Sustainable Growth & Agricultural Preservation Act of 2012 (SB 236)

MSGIC Quarterly Meeting
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What does SB236 do?

- Establishes Mapped Growth Tiers
- Limits septic development
- Reduce a major source of nitrogen pollution into Chesapeake Bay and other waterways
Four Growth Tiers
Four Growth 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
Developing the Tiers

- Geographic Information needed to develop tiers
  - Sewer service areas
  - Mapped locally designated growth areas
  - Existing and proposed land use
  - Zoning districts
  - Rural Village boundaries
  - Etc.
Crab County
Local Growth Areas & Sewer Service Areas

**Tier 1 Areas**
- Served by Existing Public Sewerage Systems

**Tier 2 Areas**
- Planned to be served by Public Sewerage Systems
Crab County
Low Density Zoning & Sewer Service Areas

**Tier 3 Areas**
- No Planned Sewer Service
- Planned/Zoned for Large Lot Development
- Municipality without Public Sewerage System
- Rural Villages without Public Sewerage System
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
Crab County
Growth Tier Map

Legend
- Municipal Boundary
- Rural Village
- Septic Tiers
  - Tier 1
  - Tier 2
  - Tier 3
  - Tier 4
Adopting the Tiers

- Administrative adoption by December 31, 2012
- Incorporated into next 6-year review of comprehensive plan
Opportunity for MDP Comments

- After adoption, must submit Tiers and supporting documentation, including GIS layers, to MDP
- If MDP comments on the Tiers, local legislative body or planning board shall hold at least one public hearing on the comments
Other “Geographic” Provisions in SB236
Tracking Residential Subdivisions

- All jurisdictions, whether or not they adopt the Tiers, should track all major and minor residential subdivisions to determine grandfathering.
Major/Minor Subdivision Definitions

- Use existing local definitions in effect on or before January 1, 2012
- 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

- 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
Changes to Tiers over Time

- 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.

- Rezonings, water/sewer plan amendments and other changes will change Tier designations.
PlanMaryland Planning Areas and Corresponding Sustainable Growth and Agricultural Preservation Act Tiers

**PlanMaryland Planning Areas**

- Targeted Growth and Revitalization Areas
- Established Communities
- Future Growth Areas
- Large Lot Development Areas
- Rural Resource Areas

**Purpose**

Areas Principally For Growth, Revitalization, and Community Enhancement

**Sustainable Growth and Agricultural Preservation Act Tiers**

- Tier I
- Tier II
- Tier III
- Tier IV

Rural Growth & Large Lot Development

Preservation / Conservation
Technical Tools for SB236 Implementation

Graham Petto, AICP
Maryland Department of Planning
Providing Technical Assistance for SB236 Implementation

- SB236 Implementation Website
- Defining “Dominated by Ag/Forest”
- Mapping Growth Tiers: Composite Maps
- SB236 Guidance Map
  - Interactive Web Map
  - Downloadable MXD for GIS Users
SB236 IMPLEMENTATION WEBSITE
Senate Bill 236 Implementation

Sustainable Growth & Agricultural Preservation Act of 2012 Implementation

The Sustainable Growth & Agricultural Preservation Act of 2012 (Senate Bill 236, or SB 236) limits the spread of septic systems on large-lot residential development to reduce the last unchecked major source of nutrient pollution into Chesapeake Bay and other waterways. By mapping future growth in “tiers,” the law seeks greater accountability and predictability.

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

Resources

- Task Force on Sustainable Growth and Wastewater Disposal
- SB 236 Implementation Guidance for local government
- Presentation: Implementation of SB 236
- Senate Bill 236 (53 pages)

Timeline

- July 1, 2012: New law takes effect
- Oct. 1, 2012: Recommended date for local adoption of tiers
- Dec. 31, 2012: Tiers must be adopted by local jurisdictions by this date. Otherwise, no new major subdivisions outside of existing sewered areas are allowed
- 2012 - 2013: Public hearing on MDP tier comments
- Feb. 1, 2013: MDP reports to General Assembly on tier map progress

Senate Bill 236 Implementation Guidance Map

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.

Launch the Interactive Map <

Current Poll

For me, the selected trade-offs would be acceptable in applying smart growth principles to future growth in Maryland. (check all that apply)

- Better public transit/less driving VS. More roads/more highway congestion
- Keeping farming viable VS. Large horse/kid yards
- More Main St shopping VS. More strip shopping

GIS Shapefile for Use in ArcMap Dominated by Ag/Forest shapefile

Implementation Guidance for SB 236 (Version 2.0)
Areas Dominated by Ag/Forest

MDP recommends a review of the following areas (Section 2.2.2 of Guidance Document):

- Agricultural and Forest lands that adjoin or are contiguous to other Tier IV areas.
- Isolated areas 100 acres or larger of contiguous combined agricultural, forest, and other natural land covers.
- Isolated areas of contiguous combined agricultural, forest, and other natural land covers that are smaller than 100 acres in size that have stand-alone resource value identified by the State, local government or the private sector (often individual landowners).

NOTE: Small areas of development can be considered in larger context of areas dominated by ag/forest
Mapping Areas
“Dominated by Ag/Forest”

- MDP 2010 Land Use/Land Cover
  - 2007 Aerial Imagery
  - Maryland PropertyView
  - Land Cover in Rural Landscapes
  - Land Uses in Developed Areas
Mapping Areas
“Dominated by Ag/Forest”

- 100 Acres of contiguous Ag & Forest

- Forest: 45 Acres
- Agricultural: 55 Acres
- Forest & Agricultural: 100 Acres
Areas Dominated by Ag/Forest

- MDP recommends the following datasets to assist in Ag/Forest area delineation:
  - Aerial Imagery (2010/2011 available through MDiMap)
  - Locally Developed Land Cover Data
  - DNR GreenPrint
MDP MAPPING ASSISTANCE
Mapping Growth Tiers

- MDP can assist local jurisdictions in developing composite growth tier maps.
- These maps illustrate all of the components required to define the growth tiers.
- The resulting composite map can be used by the local jurisdiction to determine growth tiers.
SB236 GUIDANCE MAP MXD
SB236 Guidance Map MXD

- Mix of services from
  - MD iMap
  - MDP GIS Server
- Contains all data layers necessary to draft growth tier maps
- Intended for GIS users; serves as a tool to support mapping
Downloadable ArcGIS Project Document
Enables Local GIS/Planning staff to digitize/draft maps in reference to multiple data sources, provided by MD iMap and MDP GIS servers
SB236 INTERACTIVE MAP
SB236 Interactive Map

- Developed Using ArcGIS.com
- Mix of services from
  - MD iMap
  - MDP GIS Server
- Contains all data layers necessary to draft growth tier maps
- Intended for non-GIS users; specifically jurisdictions with limited GIS capabilities
Senate Bill 236 Implementation

Sustainable Growth & Agricultural Preservation Act of 2012 Implementation

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- Implementation Guidance for SB 236 (Version 2.0)
- Mapping Areas "Dominated by Agricultural or Forest Land"
- GIS Shapefile for Use in ArcMap Dominated by Ag/Forest shapefile

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- How to use the interactive map to identify possible growth tiers

Launch the Interactive Map
SB236 Implementation Guidance Map
SB236 Implementation Guidance Map

SB236 Map Link
Questions?