

SB0236/813228/1

BY: Senator Middleton

AMENDMENTS TO SENATE BILL 236, AS AMENDED

(First Reading File Bill)

AMENDMENT NO. 1

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 2 of Amendment No. 1, strike “and certify to the Department of Planning”; in line 6, strike “certification” and substitute “adoption”; in line 10, strike “certified” and substitute “adopted”; strike beginning with “requiring” in line 12 down through “site” in line 14; strike beginning with the first “the” in line 15 down through “approving” in line 16 and substitute “a local jurisdiction from authorizing”; strike beginning with the second “the” in line 17 down through “designee” in line 18 and substitute “a local jurisdiction”; strike beginning with “; authorizing” in line 20 down through “circumstances” in line 21; strike beginning with “provide” in line 23 down through “to” in line 24; and strike beginning with “requiring” in line 25 down through “Environment” in line 26.

On page 1 of the bill, strike beginning with “requiring” in line 20 down through “advice;” in line 22; and strike beginning with “requiring” in line 24 down through “circumstances;” in line 25.

On page 2 of the bill, strike beginning with “requiring” in line 6 down through “permit;” in line 7.

On page 2 of the Education, Health, and Environmental Affairs Committee Amendments, in line 19 of Amendment No. 1, strike “1-507” and substitute “1-509”.

AMENDMENT NO. 2

On page 3 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 2, strike “**IF**” and substitute “**ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION**”

(Over)

OR IF"; strike beginning with the comma in line 12 down through "DECEMBER 31, 2012" in line 13; and in line 18, strike "TWO" and substitute "MULTIPLE".

On page 4 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 2, strike "IF" and substitute "ADOPTED ON OR BEFORE DECEMBER 31, 2012, IF A LOCAL JURISDICTION CHOOSES TO CREATE A DEFINITION OR DESCRIPTION APPLICABLE SOLELY TO THIS SECTION OR IF"; and in line 16, strike "ADOPTED ON OR BEFORE DECEMBER 31, 2012,".

On page 5 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 2, strike "TWO" and substitute "MULTIPLE".

AMENDMENT NO. 3

On page 6 of the bill, in line 28, strike "(I)".

On page 7 of the bill, strike in their entirety lines 1 through 6, inclusive.

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 2, strike in their entirety lines 3 through 10, inclusive.

AMENDMENT NO. 4

On page 6 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike in their entirety lines 4 through 9, inclusive.

On page 7 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with "(3)" in line 1 down through "SUBSECTIONS" in line 2 and substitute "(2)SUBSECTIONS"; and strike in their entirety lines 4 through 11, inclusive.

On page 7 of the bill, strike in their entirety lines 13 through 20, inclusive, and substitute:

“(I) 1. BY OCTOBER 1, 2012, A SUBMISSION FOR PRELIMINARY PLAN APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT;

2. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL:

A. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT; AND

B. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; OR

3. BY JULY 1, 2012, IN A LOCAL JURISDICTION THAT REQUIRES A SOIL PERCOLATION TEST BEFORE A SUBMISSION FOR PRELIMINARY APPROVAL AND THE LOCAL JURISDICTION DOES NOT ACCEPT APPLICATIONS FOR SOIL PERCOLATION TESTS YEAR ROUND:

(Over)

A. DOCUMENTATION THAT A MARYLAND PROFESSIONAL ENGINEER OR SURVEYOR HAS PREPARED AND CERTIFIED UNDER SEAL A SITE PLAN IN ANTICIPATION OF AN APPLICATION FOR SOIL PERCOLATION TESTS;

B. AN APPLICATION FOR A SOIL PERCOLATION TEST APPROVAL FOR ALL LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO THE LOCAL HEALTH DEPARTMENT AT THE NEXT AVAILABLE SOIL PERCOLATION TEST SEASON; AND

C. WITHIN 18 MONTHS AFTER APPROVAL OF THE SOIL PERCOLATION TESTS FOR THE LOTS THAT WILL BE INCLUDED IN THE SUBMISSION FOR PRELIMINARY APPROVAL, A SUBMISSION FOR PRELIMINARY APPROVAL IS MADE TO A LOCAL JURISDICTION THAT INCLUDES, AT A MINIMUM, THE PRELIMINARY ENGINEERING, DENSITY, ROAD NETWORK, LOT LAYOUT, AND EXISTING FEATURES OF THE PROPOSED SITE DEVELOPMENT; AND

(II) BY OCTOBER 1, 2016, THE PRELIMINARY PLAN IS APPROVED.”;

and in line 22, strike beginning with the first “THE” through “APPROVE” and substitute “A LOCAL JURISDICTION MAY AUTHORIZE”.

On page 8 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in lines 1 and 8, in each instance, strike “(K)” and substitute “(I)”; in lines 1 and 8, in each instance, strike “(N)” and substitute “(L)”; strike beginning with the first “THE” in line 13 down through “DESIGNEE” in line 14 and substitute “A LOCAL JURISDICTION”; and in lines 15 and 21, in each instance, strike “APPROVE” and substitute “AUTHORIZE”.

AMENDMENT NO. 5

On page 8 of the bill, strike beginning with the comma in line 8 down through “SUBDIVISION” in line 9 and substitute “AND”; strike beginning with the semicolon in line 11 down through “APPLICABLE” in line 18; in line 23, strike “**25**” and substitute “20”; and strike in their entirety lines 32 and 33, inclusive.

On page 9 of the bill, strike in their entirety lines 1 through 7, inclusive; and strike in their entirety lines 23 through 31, inclusive.

AMENDMENT NO. 6

On page 9 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, strike beginning with “IN” in line 10 down through “SECTION” in line 11; in line 12, strike “GROWTH TIERS ARE”; and in line 13, strike “ARTICLE 66B, § 1.05 OF THE CODE.”.

On page 10 of the Education, Health, and Environmental Affairs Committee Amendments, in line 14 of Amendment No. 3, strike “(J)”; strike beginning with “FOR” in line 14 down through “AREA” in line 15; in line 16, strike “(G)(1)(IV)”; in line 18, strike “GROWTH TIERS ARE”; in line 19, strike “FOR THE GROWTH TIERS”; in line 20, strike “§ 1.05”; strike beginning with “COMPREHENSIVE” in line 20 down through the first “THE” in line 21; strike beginning with the second “THE” in line 21 down through “APPLICABLE,” in line 22; and in line 24, strike “(K)”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 3, in line 1, strike beginning with “FOR” through “AREA”; in line 3, strike “GROWTH TIER”; in line 4, strike “(G)”; in line 6, strike “(L)”, “(M)”, and “(N)”, respectively, and substitute “(J)”, “(K)”, and “(L)”, respectively; and in line 7, strike “(L)” and substitute “(I)”.

On page 10 of the bill, in line 8, strike the second “and” and substitute:

(Over)

“(3) DOCUMENTATION BY THE LOCAL JURISDICTION THAT A MAJOR SUBDIVISION ON-SITE SEWAGE DISPOSAL SYSTEM, A COMMUNITY SEWERAGE SYSTEM, OR A SHARED FACILITY IS IN A:

(I) TIER III AREA AS ADOPTED BY THE LOCAL JURISDICTION; OR

(II) TIER IV AREA IN A LOCAL JURISDICTION THAT IS EXEMPT FROM THE LIMITATION OF MINOR SUBDIVISIONS AS PROVIDED IN SUBSECTION (H) OF THIS SECTION; AND”;

and in line 9, strike “(3)” and substitute “**(4)**”.

On page 11 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 4, strike “**(O)**” and substitute “**(M)**”.

On page 1 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/264238/1), in line 3 of Amendment No. 2, strike “**(P)**” and substitute “**(N)**”.

On page 1 of Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 3, strike “**(P)**” and substitute “**(N)**”.

AMENDMENT NO. 7

On page 14 of the bill, in lines 23 and 24, strike “**§ 5-7B-02**” and substitute “**TITLE 5, SUBTITLE 2**”.

On page 14 of the Education, Health, and Environmental Affairs Committee Amendments (SB0236/774530/2), in line 4 of Amendment No. 5, after “**(A)**” insert “**IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**”

(1) “PLANNING BOARD” MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

(2) “PLANNING BOARD” INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

(B);

in line 5, strike “**CERTIFY TO THE DEPARTMENT OF PLANNING**” and substitute “**ADOPT**”; in line 6, strike “**DESIGNATED BY THE LOCAL JURISDICTION**”; in line 8, strike “**CERTIFICATION**” and substitute “**ADOPTION**”; in line 13, strike “**ON CERTIFICATION OF**” and substitute “**AFTER ADOPTION**”; and in lines 8 and 13, strike “**(B)**” and “**(C)**”, respectively, and substitute “**(C)**” and “**(D)**”, respectively.

On page 15 of the Education, Health and Environmental Affairs Committee Amendments, in Amendment No. 5, strike beginning with “**, AS**” in line 1 down through “**TIERS**” in line 6 and substitute “**MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS**”; in line 8, strike “**CERTIFY**” and substitute “**ADOPT**”; in line 9, strike “**TO THE DEPARTMENT OF PLANNING**”; after line 18, insert:

“(G) (1) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER SUBSECTION (E) OF THIS SECTION ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(2) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL

(Over)

JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(3) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER PARAGRAPH (1) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(I) BE CHANGED; OR

(II) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(4) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER PARAGRAPH (3) OF THIS SUBSECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 19, strike “CERTIFIED” and substitute “ADOPTED”; and in lines 1, 7, and 19, strike “(D)”, “(E)”, and “(F)”, respectively, and substitute “(E)”, “(F)”, and “(H)”, respectively.

On page 16 of the Education, Health, and Environmental Affairs Committee Amendments, in line 15 of Amendment No. 5, strike the second “ARE”; in line 16, strike “NOT” and substitute “ARE NOT”; in line 17, strike “AND” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 18, strike “(II) ONE” and substitute “(III) ARE ONE”.

On page 17 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 5, strike in their entirety lines 3 and 4; in lines 5 and 7, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively; in line 6, strike “OR”; and after line 8, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”;

strike in their entirety lines 9 through 16, inclusive; and in line 19, after “ZONED” insert “BY A LOCAL JURISDICTION”.

On page 18 of the Education, Health, and Environmental Affairs Committee Amendments, in line 3 of Amendment No. 5, strike “1.”; strike beginning with “MAPPED” in line 4 down through “AMENDMENT” in line 9 and substitute “SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND”; in line 10, strike “(1)”; strike in their entirety lines 12 through 14, inclusive; in line 15, strike “CERTIFIES” and substitute “ADOPTS”; and in lines 15 and 16, strike “TO THE DEPARTMENT OF PLANNING”.

On page 20 of the bill, in line 24, after “SUBDIVISION;” insert “AND”; strike beginning with “; AND” in line 26 down through “SUBDIVISION” in line 28.

On page 20 of the Education, Health, and Environmental Affairs Committee Amendments, in line 11 of Amendment No. 5, strike “IF REQUIRED BY”; in lines 11

and 12, strike "AS A RESULT OF THE APPROVAL OF THE"; and in line 13, strike "RESIDENTIAL".

AMENDMENT NO. 8

On page 22 of the Education, Health, and Environmental Affairs Committee Amendments, after line 3 of Amendment No. 6, insert:

"(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "PLANNING BOARD" MEANS A PLANNING BOARD ESTABLISHED UNDER THIS ARTICLE.

(C) "PLANNING BOARD" INCLUDES A PLANNING COMMISSION OR BOARD ESTABLISHED UNDER ARTICLE 25A OR ARTICLE 28 OF THE CODE.

1-502.";

in line 8, strike "1-502." and substitute "1-503."; in line 5, strike "CERTIFY TO THE DEPARTMENT OF PLANNING" and substitute "ADOPT"; in line 6, strike "DESIGNATED BY THE LOCAL JURISDICTION"; and in line 9, strike "CERTIFICATION" and substitute "ADOPTION".

On page 23 of the Education, Health, and Environmental Affairs Committee Amendments, in line 2 of Amendment No. 6, strike "ON CERTIFICATION" and substitute "AFTER ADOPTION"; strike beginning with ", AS" in line 10 down through "TIERS" in line 15 and substitute "MAY COMMENT ON THE GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTIONS"; in line 18, strike "CERTIFY" and substitute "ADOPT"; in lines 18 and 19, strike "TO THE DEPARTMENT OF

PLANNING"; and in lines 1, 9, and 16, strike "1-503.", "1-504.", "1-505.", respectively, and substitute "1-504.", "1-505.", and "1-506.", respectively.

On page 24 of the Education, Health, and Environmental Affairs Committee Amendments, after line 8 of Amendment No. 6, insert:

"1-507.

(A) IF THE DEPARTMENT OF PLANNING COMMENTS UNDER § 5-105 OF THIS SUBTITLE ON ANY OF THE TIERS OR ON AN AREA WITHIN ONE OF THE TIERS, THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL HOLD AT LEAST ONE PUBLIC HEARING ON THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(B) THE LOCAL LEGISLATIVE BODY OR THE PLANNING BOARD SHALL REVIEW THE MAPPED GROWTH TIERS ADOPTED BY THE LOCAL JURISDICTION IN LIGHT OF THE COMMENTS BY THE DEPARTMENT OF PLANNING.

(C) IF THE PLANNING BOARD HOLDS THE PUBLIC HEARING UNDER SUBSECTION (A) OF THIS SECTION, AFTER THE PUBLIC HEARING AND THE CONSIDERATION OF THE COMMENTS BY THE DEPARTMENT OF PLANNING, THE PLANNING BOARD SHALL RECOMMEND TO THE LOCAL JURISDICTION THAT EITHER THE TIERS OR AN AREA WITHIN THE TIERS:

(1) BE CHANGED; OR

(2) THAT THE ADOPTED TIERS REMAIN UNCHANGED.

(D) IF THE PLANNING BOARD RECOMMENDS THAT THE TIERS OR AN AREA WITHIN THE TIERS BE CHANGED UNDER SUBSECTION (C) OF THIS

(Over)

SECTION, THE PLANNING BOARD SHALL PROVIDE THE RECOMMENDED MAPPED GROWTH TIER CHANGES TO THE LOCAL JURISDICTION.”;

in line 9, strike “1-506.” and substitute “1-508.”; and in line 10, strike “CERTIFIED” and substitute “ADOPTED”.

On page 25 of the Education, Health and Environmental Affairs Committee Amendments, in line 8 of Amendment No. 6, strike the second “ARE”; in line 9, strike “NOT” and substitute “ARE NOT”; in line 10, strike “AND” and substitute:

“(II) ARE NOT PLANNED OR ZONED BY A LOCAL JURISDICTION FOR LAND, AGRICULTURAL, OR RESOURCE PROTECTION, PRESERVATION, OR CONSERVATION; AND”;

and in line 11, strike “(II) ONE” and substitute “(III) ARE ONE”; strike in their entirety lines 14 and 15; in lines 16 and 18, strike “3.” and “4.”, respectively, and substitute “2.” and “3.”, respectively; and after line 19, insert:

“4. AREAS PLANNED AND ZONED FOR LARGE LOT AND RURAL DEVELOPMENT; AND”.

On page 26 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 1 through 8, inclusive, of Amendment No. 6; in line 11, after “ZONED” insert “BY A LOCAL JURISDICTION”; and strike beginning with “MAPPED” in line 16 down through “AMENDMENT” in line 20 and substitute “SUBJECT TO COVENANTS, RESTRICTIONS, CONDITIONS, OR CONSERVATION EASEMENTS FOR THE BENEFIT OF, OR HELD BY A STATE AGENCY, AS DEFINED IN § 9-206 OF THE ENVIRONMENT ARTICLE, OR A LOCAL JURISDICTION FOR THE PURPOSE OF CONSERVING NATURAL RESOURCES OR AGRICULTURAL LAND”.

On page 27 of the Education, Health, and Environmental Affairs Committee Amendments, strike in their entirety lines 3 through 5, inclusive; in line 6, strike “1-507.” and substitute “1-509.”; in line 7, strike “CERTIFIES” and substitute “ADOPT”; and in lines 7 and 8, strike “TO THE DEPARTMENT OF PLANNING”.

On page 32 of the bill, in line 6, after “SUBDIVISION;” insert “AND”; and strike beginning with “; AND” in line 8 down through “SUBDIVISION” in line 10.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in lines 19 and 20 of Amendment No. 6, strike “IF REQUIRED BY”; in lines 20 and 21, strike “AS A RESULT OF THE APPROVAL OF THE”; and in line 22, strike “RESIDENTIAL”.

AMENDMENT NO. 9

On page 32 of the bill, strike in their entirety lines 20 through 22, inclusive; and in line 23, strike “5.” and substitute “4.”.

On page 28 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 6, strike beginning with “served” in line 22 down through “systems” in line 23.

On page 29 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in lines 2 and 14, strike “6.” and “7.”, respectively, and substitute “5.” and “6.”, respectively; and in line 13, strike “25” and substitute “20”.

On page 30 of the Education, Health, and Environmental Affairs Committee Amendments, in Amendment No. 7, in line 1, strike “8.” and substitute “7.”; and in lines 5 and 6, strike “9.”, “10.”, and “9”, respectively, and substitute “8.”, “9.”, and “8”, respectively.