

**BALTIMORE COUNTY DEPARTMENT OF ENVIRONMENTAL PROTECTION
AND SUSTAINABILITY**

ENVIRONMENTAL GUIDELINES FOR AGRICULTURAL MINOR SUBDIVISIONS

I. Purpose and Authority

In December 1990, the Baltimore County Council adopted the Law for the Protection of Water Quality, Streams, Wetlands and Floodplains. One of the intentions of this law is to protect the water quality of the County's watercourses, reservoirs, and the Chesapeake Bay. On agricultural properties, the establishment of vegetated stream buffers and other water quality protective measures should be part of the best management practices, which are embodied in a Soil Conservation and Water Quality Plan for each farm.

The purpose of these guidelines is to provide a standardized approach for the Environmental Impact Review section to review minor subdivisions (defined as a total of three lots or fewer) on agricultural properties for compliance with the Laws for the Protection of Water Quality, Streams, Wetlands and Floodplains and Laws for Forest Conservation. This policy is for the purpose of determining compliance with the above-referenced Laws only, and does not supersede project review by other County agencies or other sections within EPS.

In certain instances, the imposition of a strict interpretation of Section 33-3-111 of the Code, Design Standards for Forest Buffers and Building Setbacks, would remove valuable farmland from production. In order to protect streams and wetlands while accommodating the farming operations, a less expensive and modified procedure for establishing Forest Buffers has been developed. This procedure requires a cooperative effort between staff of the EPS and the Baltimore County Soil Conservation District (SCD). The procedure is intended only for use by commercial agricultural operations that subdivide off one or two residential lots, with the remainder of the land continuing in agricultural production. It is not intended for use when major subdivisions are involved, or in situations where minor subdivision lot lines fragment the agricultural portion of the property.

Additionally, Section 33-6-102 through 33-6-120 of the Code, Laws for Forest Conservation, apply to all minor subdivisions outside of the Chesapeake Bay Critical Area. These Laws allow the farmer to subtract land that is and will continue to be in agricultural production from the gross tract area of the subdivision. This allowance effectively exempts the farmed area from Laws for Forest Conservation.

Section 33-6-101 of the Baltimore County Code defines agricultural activities as "farming activities including plowing, tillage, cropping, installation of best management practices, seeding, cultivating and harvesting for production of food and fiber products (except commercial logging and timber harvesting operations), the grazing and raising of livestock, aquaculture, sod production, orchards, nurseries and other products cultivated

as part of a recognized commercial enterprise and in accordance with a soil conservation and water quality plan approved by the Baltimore County Soil Conservation District.”

II. Criteria

In order for a property to qualify as agricultural for this review, the following criteria must be met:

- A minimum of 20 contiguous acres of the property must be used for commercial agricultural production, as defined above. Agricultural activities do not include: the farmstead; fallow areas; forests and wooded areas; and areas subject to commercial logging and timber harvesting, including areas governed by Forest Stewardship Plans or Forest Conservation Management Agreements, and Tree Farms.
- The property must be in agricultural production at the time of the subdivision application, and the property owner must guarantee that the remainder will continue in agricultural production after the minor subdivision is completed by signing the attached agricultural minor subdivision agreement.

Properties which do not qualify as agricultural for this review may proceed with minor subdivisions through the regular development process.

III. Procedure

1. The property owner must submit a written request to the Department for consideration of the property as a farm. A preliminary review will be conducted by Environmental Impact Review (EIR) staff to verify that the property meets the minimum acreage and land use requirements.
2. The EIR reviewer will coordinate with staff from the Groundwater Management and Agricultural Preservation sections to ensure that the site proposal is generally acceptable. Additional information or site plan changes may be required at this stage of the process.
3. EIR staff will identify the streams and wetlands on the portion of the property that will remain in agricultural production, and the site constraints will be incorporated into the Soil Conservation and Water Quality Plan. The environmental constraints on the proposed residential lots must be field delineated by a qualified environmental professional.
4. A plan showing the entire property must be submitted to EPS and SCD. EPS will use this plan to determine the extent of the Forest Buffers that would apply to the agricultural lot, for informational purposes. SCD will use this plan to develop the Soil Conservation and Water Quality Plan. Both sheets will be kept in EPS's subdivision file for the property.

5. The property owner or his representative must schedule a meeting with EIR and SCD to determine the extent of the modified Forest Buffers and the Best Management Practices that will be incorporated into the Soil Conservation and Water Quality Plan. This will be based on an assessment of the existing resources and the proximity of the agricultural practices to the resources, and will be done on a case-by-case basis.
6. Upon agreement of the property owner, EIR, and SCD, the Soil Conservation and Water Quality Plan will be formalized by SCD and signed by the property owner. The property owner must provide a signed copy of the plan, including the plan number, to EIR prior to minor subdivision approval. In the event that agreement among the parties cannot be reached, the property owner has the opportunity to apply for a variance from Laws for the Protection of Water Quality, Streams, Wetlands and Floodplains. Such a variance must be approved prior to subdivision approval.
7. The minor subdivision plan for the property must be prepared. In preparing this plan, the residential lots and other non-agricultural areas must comply with the full extent of Laws for the Protection of Water Quality, Streams, Wetlands and Floodplains and Laws for Forest Conservation. A note must appear on the minor subdivision plan and right-of-way plat which states: "A Soil Conservation and Water Quality Plan (Plan number) has been prepared by the Baltimore County Soil Conservation District (SCD) for the portion of this subdivision that will remain in agricultural use. The modified Forest Buffers which appear on this plan have been determined in conjunction with the Department of Environmental Protection and Sustainability (EPS). Implementation of the plan is a condition of subdivision approval. Transfer of ownership does not nullify the requirement to implement the plan. Any proposed changes in land use, or changes to the approved plan, require the approval of EPS and SCD. Failure to comply with the terms of the plan may result in the full application of Laws for the Protection of Water Quality, Streams, Wetlands and Floodplains, at the discretion of the Director of EPS or his designee."
8. The owner must sign and return an agreement (attached) that will be kept in the subdivision file.
9. All of the above steps must be completed prior to approval of the subdivision.

**Baltimore County
Agricultural Minor Subdivision
Agreement**

Tax Account # _____ District _____ Map _____ Grid _____ Parcel _____

Name(s) _____

Location _____

I (we), owner(s) of the real property located at _____

_____ as described as _____

hereby affirm that the above property is currently used for a commercial agricultural operation, and will continue in commercial agricultural use. If the land use on the property changes, I (we) understand that the Soil Conservation and Water Quality Plan for the site must be amended, and/or the full extent of Laws for the Protection of Water Quality, Streams, Wetlands and Floodplains (hereafter "Laws") may be applied to the property, at the discretion of the Director of the Department of Environmental Protection and Sustainability (hereafter "EPS") or his designee.

I (we) declare my (our) intention to comply with the provisions of Soil Conservation and Water Quality Plan # _____ which was established as a condition of the minor subdivision approval for this property. I (we) understand that failure to comply with the provisions of this plan may result in the full application of the Laws, at the discretion of the Director of EPS or his designee.

I (we) also declare, under penalties of law, that this declaration, including any accompanying forms and statements, has been examined by me (us) and the information contained herein, to the best of my (our) knowledge, information, and belief, is true, correct and complete.

Signature _____ Date _____

Signature _____ Date _____

Notary _____ Date _____