

MARYLAND GROWTH TIERS

House Natural Resources, Fish & Wildlife

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Vermont Planners Association

Act 250 Conference: VT Law School May 2018



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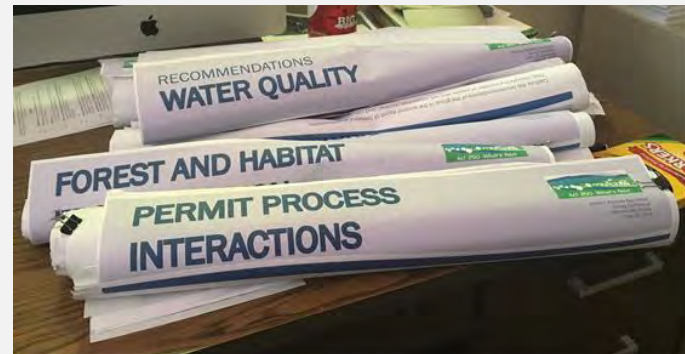
With generous funding from the High Meadows Fund

Conference Report:

<https://www.vermontplanners.org/wp/wp-content/uploads/2018/12/Conference-summary.pdf>

PANEL: OUTSIDE PERSPECTIVES

- **Washington State:** Josh Brower, Esq., former Chair, Seattle Planning Commission
- **Maryland:** Dru Schmidt-Perkins, formerly of 1000 Friends of Maryland, Board Member, Smart Growth America
- **Maine:** Rob Sanford PhD, University of Southern Maine, former Act 250 District Coordinator
- Moderator: Brian Shupe, VNRC



Dru Schmidt-Perkins:

Protecting Chesapeake Bay has been a focus. They've done fairly well on preserving land with dedicated funds for that purpose. The focus on water quality has resulted ...in setting up four tiers of geographic locations, which range from the most urban, where public water and sewer is required, to the most rural, where land development is limited by requirements for onsite systems. That wastewater treatment focus, along with new stormwater regulations, has linked development issues to water quality.

MARYLAND SUSTAINABLE GROWTH & AGRICULTURAL PRESERVATION ACT OF 2012 (SB236)

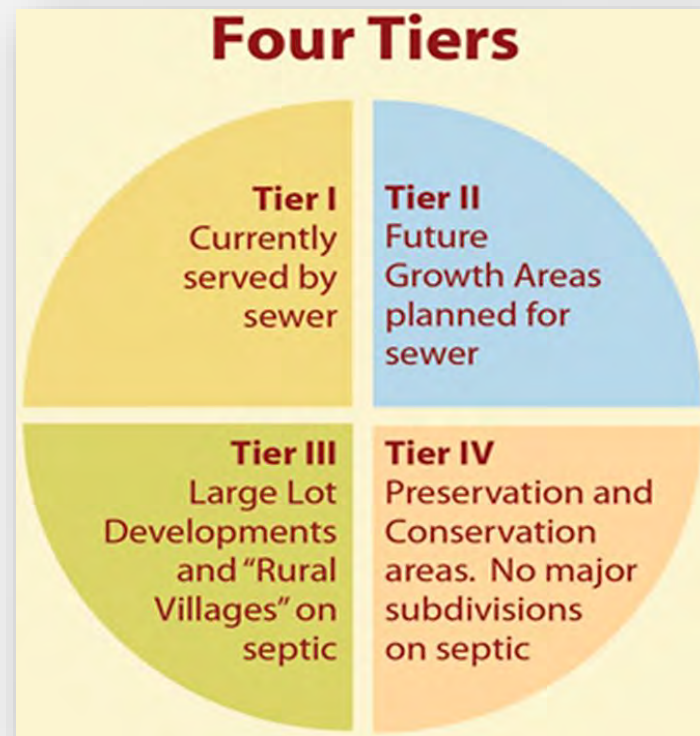
“The Septic Law”

- Applies to all Maryland counties, municipalities (local jurisdictions)
- Applies only to the regulation of residential subdivisions
- Intent to limit the spread and impact of larger subdivisions on:
 - Farm and forest land
 - Water quality (Chesapeake and Coastal Bays)
- Voluntary, but required to allow “major subdivisions” served by onsite septic systems (individual, shared, community)

Website: <https://planning.maryland.gov/pages/ourwork/SB236Implementation.aspx>

GROWTH TIERS

“By mapping future growth in "tiers," the law seeks greater accountability and predictability.”



RESIDENTIAL SUBDIVISIONS

- **“Minor” Subdivision**
 - As defined locally; not to exceed 7 new lots, plats or building sites
 - Default: <5 new lots, plats or building sites
- **“Major” Subdivision**
 - As defined locally; 8+ new lots, plats or building sites
 - Default: 5+ new lots, plats or building sites
 - Tier IV Exemption (Major): maximum overall (yield) density = no more than 1 dwelling unit / 20 acres of land

FARM & FOREST LAND

“Dominated by Agricultural or Forest Land” (Tier IV)

- Mapped, defined locally (county, municipal)
- Mapped initially to include:
 - Areas planned, zoned for conservation
 - Areas that adjoin or are contiguous to other Tier IV areas
 - Designated areas (Rural Legacy, Priority Preservation Areas)
 - Isolated areas of 100+ acres of contiguous, combined farm, forest and other natural land covers
 - Isolated areas <100 acres with stand-alone resource value
- Resource values then evaluated for inclusion in Tier IV

	Description	Mapped to Include
Tier I	Existing public sewer areas <ul style="list-style-type: none"> • Minor subdivisions on sewer • Major subdivision on sewer 	<ul style="list-style-type: none"> • Locally designated, mapped growth areas • Priority Funding Areas (designation)
Tier II	Planned public sewer areas <ul style="list-style-type: none"> • Major subdivisions on sewer • Minor subdivisions, onsite (interim), with limits on further subdivision 	<ul style="list-style-type: none"> • Areas in municipal growth element • Locally designated, mapped growth areas, needed to meet projected demand at consistent (sewered) densities
Tier III	Areas served by onsite systems, <i>*not dominated by forest or farmland</i> <ul style="list-style-type: none"> • Minor subdivisions, with limits on further subdivision • Major subdivisions, with full review 	<ul style="list-style-type: none"> • Rural Villages (designation) • Locally designated (rural) growth areas • Areas planned for large lot, rural development
Tier IV	Conservation areas, no sewer service planned, limited onsite <ul style="list-style-type: none"> • Minor subdivisions, with limits on further subdivision • Major subdivisions not allowed without exemption 	<ul style="list-style-type: none"> • Areas planned/zoned for land, agricultural or resource protection • Areas dominated by forest land, farm land or other natural areas (e.g., 100+ acres) • Rural Legacy Areas, Priority Preservation Areas (designations), easement areas

RESUBDIVISION

Within Tier II, III and IV (as noted on the plat):

- Minor subdivision may not be resubdivided or further subdivided
- Remainder (retained) of parcel or tract may not be subdivided
- Minor subdivision may be resubdivided or further subdivided if located:
 - Within a designated Priority Funding Area, or
 - Within an area designated for public sewer service within 10 years (within an approved water and sewer plan)

PROCESS

Guidance

- Statute – Definitions, parameters (for each growth tier)
- Statute – Defaults, exceptions (local flexibility)
- Guidance – Protocols, mapping, implementation

Mapping

- Tiers mapped at county, municipal level
- Maps reviewed by MDP for comment, public hearing
- If conflicts exist between jurisdictions, MDP mediates, recommends tier designation to MDE

Adoption

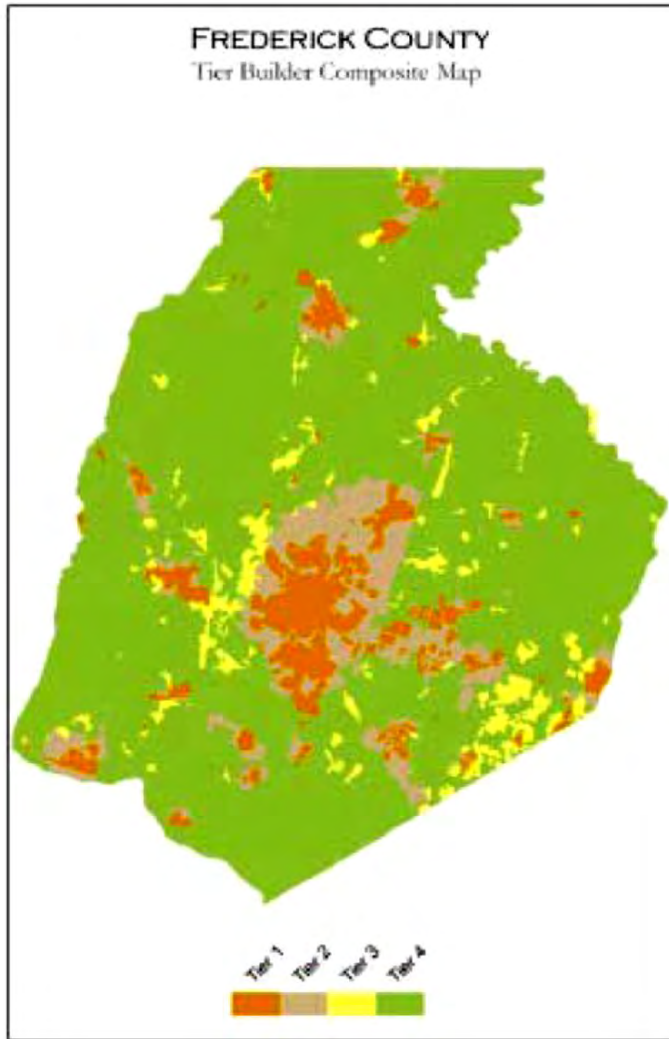
- Maps adopted at municipal, county level
- Incorporated into updated municipal, county plans
- Subdivisions tracked, reviewed at municipal, county level

GUIDANCE

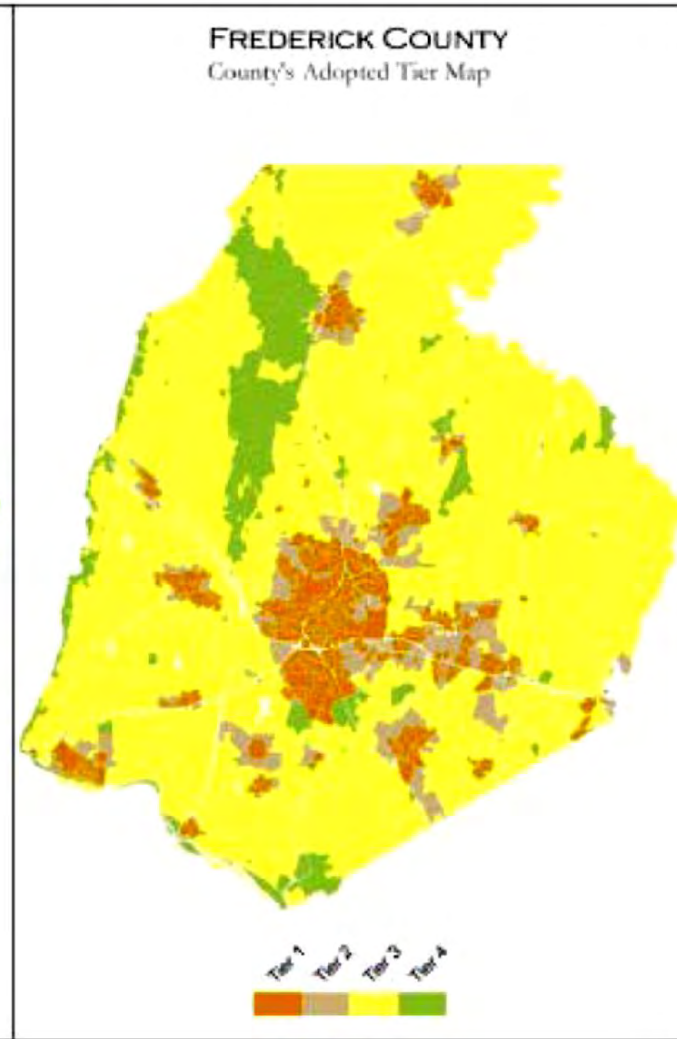
Maryland Department of Planning (MDP):

- Training Module
- Implementation Guide
- Protocols – Tier IV Exemptions, Mapping Ag and Forest Land
- Web-based Interactive Mapping Platform (GIS data layers)

MDP Proposed Map



County Adopted Map



Source: David Newburn, University of Maryland

SOME COMPARISONS

MARYLAND

- Public Sewer vs. Onsite Systems
- Designated Areas (development, resource conservation)
- Mapped Areas
- County, municipal level
- Review, limitations on further subdivision

VERMONT

- 1-Acre vs. 10-Acre Town (zoning, subdivision regs)
- Designated Areas (development)
- Former “Capability and Development Plan” maps
- District level
- Review, conditions

TAKEAWAYS

- Intent to limit impact of residential subdivision on water quality and forest and farmland fragmentation
- Promotes subdivision, development in areas planned for development that are served by public water and sewer infrastructure (Tiers I, II)
- Allows subdivision, development with more stringent review, limitations in areas served by onsite systems (Tier III)
- Limits subdivision, development within areas planned, mapped for resource conservation (Tier IV)
- Guidance – top down (Statute, MD Planning Dept.)
- Mapping, Implementation – bottom up (Counties, Municipalities)