Maryland’s Septics Law: What Planning Commissioners Need to Know
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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.
Background

Secretary of Planning Richard E. Hall discusses the septic law and what it means for Maryland. Link to YouTube to view
Four Tiers

Tier I
Currently served by sewer

Tier II
Future Growth Areas planned for sewer

Tier III
Large Lot Developments and “Rural Villages” on septic

Tier IV
Preservation and Conservation areas. No major subdivisions on septic

Sewer

Septic
Tier Map Development, Harford County

Sewer Service Areas

Preservation & Ag/Forest Areas

Septic Development

Adopted Map
The Tiers

MDP Environmental Planner John Leocha discusses the growth tiers. Link to YouTube to view
The Septics Law

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:
  
  o public hearing
  o consideration of the cost of public services
  o 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
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
The 2012 Septics Law...

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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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A) Existing and proposed sewer service areas

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D) All of the above
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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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
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.
Residential Subdivision by Tiers. Which of the following is true?

A. Major subdivisions are permitted only with an adopted tier map.

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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.
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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B. Approval of a major subdivision in Tier III only needs to consider fiscal impacts to public services and minimize environmental impacts.

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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?

A) True
B) False
C) It depends on the application
Further information

Maryland Department of Planning Septics Law page

MDP Implementation Guidance for The Sustainable Growth and Agricultural Preservation Act of 2012
THANK YOU FOR YOUR SERVICE

FURTHER QUESTIONS?