

Anne Arundel Soil Conservation District

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Anne Arundel Soil Conservation Board of Supervisors

Resolution 2023-1

PROCEDURE FOR APPROVAL OF A BUILDING PERMIT EXEMPTIONS FOR AGRICULTURAL BUILDINGS

In accordance with Anne Arundel County Code, Subtitle 2. Grading Permit §16-3-201 under Approval Required; Exceptions the Anne Arundel Soil Conservation District shall approve the Agricultural Standard Grading Plans* and Soil Conservation and Water Quality Plans for the purpose of exempting agricultural buildings from obtaining a building permit. Agricultural buildings are defined in the Anne Arundel County Construction Code, §105.2.1.14.

Procedure:

The Anne Arundel Soil Conservation District Board of Supervisors shall review applications for building permit exemptions during their monthly board meetings. Before the scheduled board meeting, a Soil Conservation District employee shall make available to the applicant the Agricultural Standard Grading Plan, the Maryland Department of the Environment Standard Stormwater Management Plan, a Critical Area Report Worksheet if necessary and a Cooperator Agreement form. The applicant will need to complete the forms, returning them to the District for review and submittal at the next available monthly board meeting. At this time, the District will collect a non-refundable administration fee of \$700.00. The Board of Supervisors shall review the above-mentioned documents, and if all information on the forms is deemed correct, shall approve the Cooperator Agreement. Once approved, a Soil Conservation and Water Quality Plan commonly known as a Farm Plan, shall be developed with the cooperation of the landowner by a District employee or one of its partners. Once developed, the Farm Plan will be presented to the Board of Supervisors during a scheduled meeting for approval. The Farm Plan will show the location of the building(s) and after approval by the Board of Supervisors, be given to the cooperator along with the above mentioned documents. The applicant shall send, or hand carry the Agricultural Standard Grading Plan, the Maryland Department of the Environment Standard Stormwater Management Plan, the Critical Area Report Worksheet and a copy of the Farm Plan to the Anne Arundel County Department of Inspections and Permits (I&P) and the Office of the Fire Marshal. The Agricultural Standard Grading Plan will be reviewed by the Code Compliance Division of I&P and the Fire Marshal for approval to grade the building site. I&P and the Office of the Fire Marshal will inform the applicant if there are any code compliance issues. If none, the applicant may start their building construction. This will provide documentation if the landowner wishes to pursue applying for trade permits from the County. The Soil Conservation District does not have the authority to regulate or issue penalties

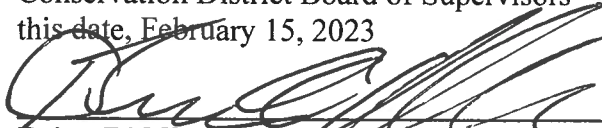
for violations of the County Code and therefor will rely on I&P to monitor sediment and erosion control compliance and use of the building as stated in the definition of agricultural buildings.

Requirement:

An Agricultural Standard Grading Plan is required when the construction of, and grading for, an agricultural building of any size greater than 64 square feet that involves disturbing between 5,000 square feet and one acre of land. In addition, an erosion and sediment control plan approved by the District is required in lieu of a standard grading plan or grading permit for agricultural buildings that involve disturbing more than one acre of land. Disturbance shall include a minimum of 15 feet measured perpendicular from the footprint of the building on all sides. The development of a Soil Conservation and Water Quality Plan can be accomplished by District employees and or employees of the Maryland Department of Agriculture or the Natural Resources Conservation Service.

Above references to the Anne Arundel Code are included in this resolution.

Agricultural Building Permit Exemption
Affirmed by the Anne Arundel Soil
Conservation District Board of Supervisors
this date, February 15, 2023


Brian Riddle, Chairperson, Board of Supervisor

*Reference Resolution 2017-2 - Standard Grading Plan for Agricultural Structures

Anne Arundel County Code

SUBTITLE 2. GRADING PERMIT

§ 16-3-201. Approval required; exceptions.

(a) **Approval required.** Except as provided in subsection (b), a person may not:

- (1) grade without a grading permit issued by the Department;
- (2) clear or grade in the critical area buffer, expanded buffer, or buffer modification area described in § 18-13-104 of this Code without a standard grading plan, a grading permit, or an approved vegetation management plan, buffer management plan or forest management plan; or
- (3) do logging without a grading permit issued by the Department.

(b) **Exceptions.** Approval is not required for clearing or grading associated with:

- (1) agricultural land management practices or agricultural buildings, as defined in Article 15, except that an approved standard grading plan that is also approved by the Anne Arundel Soil Conservation District is required for agricultural buildings that involve disturbing between 5,000 square feet and one acre of land. In addition, an erosion and sediment control plan approved by the Anne Arundel Soil Conservation District is required in lieu of a standard grading plan or grading permit for agricultural buildings that involve disturbing more than one acre of land;
- (2) the laying of water, sewer, gas, electrical, telephone, or cable television lines that disturbs less than 100 linear feet, or 500 linear feet for individual single family residential lots provided the overall disturbance is less than 5,000 square feet;
- (3) activities that are subject exclusively to State approval and enforcement under State law;
- (4) activities under a standard grading plan approved by the Department under § 16-3-202; or
- (5) disturbing less than 5,000 square feet of land or unless prohibited by subsection (a)(2) of this section or other applicable State or federal law.

§ 16-3-202. Standard Grading Plan.

(a) **Generally.** A standard grading plan may be used in lieu of a grading permit if:

- (1) the applicant files a standard grading plan application that is approved by the Department;
- (2) the applicant certifies that the construction will meet the conditions and limitations established on the standard grading plan and will be carried out in compliance with this title; and
- (3) The total area disturbed is less than 5,000 square feet of land.

(b) **When required.** A standard grading plan is required for agricultural buildings that involve disturbing between 5,000 square feet and one acre of land.

(c) **Review; County report.** As promptly as possible after the filing of a standard grading plan, but no later than 30 days after the filing of the plan, the Department shall provide the applicant with a written report of the findings, comments, and recommendations of County agencies unless the plan is approved within the 30 day time period.

Construction and Property Maintenance Codes Supplement
October 1, 2005
Construction Code

105.2.1.14 Agricultural buildings, specifically livestock shelters, livestock buildings, shade structures, milking barns, poultry shelters, barns, buildings and structures used for storage of farm equipment and machinery, horticultural structures, detached production greenhouses, crop protection shelters, sheds, grain silos, riding arenas not open to the general public, stables, and buildings or structures for farm wineries on farms of at least 20 acres with State-approved Farm Management Plans where at least 75% of the grapes processed into wine are grown on the farm. The following are not agricultural buildings for the purpose of this code:

105.2.1.14.1 Buildings or structures that house livestock, horses, equipment, machinery, or fowl owned by others than the landowner or farm manager, unless covered by the terms of a written agreement.

105.2.1.14.2 Buildings or shelters on property not covered by a current active soil and water management plan approved by the Anne Arundel Soil Conservation District.

105.2.1.14.3 Buildings open to the general public for commercial, recreational, or other use; unless the use by the general public is limited to the ground floor level and a maximum of 50 occupants at any one time, or the Fire Marshal has inspected the building for compliance with State Fire Prevention Code before it is occupied by the general public.

105.2.1.14.4 Buildings that exceed 40 feet in height.

105.2.1.14.5 Buildings or structures closer than 60 feet from adjacent buildings, unless the agricultural buildings are approved by the Code Official to be located closer than 60 feet to adjacent buildings after review and approval of the building plan for safety by the Fire Chief or his designee.

105.2.1.14.6 Buildings not located on properties zoned RA – Rural Agricultural Districts or RDL – Residential Low density, or not currently assessed as agricultural by the Maryland Department of Assessments and Taxation.