Charles County Commissioners

Briefing on the Sustainable Growth and Agricultural Preservation Act of 2012

(Senate Bill 236)

July 17, 2012
Voluntary Legislation to establish mapped “Tier” areas for sewer and septic use throughout the county.
However, beginning December 31, 2012 if Tiers are not adopted, no residential major subdivisions (> 5 lots) are allowed outside of sewered areas.
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
LOCAL JURISDICTION RESPONSIBILITIES

• Before December 31, 2012:
  – Establish the review and approval process
  – Develop and Adopt Tiers
  – Tweak Development Review Process
PROCESS TO ADOPT THE TIERS

The Bill allows for various process options to consider:

• Transmit Tiers administratively by either elected or appointed officials or by an administrative officer

• Processed only through the Planning Commission or only through the County Commissioners
PROCESS TO ADOPT THE TIERS (cont.)

- Approved by both the Planning Commission and County Commission – with or without public hearings
- The process chosen will impact public notice and public participation
- The decision on establishing the process is a policy decision for the County Commissioners
STAFF PROPOSED PROCESS

**June/July:** Staff creates alternative “Tier” maps with analysis memo. Review maps with MDP, MDE, Town of La Plata, Town of Indian Head

**August:** Briefing with Planning Commission on proposed maps. Draft changes at your request

**September:** Public Hearing with the Planning Commission
October: Planning Commission holds work session and proposes Tier maps with or without changes

November: County Commissioners hold a public hearing on proposed Tier maps

December: County Commission considers proposed maps and adopts final maps with or without changes

December: County transmits adopted Tier maps to State agencies for review and comment
IMPACT ON THE COMPREHENSIVE PLAN

- Tier areas impact the Water Resources Element and Land Use Element of the Comprehensive Plan.

- Further work on these elements is on hold until the final Tier adoption is completed. Why?
IMPACT ON THE COMPREHENSIVE PLAN (CONT.)

- Tier IV areas affect density
- Projected water use and land use infrastructure analysis are impacted
- Comprehensive Plan elements must be consistent with Tier areas
- Duplication of work costs extra and funding to do it twice is not available
ADOPTING THE TIERS

• Adoption by December 31, 2012
• When next 6-year review of comprehensive plan occurs, Tiers must be incorporated, else not considered adopted
TRACKING RESIDENTIAL SUBDIVISIONS

• Track all major and minor residential subdivisions to determine grandfathering

• Two important grandfathering dates for new projects

• **July 1, 2012**: Percolation Applications must be submitted to the Health Department

• 18 months after percolation approvals, must submit preliminary plan

• **October 1, 2016**: Must obtain preliminary plan approval

Briefing to the County Commissioners on the Implementation of SB236
SHARED FACILITIES

• Shared septic or sewer facilities are allowed but are not required

• If allowed, new shared facilities and community sewer systems can only be approved if they are managed, operated and maintained by a controlling authority or a third party under contract with the controlling authority
MAJOR / MINOR SUBDIVISION DEFINITIONS

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

• If desired, 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
RESTRICTIONS ON FURTHER SUBDIVISION AND RE-SUBDIVISION

• Ensures provisions of SB236 can be implemented in perpetuity

• Plan requirements, designate Tier areas

• Does not apply if within Priority Funding Area and designated for public sewer within 10-year period
PUBLIC HEARING & PLANNING BOARD REVIEW OF MAJOR SUBDIVISIONS

- Major subdivisions in Tier III areas may only be approved if the planning board has reviewed and recommended the approval of the subdivision
PUBLIC HEARING & PLANNING BOARD REVIEW OF MAJOR SUBDIVISIONS (cont.)

- Review must consider cost of services related to the project and environmental impact analysis

- At least one public hearing must be held
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.
On June 18\textsuperscript{th}, the Planning Commission recommended to the County Commissioners to change the proposed staff process in order to expedite the process and to have the following work completed by the end of August:
PLANNING COMMISSION RECOMMENDATION (cont.)

- To direct staff to complete the Tier map options and present them to the PC;
- Have staff revise and finalize any map changes as proposed by the PC;
- Schedule and hold a public hearing with the PC; and
- To finalize PC recommendations for the Commissioners to consider.
POLICY DECISIONS FOR COUNTY COMMISSIONERS

1. Decide if Charles County should participate in Tier Designation process

2. Consider staff’s recommended process and schedule
POLICY DECISIONS FOR THE COUNTY COMMISSIONERS (cont.)

3. Consider the Planning Commission’s recommended changes to the process and schedule

4. Approve a process or advise staff to modify the process
Mission Statement

The mission of Charles County Government is to provide our citizens the highest quality service possible in a timely, efficient, and courteous manner. To achieve this goal, our government must be operated in an open and accessible atmosphere, be based on comprehensive long- and short-term planning, and have an appropriate managerial organization tempered by fiscal responsibility.

Vision Statement

Charles County is a place where all people thrive and businesses grow and prosper; where the preservation of our heritage and environment is paramount, where government services to its citizens are provided at the highest level of excellence; and where the quality of life is the best in the nation.
The End