

SENATE BILL 861

M3, M4

6lr2808
CF HB 1071

By: **Senators Zucker and Feldman**

Introduced and read first time: February 6, 2026

Assigned to: Education, Energy, and the Environment

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2026

CHAPTER _____

1 AN ACT concerning

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

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

14 BY repealing and reenacting, without amendments,
15 Article – Environment
16 Section 4-203(b)(1) and 4-204(c)
17 Annotated Code of Maryland
18 (2013 Replacement Volume and 2025 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – Environment
21 Section ~~4-203(b)(2)(v)~~ 4-203(b)(2)(ix) and (x)
22 Annotated Code of Maryland
23 (2013 Replacement Volume and 2025 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 BY adding to
 2 Article – Environment
 3 Section ~~4-203(b)(5)~~ 4-203(b)(2)(xi)
 4 Annotated Code of Maryland
 5 (2013 Replacement Volume and 2025 Supplement)

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

8 **Article – Environment**

9 4-203.

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

12 (2) The rules and regulations shall:

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

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

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

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

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

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

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

1 ~~(I) DEFINE AGRICULTURE AND ACCESSORY USES ON~~
2 ~~AGRICULTURAL LAND, INCLUDING ON-FARM PROCESSING AND OFFICE SPACE, AS~~
3 ~~DISTINCT FROM COMMERCIAL DEVELOPMENT; AND~~

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

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

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

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

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

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

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

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

19 4-204.

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

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

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

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

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

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

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

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

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

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.