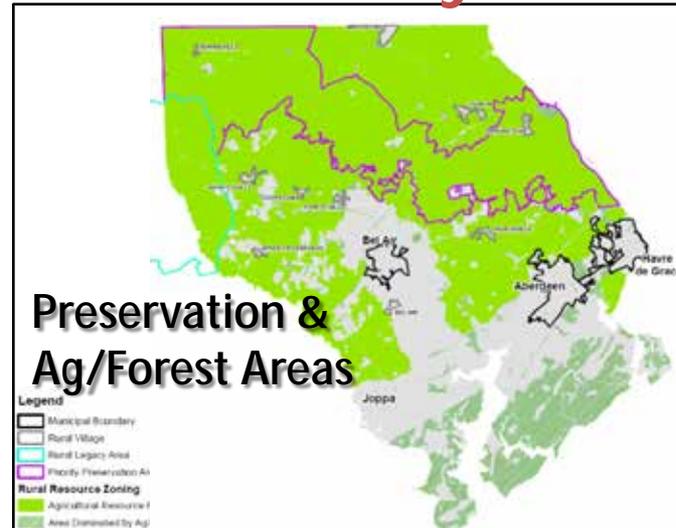
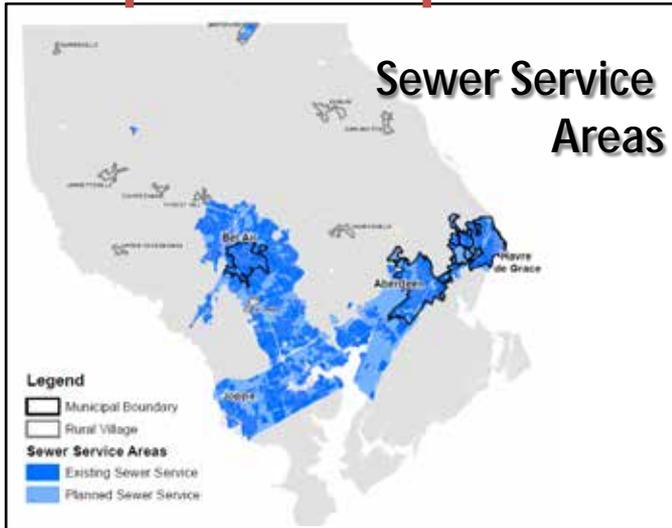
Secretary of Planning Richard E. Hall discusses the septic law and what it means for Maryland. [Link to YouTube to view](#)



Four Tiers



Tier Map Development, Harford County



The Tiers

MDP Environmental Planner John Leocha discusses the growth tiers.

[Link to YouTube to view](#)



The Septics Law

Septics Law Implementation

Sustainable Growth & Agricultural Preservation Act of 2012 Implementation

The Sustainable Growth & Agricultural Preservation Act of 2012 (the septic law) limits the spread of septic systems on large-lot residential development to reduce the last unchecked major source of nitrogen pollution into Chesapeake Bay and other waterways. By mapping future growth in "tiers," the law seeks greater accountability and predictability.

[Report to the General Assembly on Implementation of the Sustainable Growth and Agricultural Preservation Act of 2012](#)
[Septics law implementation maps for each county and municipality](#)
[Launch the Implementation Interactive Map](#)

Four Tiers

Tier I Currently served by sewer	Tier II Future Growth Areas planned for sewer
Tier III Large Lot Developments and "thrust Villages" on septic	Tier IV Preservation and Conservation areas. No major subdivisions on septic

[Download the statewide County Tier Adoption Status map](#)
[Download the statewide County Tier 4 Exemption Status map](#)
[Download the statewide Subdivision Ordinance Changes map](#)

MDP Secretary Richard Hall's Legislative Briefing on The Sustainable Growth & Agricultural Preservation Act of 2012 (Presented to Senate Education, Health and Environmental Affairs and House Environmental Matters committees, January 23, 2013)

Sustainable Growth & Agricultural Preservation Act of 2012 Planning Resources

Guidance Documents

- [Implementation Guidance for SB 236 \(Version 2.0\)](#)
- [Tier IV Exemption Protocol](#)
- [Mapping Areas "Dominated by Agricultural or Forest Land"](#)
- [GIS Shapefile for Use in ArcMap Dominated by Ag/Forest shapefile](#)

Guidance Mapping

MDP is providing this web application as part of the department's technical assistance role that SB 236 describes. The web application provides the key components for local jurisdictions to create the tier map. MDP is available to help jurisdictions that might need guidance in compiling a composite Tier map from these data.

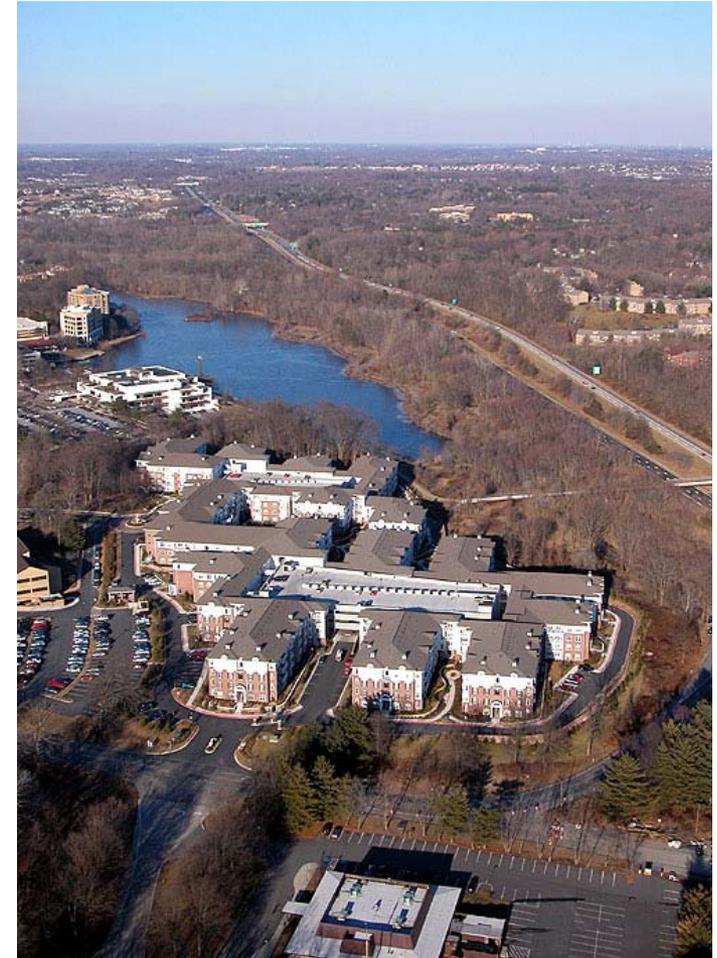
The law provides greater transparency and accountability.



Septic Tiers

Tier maps reflect local comp plans...

- Sewer service areas
- Locally designated growth areas
- Existing/proposed land use
- Zoning districts
- as well as...



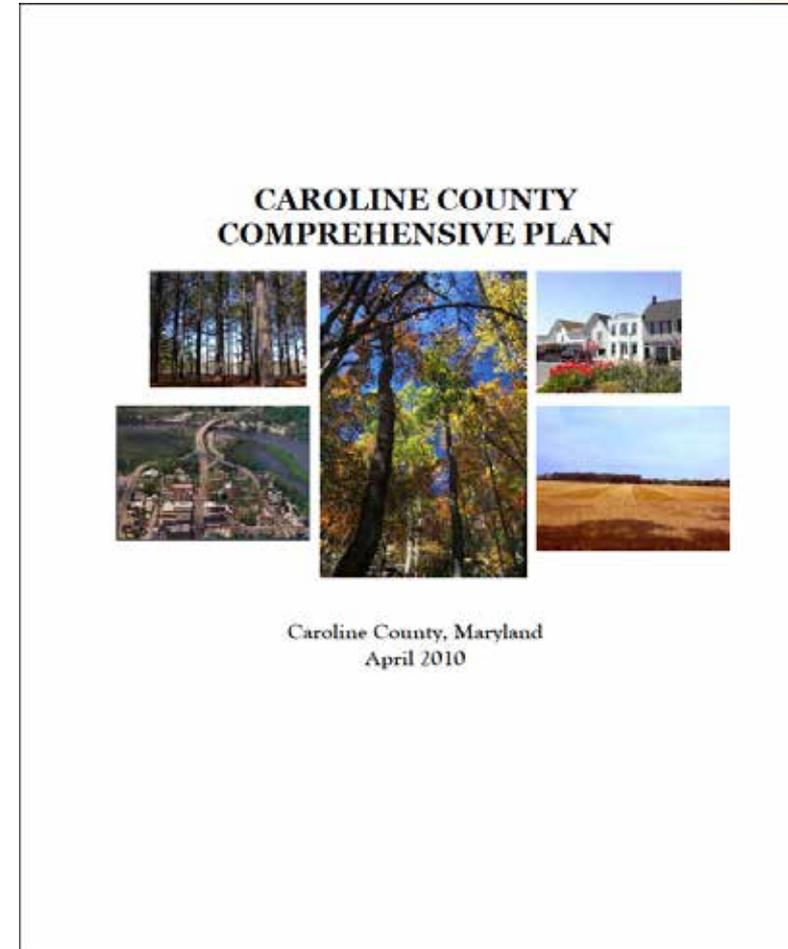
Septic Tiers

- Rural Village boundaries
- Priority preservation areas for Agriculture
- Rural Legacy areas
- Areas under conservation easements or similar restrictions
- Areas dominated by agricultural lands, forest lands, or other natural areas



Septics Law Implementation

- After a map has been adopted, new requirements follow:
 - § Consider MDP comments (if any) in public hearing
 - § Add map to comprehensive plan during the next update
 - § Public hearings for Tier III major residential subdivision requests



Septics Law Implementation

Septics Law requirements for development review:

- Tier I: follow existing process
- Tier II: follow existing process
- Tier III: if a proposed residential major subdivision, then Planning Commission holds public hearing and resolution required
- Tier IV: follow existing process



Septics Law Implementation

For major subdivisions in Tier III

- review
- public hearing
- resolution



Septics Law Implementation: Major subdivision approvals in Tier III

- In charter counties, planning commissions will recommend approval or disapproval (by resolution) to the administrative official with approval authority, following:
 - public hearing
 - consideration of the cost of public services
 - environmental issues and impacts



Septics Law Implementation: Major subdivision approvals in Tier III (cont.)

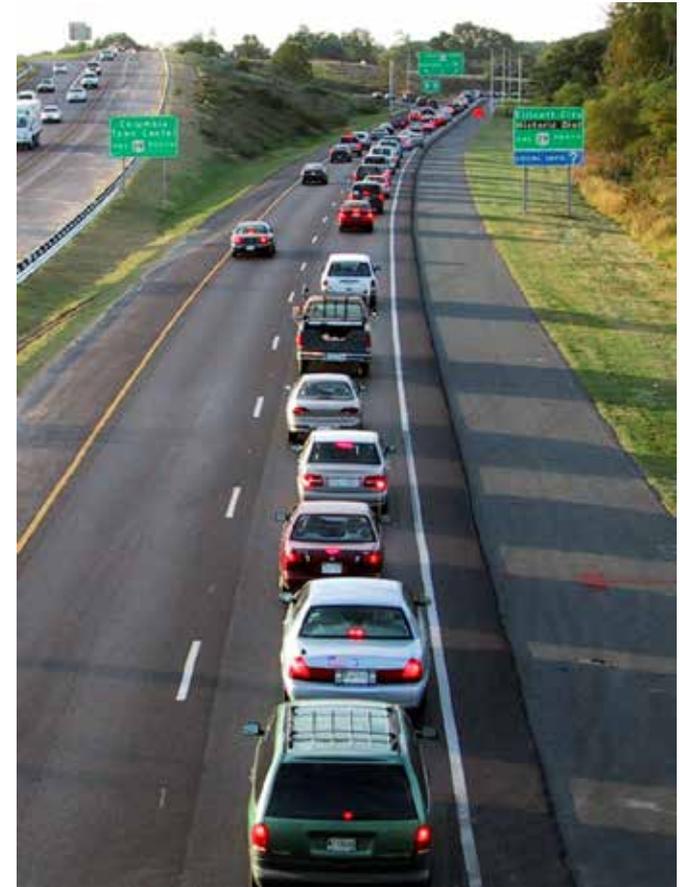
- A non-charter county planning commission, which does approve subdivisions, must incorporate the same requirements:
 - public hearing
 - consideration of the cost of public services
 - environmental issues and impacts
 - final approval by resolution

Tier III Major Residential Subdivision Review

Fiscal Impacts

What costs will the new subdivision add to existing public facilities?

- § schools
- § roads
- § police/fire/rescue
- § community facilities



Tier III Major Residential Subdivision Review

What are the impacts to the natural features on site and surrounding areas?

- Mitigate runoff from new impervious surfaces
- Minimize nutrient loadings
- Clustering vs. larger lots
- Agriculture and forest lands



Tracking Subdivisions

Consider:

- Is the proposed subdivision “grandfathered?”
- Has there been previous subdivision activity?

Parent parcel / new parcels:

- Indicate subdivision potential of each new parcel and any remaining potential from the parent parcel
- Record on the plat for future reference
- If transfer/purchase of development rights are being used, state how many and identify the parent parcel(s) from which they were derived



Septic Law implementation

For all types of development applications:

- New community wastewater treatment must be managed by local government
- Homeowner groups are no longer eligible



The Septics Law Review



The 2012 Septics Law...

- A) Guides the use of septic systems for new residential development to prevent nitrogen pollution
- B) Applies to all existing and proposed subdivisions
- C) Prevents the loss of forest and agricultural land to large-lot development
- D) A and C only

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When counties and municipalities adopt septic tier maps, they should consider...

- A) Existing and proposed sewer service areas
- B) Locally designated growth areas
- C) Areas dominated by agricultural lands, forest lands, or other natural areas
- D) All of the above



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Which of the following is true?

- A) Tier maps are a permanent designation
- B) The maps should be amended over time to reflect changes to local plans
- C) Planning commissions must hold public hearings for all major subdivisions on public sewer and water regardless of Tier category
- D) Tier maps do not need to be incorporated into local comprehensive plans



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Planning Commissions must hold public hearings for all major subdivisions in Tier III areas. Which of the following is not required to be considered?

- A) The cost of providing local government services to the subdivision
- B) The compatibility of house design with adjacent subdivisions
- C) The potential environmental issues or results of a Natural Resource Inventory on the site of the proposed subdivision
- D) The possible impact on schools



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Residential Subdivision by Tiers

Which of the following is true?

- A. Major subdivisions are permitted only with an adopted tier map.
- B. If a jurisdiction is exempt from the major subdivision restrictions in Tier IV, public hearings are not required for major subdivisions in any tier.
- C. If a jurisdiction does not adopt a tier map, major subdivisions can be created anywhere, as long as they are on a public sewer system.



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Residential Subdivision by Tiers: Which of the following are true?

- A. Minor subdivisions can be created in any tier.
- B. Approval of a major subdivision in Tier III only needs to consider fiscal impacts to public services and minimize environmental impacts.
- C. A new major subdivision in Tier IV can use transferred development rights from any parcel in any tier.



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Charter counties do not need to adhere to the 2012 Septics Law. True or false?

- A) True
- B) False
- C) It depends on the application



Charter counties do not need to adhere to the 2012 Septics Law. True or false?

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- B) False**
- C) It depends on the application



Further information

Maryland Department of Planning Septics Law page

<http://bit.ly/septiclaw>

MDP Implementation Guidance for The Sustainable Growth and Agricultural Preservation Act of 2012

<http://www.planning.maryland.gov/PDF/OurWork/SepticsBill/SB236ImplementationGuidanceV2.pdf>



THANK YOU FOR YOUR SERVICE

FURTHER QUESTIONS?

