

Chapter 13

(Senate Bill 861)

AN ACT concerning

Environment – Stormwater Management – ~~Agricultural Land~~ for Agritourism

FOR the purpose of requiring the Department of the Environment to adopt regulations that ~~establish provisions and a model ordinance that require local stormwater management programs to enforce stormwater management regulations on agricultural land in a certain manner; requiring the Department, in a certain stormwater design manual, to specify certain definitions and provisions related to the enforcement of certain stormwater management regulations on agricultural land~~ consider certain best management practices for stormwater management for agritourism; requiring Montgomery County and the Montgomery Soil Conservation District, in consultation with the Department, to review certain processes for reviewing and approving certain stormwater management plans; and generally relating to stormwater management and ~~agricultural land~~ agritourism.

BY repealing and reenacting, without amendments,

Article – Environment

Section ~~4-203(b)(1)~~ and ~~4-204(c)~~

Annotated Code of Maryland

(2013 Replacement Volume and 2025 Supplement)

BY repealing and reenacting, with amendments,

Article – Environment

Section ~~4-203(b)(2)(v)~~ 4-203(b)(2)(ix) and (x)

Annotated Code of Maryland

(2013 Replacement Volume and 2025 Supplement)

BY adding to

Article – Environment

Section ~~4-203(b)(5)~~ 4-203(b)(2)(xi)

Annotated Code of Maryland

(2013 Replacement Volume and 2025 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That the Laws of Maryland read as follows:

Article – Environment

4-203.

(b) (1) The Department shall adopt rules and regulations which establish criteria and procedures for stormwater management in Maryland.

(2) The rules and regulations shall:

~~(v) 1. Specify the minimum content of the local ordinances or the rules and regulations of the affected county governing body to be adopted which may be done by inclusion of a model ordinance or model rules and regulations; [and]~~

~~2. Establish regulations and a model ordinance that require:~~

~~A. The implementation of environmental site design to the maximum extent practicable;~~

~~B. The review and modification, if necessary, of planning and zoning or public works ordinances to remove impediments to environmental site design implementation; and~~

~~C. A developer to demonstrate that environmental site design has been implemented to the maximum extent practicable and standard best management practices have been used only where absolutely necessary; AND~~

~~3. ESTABLISH PROVISIONS AND A MODEL ORDINANCE THAT REQUIRE LOCAL STORMWATER MANAGEMENT PROGRAMS TO ENFORCE STORMWATER MANAGEMENT REGULATIONS ON AGRICULTURAL LAND WITH THE ADVICE AND CONSENT OF THE LOCAL SOIL CONSERVATION DISTRICT;~~

~~(5) IN THE MARYLAND STORMWATER DESIGN MANUAL, INCORPORATED BY REFERENCE IN COMAR 26.17.02, THE DEPARTMENT SHALL:~~

~~(i) DEFINE AGRICULTURE AND ACCESSORY USES ON AGRICULTURAL LAND, INCLUDING ON FARM PROCESSING AND OFFICE SPACE, AS DISTINCT FROM COMMERCIAL DEVELOPMENT; AND~~

~~(ii) ALLOW FOR FLEXIBILITY IN ENFORCEMENT OF THE STORMWATER MANAGEMENT REGULATIONS ON AGRICULTURAL LAND.~~

(ix) 1. Establish a comprehensive process for approving grading and sediment control plans and stormwater management plans; and

2. Specify that the comprehensive process established under item (i) of this item takes into account the cumulative impacts of both plans; [and]

(x) Incorporate the most recent precipitation data available; AND

(XI) 1. IN CONSULTATION WITH THE DEPARTMENT OF AGRICULTURE, DEFINE “AGRITOURISM”; AND

2. CONSIDER BEST MANAGEMENT PRACTICES FOR STORMWATER MANAGEMENT FOR AGRITOURISM, INCLUDING:

A. THE CREATION OF A STANDARD PLAN FOR TEMPORARY PARKING AREAS; AND

B. THE USE OF PASTURE, MEADOWS, AND CROPLAND FOR THE TREATMENT OF STORMWATER RUNOFF.

4-204.

(c) Each county or municipality may provide by ordinance for the review and approval of stormwater management plans by the local soil conservation district.

SECTION 2. AND BE IT FURTHER ENACTED, That Montgomery County and the Montgomery Soil Conservation District jointly shall:

(1) in consultation with the Department of the Environment, review the county’s current process for reviewing and approving stormwater management plans for agritourism;

(2) as part of the review required under item (1) of this section:

(i) examine how other counties in the State review and approve stormwater management plans for agritourism;

(ii) identify challenges and approaches to improve the agritourism stormwater management plan review and coordination between the county and the soil conservation district; and

(iii) recommend changes to the review and approval process for stormwater management plans for agritourism in the county; and

(3) on or before December 31, 2026, report the findings under this section to the Governor and, in accordance with § 2-1257 of the State Government Article, the General Assembly.

SECTION ~~2~~ 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2026.

Approved by the Governor, April 14, 2026.