



House Bill 1355

Sewerage Systems – Residential Major Subdivisions in Tier III and Tier IV Areas

MACo Position: **SUPPORT**
WITH AMENDMENTS

To: Environment and Transportation Committee

Date: March 1, 2017

From: Leslie Knapp, Jr.

The Maryland Association of Counties (MACo) **SUPPORTS** HB 1355 **WITH AMENDMENTS**. The bill would restore property rights that were extinguished with the passage of the Sustainable Growth and Agricultural Preservation Act of 2012 (SB 236), but only if certain land preservation conditions are met. The bill does not create new development rights.

Under the bill, a local jurisdiction may authorize a residential major subdivision served by septic systems, community systems, or shared systems in a Tier III area if: (1) the development rights for the property existed on December 1, 2012; (2) at least 10% of the remaining portion of the jurisdiction's Tier III area is protected in specified ways; and (3) at least 25% of the remaining portion of the jurisdiction's total land area is protected in specified ways. The same provisions apply for a Tier IV area but the protection thresholds are 20% within Tier IV and 30% for the remaining land outside the Tier.

The bill would provide an alternative under the Tier system to address issues of the loss of development rights in rural areas while not repealing the Tiers. The bill balances the restoration of the taken rights with land protection requirements – and a fair recognition of jurisdictions that have wide portions of un-developable land due to state limitations, development easements, etc. By excluding the creation of new development rights, the bill does not encourage or create growth potential beyond what previously existed before the passage of SB 236 in 2012.

MACo does request an amendment to HB 1355 stating the bill's tier provisions would only apply in a county where the local governing body has formally adopted the provisions of § 9-206(f)(2) and (3) into a local ordinance. This allows counties the option of whether to utilize the bill's provisions rather than mandate that all counties be subject to the provisions. It also would empower citizen input into the local public hearing process before any changes occur.

HB 1335 would restore previously extinguished property rights in struggling rural areas while providing for the protection and preservation of agricultural, recreational, and open space lands. Accordingly, MACo urges the Committee to issue a **FAVORABLE WITH AMENDMENTS** report for HB 1335.