

## **Permitting Guide for Agricultural Structures in Anne Arundel County**

The following is a brief description of the permits that you may or may not need as you plan to build agricultural structures on your farm. Detailed information about each permit can be found by following links or contacting the relevant permitting agency. Do not hesitate to contact the staff at Anne Arundel Soil Conservation District (AASCD) for guidance.

### **Building Permits**

Building permits must be obtained from the Anne Arundel County Permit Center. If the building meets the requirements of the agricultural building exemption in County Code as described below, contact AASCD for assistance. The specific language of the exemption is as follows.

**105.2 Work exempt from permit** Exemptions from permit requirements of the Construction Code may not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of the Construction Code or any other laws or ordinances of this County. Permits shall not be required for the following:

**105.2.1.14** Agricultural buildings, specifically livestock shelters, livestock buildings, shade structures, milking barns, structures for primary agricultural and value-added processing, 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, stables, and buildings or structures for farm alcohol production facilities.

### **The Following Are Not Exempt**

**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 soil conservation and water quality 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 only open to the general public with an approved zoning certificate of use or a horse stable license issued by the Maryland Department of Agriculture and the use by the general public is limited to the ground floor level and a maximum of 50 occupants at any one time, or, with approval by the Fire Marshal and compliance with an annual fire inspection, a maximum of 200 people.

**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 fire safety by the Fire Chief or his designee.

**105.2.1.14.6** Buildings not located on properties of five acres or more zoned RA – Rural Agricultural Districts or RLD – Residential Low Density, or not currently assessed as agricultural by the Maryland State Department of Assessments and Taxation.

In other words, for your agricultural building to be covered by the building permit exemption it must meet the following standards.

1. It must be used for the purposes defined in the code.
2. It must be on a farm that has a current soil conservation and water quality plan, more often referred to as a farm plan. These plans are drafted by AASCD staff in consultation with the farm operator. They include maps of the property and identify farming and conservation practices. All plans must be approved by the District Board and include Cooperator Agreements with the District. There is no fee to have a farm plan drafted for your farm.
3. It must not be open to the public, over 40 feet tall, or within 60 feet of other buildings.
4. It must be on land that is either zoned RA or RLD or be assessed as agricultural by the state.

For help in determining whether your structure is exempt, contact the AASCD Office. If exempt, submit the Landowner's Worksheet Guide for Agricultural Structures to Inspections and Permits along with a copy of your conservation map from your farm plan. Your map must show the location of your proposed structure.

### **Trade Permits**

Exemption from building permits does not exempt builders of those structures from the need to obtain electrical, plumbing, or mechanical permits. Contact the Permit Center for trade permits at 410-222-7720.

### **Erosion and Sediment Control Plans**

If the total area of disturbance in the site preparation for an agricultural structure is less than one acre, no Erosion and Sediment Control Plan is required. Total disturbance includes access roads, staging areas, parking lots, etc. Any disturbance greater than 1 acre will require a sediment and erosion control plan prepared by a registered professional engineer, landscape architect or professional land surveyor.

### **Stormwater Management Plans**

If the total area of disturbance is 5,000 square feet or more, you must have a stormwater management plan approved by the AASCD. If the total area of disturbance is 5,000 square feet to one acre use the Maryland Department of the Environment's (MOE) Standard Stormwater Plan for Agricultural Structures, linked [here](#). The plan may be drawn with or without the help of a consultant and does not require a professional engineer's seal.

If the total area of disturbance is greater than 1 acre, a stormwater management plan must be prepared in compliance with the 2000 Maryland Stormwater Design Manual. This is a more complex design that will require the seal of a professional engineer, landscape architect or professional land surveyor. It may be prepared in conjunction with the Erosion and Sediment Control Plan and submitted to the AASCD for approval.

## **National Pollutant Discharge Elimination System Permit**

(Greater Than 1 Acre of Disturbance)

If disturbance from site preparation for an agricultural structure is greater than 1 acre, you must submit a Notice of Intent (NOI) to MOE. AASCD's staff can provide you with a list of consultants to help with this application.

### **Summary Chart from MDE Guidance on Agricultural Structures**

<b>Activity (Area Disturbed*)</b>	<b>Sediment and Erosion Control Plan Required</b>	<b>Stormwater Management Required</b>	<b>NPDES**General Permit for Construction Activity Required</b>
<5000 sq. feet	Standard Plan Only	No	No
≥5000 sq. ft. thru 1 Acre	Standard Plan Only	Yes1	No
>1 Acre	Yes	Yes2	Yes

\* Area disturbed includes access roads, staging areas, parking lots, etc.

\*\* National Pollutant Discharge Elimination System

1 Does not need to be designed by a registered professional engineer, landscape architect or professional land surveyor.

2 Does need to be designed by a registered professional engineer, landscape architect or professional land surveyor.

### **Links to Relevant Documents and Sites**

Agriculture Building Exemption Law

MOE Guidance on Agricultural

Buildings.

MOE Stormwater Management Model Application

Professional Engineers

Anne Arundel Soil Conservation District

Permit Center

Trade Permit