

Agricultural Exemptions Policy

1. For the purpose of evaluating an agricultural land management activity and determining if it is exempt from the Baltimore County grading statute (Baltimore County Code article 33 title 5), the Baltimore County Soil Conservation District (BCSCD) will use the following definition of a farm:
 - A. Ten (10) acres or more of land producing or supporting an agricultural product, or
 - B. Management of three (3) or more animal units (one animal unit = 1,000 lbs), or
 - C. The subject property having a preferential agricultural property tax assessment.
 - D. Gross income of \$2,500 of agricultural income.
2. Exempted agricultural land management and related activities must directly pertain to management of the farm including production of food, fiber, grapes and wine, nursery plants, production of livestock and poultry, and the boarding and training of horses. This may include cultivation, housing of animals, animal waste management, best management practices, processing and sale of agricultural products, and the building of structures and facilities including greenhouses, provided the subject activities are directly tied to the business of farming.
3. Exempted agricultural land management activities shall be actively managed under a current Soil Conservation and Water Quality Plan (SCWQ plan) prior to approval of the exemption. If the applicant does not have a SCWQ Plan, they will be given a priority to get a plan developed. The exempted activity will be shown on the SCWQ plan map, even if it is not a bona fide bmp.
4. Approval of any grading or filling in excess of 20,000 square feet of disturbed area or 100 cubic yards of fill shall also require consultation with the Baltimore County Department of Environmental Protection and Sustainability, who shall evaluate the impact on the natural resources to insure that there are adequate levels of sediment control and resource protection, and who may make recommendations regarding same.
5. It is requirement of the BCSCD that landowners and operators carrying out grading and filling activities provide for adequate erosion and sediment controls as appropriate to prevent erosion and to contain any sediment on their property, and to prevent its movement to neighboring properties, roadways, streams, wetlands and other protected resources. Fill material shall meet all federal, state, and county environmental regulations regarding the quality and content of the material. Open dumping and landfilling of solid waste is not permitted.
6. The BCSCD may pursue a “general permit” designation with MDE for activities that:
 - A. Are of a character that is not readily defined as “agricultural land management”, but occur on agricultural land,
 - B. Are a size that warrants more formalized standards, or
 - C. Can be more efficiently managed absent a site specific SCWQ plan and lend themselves to standard criteria.

7. There will be a pre-construction meeting on site at least 48 hours prior to any construction.
8. The area of disturbance (LOD) will be laid out and marked with stakes prior to starting any work.
9. Failure to meet these requirements shall require compliance with the Baltimore County grading statute (BC Code Art. 33 Title 5). Likewise, noncompliance with the SCWQ plan or any other BCSCD recommendations may result in the withdrawal of the agricultural exemption and subsequent compliance with the grading statute.

10. Stormwater Management

The following will be required to satisfy Maryland's stormwater management regulations:

The requirements for stormwater management found in the State law, the Code of Maryland Regulations (COMAR 26.17.02), and Baltimore County Code Article 33 Title 4 Section 33 will be satisfied if the Limitations, Conditions, and Construction requirements specified below are met for the construction of agricultural structures. ESD practices used beyond the requirements specified below shall be designed according to the 2000 Maryland Stormwater Design Manual (Manual).

A. Limitations

This standard stormwater management plan may be used for the construction of agricultural structures if all of the following limitations are met:

- i. The intended use of the structure is in connection with implementing agricultural land management practices and includes the storage and basic processing of products produced on the farm on which it is located, and livestock propagation. Basic processing includes the cutting, drying, and packaging necessary to store and use on the farm as well as market farm products.
- ii. The agricultural structure is not to be used for human occupancy or access to the general public and will not cause flooding of adjacent property, structures, or roadways.
- iii. No more than 1 acre (43,560 square feet) of earth will be disturbed during construction, unless additional disturbances are authorized by the Baltimore County Soil Conservation District.
- iv. A small pond that is approved by the Baltimore County Soil Conservation District shall not be used for any purpose other than surface water control. No disturbance or construction shall occur within 25 feet of any perennial stream, water body, tidal wetland, or mean high water line.

B. Conditions

- i. To the extent practical, all impervious areas shall drain and discharge continuously through vegetation in a non-erosive manner. The length of the vegetation shall be at least equal to the length of the contributing impervious area. Concentrated runoff should be avoided.
- ii. A 3 to 5 foot wide splash strip shall be provided around any structure built without gutters and downspouts to prevent erosion. Structures built with gutters and downspouts shall sheet flow in a non-erosive manner continuously through at least 60 feet of vegetation unless an additional ESD practice is used as specified in the Manual.
- iii. Vegetated areas used for filtering runoff shall have a slope no greater than 5% and be permanently stabilized using an appropriate NRCS Conservation Practice (e.g., 332 – Buffer Strips, 342 – Critical Area Planting, 393 – Filter Strip, etc.) or another method specified by the Baltimore County Soil Conservation District.
- iv. Access roads shall be no wider than 15 feet and be graded such that sheet flow is established. Any road swales or ditches shall be properly stabilized and sized to accommodate the drainage area to them.
- v. ESD practices may be used in lieu of the required vegetation lengths provided they are designed according to the Manual.
- vi. For disturbances greater than 1 acre using a pond that is approved by the Baltimore County Soil Conservation District, ESD practices shall be used according to the Manual.
- vii. Compliance must be demonstrated for all federal, State, and local requirements. This includes, but is not limited to erosion and sediment control, Critical Area, Forest Conservation, Wetland and Waterways, local zoning, off-site flooding restrictions, concentrated animal feeding operations, etc.
- viii. The Baltimore County Soil Conservation District or appropriate enforcement authority shall have access to the property for inspection purposes.
- ix. A sketch plan shall be submitted indicating property lines, road frontages, the location and size of existing and proposed structures (e.g., barn, access road, storage sheds, etc.), the location of all waters of the State (Critical Area buffer, tidal wetlands, perennial streams, open water, etc.), limits of disturbance, direction of surface flow, any erosion and sediment controls necessary to prevent off-site sedimentation, and any other information specified by the appropriate approval authority.
- x. Operation and maintenance of all water control practices shall be assured in perpetuity.

C. Construction

- i. The applicant shall notify the Baltimore County Soil Conservation District or the appropriate enforcement authority at least 48 hours prior to starting site work.
- ii. Off-site tracking or sediment laden discharges are strictly prohibited.
- iii. Any and all erosion and sediment control practices necessary to control runoff during construction shall be installed and maintained according to the criteria contained in the most recent version of the Maryland Standards and Specifications for Soil Erosion and Sediment Control.
- iv. Following initial soil disturbance or re-disturbance, permanent or temporary stabilization shall be completed within three (3) calendar days on the surface areas of all sediment controls, stockpiles, and perimeter slopes; and seven (7) calendar days for all other disturbed areas on the site not being actively graded.
- v. All stormwater management practices or runoff controls shall be installed and maintained according to this Standard Plan and the Manual. Any alteration or modification of these practices requires the approval of the Baltimore County Soil Conservation District.
- vi. Access to the site will be made available at all reasonable times during construction and with reasonable notification after construction for inspection by the Baltimore County Soil Conservation District.
- vii. The applicant shall promptly repair or restore all sediment control and stormwater practices found to be in noncompliance.
- viii. The Baltimore County Soil Conservation District reserves the right to deny approval under this Standard Plan and require that a design be prepared according to Baltimore County Code Article 33 Title 4 Section 33 and the Manual.
- ix. Coverage under this standard plan shall be determined on a case by case basis.

I hereby certify that I have the authority to make application for coverage under this Standard Plan; that the information contained herein is correct and accurate; and that all clearing, grading, construction, and development will be conducted according to the above Limitations, Conditions, and Construction requirements.

Printed Name of Applicant: _____ Date: _____

Signature of Applicant: _____ Date: _____

Approved by: _____ Date: _____