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**Department of
Land Use, Planning & Development**
Carroll County Government
225 North Center Street
Westminster, Maryland 21157

June 8, 2012

Re: *Sustainable Growth and Agriculture Preservation Act of 2012 Requirements
(Senate Bill 236)*

To Whom It May Concern:

The Maryland Department of Planning (MDP) was successful in getting Senate Bill 236 (SB 236) approved by the Legislature and signed by the Governor. This legislation will become effective July 1, 2012. Carroll County Government and Carroll County Health Department staffs have been reviewing the new law to determine its impact on Carroll County. The law will have a significant impact on the ability of land owners to subdivide their properties when served by individual on-site septic systems. Carroll County and the Health Department want you to be aware of some of the potential impacts of this new law.

The law requires that, on or after December 31, 2012, the County may not authorize a residential major subdivision, except in Tier I, until the County adopts growth tiers. Tiers, which have not yet been identified, will be based on the criteria in the law and will affect the type of sewage disposal system that will be permitted in a given area. The law allows counties some flexibility in defining major and minor subdivisions. However, minor subdivisions are limited to a maximum of seven lots.

The new law provides for grandfathering of plans under certain conditions. Since Carroll County will accept preliminary plans prior to percolation testing, preliminary plans that are submitted to the County prior to October 1, 2012, would be exempt from certain sections of the new law if they are approved by October 1, 2016. Major subdivisions using on-site sewage disposal systems would be permitted to develop under the current rules if these grandfathering provisions are met. The results of the percolation tests often determine how the lots in a proposed subdivision can be configured. Therefore, even though the County will accept preliminary plans prior to percolation testing, the County and Health Department staffs recommend that percolation tests be completed prior to submission. Any change to the lot configuration as a result of the percolation tests would still need to occur before October 1, 2012, in order to meet the deadline for submitting a preliminary plan.

County staff is presently working on developing tiers as required in the law. According to the new statute, the only tier in which major subdivisions served by individual on-site sewage disposal systems will be allowed is Tier III. While the County has not yet determined what

areas will be designated as Tier III, these areas will likely be limited because MDP was successful in defining the areas, through SB 236, as being “not dominated by agricultural or forested land; not planned or zoned for land, agricultural, or resource protection, preservation, or conservation; and are either Rural Villages, mapped locally designated growth areas, or areas planned and zoned for large-lot and rural development.” Areas within municipal Priority Funding Areas or currently served by public sewer will automatically be Tier I and will allow major subdivisions. Individual on-site disposal systems will be allowed for minor subdivisions in Tier II, but only as an interim measure until public sewer is available. Only minor subdivisions will be permitted in Tier IV under the new law.

As required by this law, County Staff and the Health Department will continue to work toward implementation of these new mandates and the various changes that need to take place by the given deadlines. The Bureau of Development Review will host the next surveyors’ meeting on Wednesday, July 18, at 9:00 a.m. in Room 003 of the County Office Building. At that meeting, we will ask for input on questions and issues to try to address through the process of implementing this mandate.

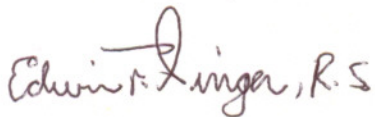
Senate Bill 236 can be viewed in its entirety on the 2012 Maryland General Assembly website at: <http://mlis.state.md.us/2012rs/bills/sb/sb0236e.pdf>.

For further questions about the development plan review process, please contact Mr. Clay Black with the Carroll County Department of Land Use, Planning & Development at (410) 386-2145. For questions related to percolation testing and the approval of on-site disposal systems, please contact Mr. Leigh Broderick with the Carroll County Health Department at (410) 876-1884.

Sincerely,



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Carroll County Department of Land Use, Planning & Development



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