



DIVISION OF
PLAN REVIEW & PERMITTING

MEMORANDUM

TO: Plan Review & Permitting and Construction Staff

FROM: Becky Gander^{Rsg}, Chief of Permitting

DATE: April 1, 2021

COPY: Rich Eichelberger-Director/Code Official – Construction
Ashley Holloway, Director/Zoning Administrator - DPRP

SUBJECT: **Agricultural Certificate Policy**

This memorandum will serve as a guideline regarding Agricultural Uses per the adoption of the International Building Code and as regulated in the Washington County Zoning Ordinance.

Definitions

- **AGRICULTURAL BUILDING** – A structure designed and constructed to house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public. (*International Building Code*)
- **AGRICULTURE** – The raising of farm products for use or sale, including animal or poultry husbandry, animal husbandry facilities, aquaculture, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil. (*Washington County Zoning Ordinance*)
- **AGRICULTURE STRUCTURE CERTIFICATE** – A use certificate issued for an agricultural structure upon submittal and review of a scaled drawing. (*Washington County Zoning Ordinance*)
- **AGRICULTURE STRUCTURE** – A structure associated with an agricultural operation, which is not associated with human occupancy or have access by the general public. Agricultural structures may be constructed without need to obtain a building permit; however, setbacks shall be met in accordance with the district that it is located, and an agricultural

structure certificate is required. Structures associated with animal husbandry facilities shall be in accordance with Article 22 Division IX of this Ordinance. (*Washington County Zoning Ordinance*)

- AGRICULTURE OPERATION – Any parcel of land that has an agricultural assessment as determined by the Maryland State Department of Assessments and Taxation. (*Washington County Zoning Ordinance*)
- PLOT PLAN – A diagram showing proposed and/or existing buildings and uses, location of septic/well, entrance to property, etc. drawn to a defined scale and includes any easements, right of ways, measurements from the proposed structure/use to each property line, and building restriction lines. (*Washington County Zoning Ordinance*)

Guidelines

In order for a building (or use) to qualify for the exemption to the building permit, the following guidelines will apply:

- The property must be assessed Agriculture by the Maryland Department of Assessments and Taxation.
- The structure cannot be used as a residential dwelling unit (in whole or in part).
- The primary use of the building must be to: house farm implements, hay, grain, poultry, livestock or other horticultural products. This structure shall not be a place of human habitation or a place of employment where agricultural products are processed, treated or packaged, nor shall it be a place used by the public.
- No future change of use of the structure will be allowed without appropriate permits and inspections.
- All trade permits attached to an Agricultural Structure Certificate will be processed as a commercial permit with the appropriate commercial fees assessed. Trade work that requires plans to be submitted must be signed by the licensed contractor and include the Washington County license number and expiration date.
- All Agricultural Structure Certificates will be routed to the State Fire Marshal for review as not all agricultural buildings/uses are exempt from fire code requirements even if exempt from County codes. Issuance of these certificates will not be granted until approval from the State Fire Marshal has been received.
- An approved copy of the Waste Management and Nutrient Plan and/or a letter of exemption will be required at time of application for any structure being used to house animals.
- A plot plan will be required at time of application for any Agriculture structure being built.
- Bonding and radiant heat must meet the requirements of the Energy Conservation Code as outlined in the IECC handout.

- The use must qualify under the MDE (Maryland Department of the Environment) guidelines in order to be exempt from the storm water management and grading requirements.
 - NRCS (Natural Resources Conservation Services) practices, plowing, disking, harvesting, SCD (Soil Conservation District) approved manure pits, etc. are exempt
 - Ag structure projects disturbing less than 5000 sq. ft. are exempt
 - Ag structure projects disturbing more than 5000 sq. ft. shall be required to meet storm water regulations.
 - Ag structure projects disturbing more than an acre are subject to E&SC (Erosion & Sediment Control) and will require a site specific grading plan and grading permit.

Expiration

- In accordance with the Washington County Building Code (International Building Code-current adopted edition), Agricultural Certificates will have a six month expiration.

Agricultural Uses

Although the following Agricultural uses are exempt from a building permit they are subject to an Agricultural Structure Certificate along with the submittal of all applicable documents/plans.

- Structure used for feeding/housing animals
- Manure Storage for Animal Husbandry
- Storage of farm implements/hay
- Greenhouse with off-site plant sales
- Roadside stand (75% of product being sold must be grown on-site)
- Milking Barn (no on-site sales, packaging or processing)

Accessory Uses

Accessory uses, when associated with the agricultural use on the property do not qualify as an agricultural structure and therefore shall require a building permit and may require a site plan. Examples have been provided below but are not all-inclusive:

- **Dairy Products Store** – a retail establishment for sale of dairy products produced on-site and that is accessory to a principal agricultural use of property.
- **Meat Market** – a business engaged in the sale of edible meat, poultry, and fish. A meat market may be considered an accessory use on a farm where the products are from animals raised on the property.

- **Riding Arena (Private) with or without a structure** – may be considered accessory to a principal agricultural use of property.
- **Farm Winery/Brewery** - with or without a tasting room
 - A farm winery/brewery producing wine/beer on the premises must be on “Ag” assessed land and produce at least 2 acres of “Ag” products used in processing wine/beer on site. Accessory uses as part of the farm winery/brewery are: tasting room, accessory food sales related to wine/beer tasting, sales of novelty/gift items related to wine/beer and vineyard/Hopfield, sales of wine/beer produced on-site, occasional promotional events related to the wine/beer and the vineyard/hop fields and guided tours – **DOES NOT INCLUDE THE USE OF BANQUET/RECEPTION/MULTI-EVENT CENTER**