

Critical Area Commission

STAFF REPORT

June 4th, 2025

APPLICANT:	Anne Arundel County
PROPOSAL:	Refinement: Farm Stays and Special Events in the RCA
COMMISSION ACTION:	Concurrence with the Chair's Determination of Refinement
STAFF RECOMMENDATION:	Approval with Conditions
STAFF:	Jamileh Soueidan
APPLICABLE LAW/REGULATIONS:	Natural Resources Article §8-1809(p) COMAR 27.01.02

DISCUSSION

Anne Arundel County is requesting approval of a text amendment related to *Farm or Agricultural Heritage Site Special Events* and *Farm or Agricultural Heritage Site Stays* within the Critical Area's Resource Conservation Area (RCA). On June 17, 2024, Anne Arundel County Council approved County Bill No. 57-24 which amends Article 18 of the Anne Arundel County Zoning Ordinance. The bill adds certain requirements for special events and site stays associated with farms or agricultural heritage sites and add those uses to the list of approved RCA Uses. Chair Fisher determined the change to be a refinement and is seeking concurrence from the Program Committee. Commission staff further recommend approval of the text amendment as proposed. A copy of Ordinance No. 57-24 is attached.

Agricultural Uses in the RCA

This text amendment will establish a new use in the RCA that is associated with agriculture. When reviewing proposed text amendments that impact uses in the RCA, the Commission must consider criteria outlined in COMAR 27.01.02.05.C. This regulation generally restricts commercial, institutional and industrial uses in the RCA. However, uses that existed prior to Critical Area law may remain, and new commercial or institutional uses may be allowed in the RCA if authorized under a local Critical Area program that is approved by the Commission. In reviewing whether a new use is appropriate in the RCA, the Commission must consider whether the proposal meets the goals of the Critical Area law as well as the defined land uses and policies of the RCA. The goals are to:

1. Minimize adverse impacts on water quality;
2. Conserve fish, wildlife, and plant habitat;
3. Establish land use policies for development which accommodate growth and also address the fact that the number, movement and activities of persons in the Critical Area can create adverse environmental impacts;

4. Reduce vulnerability to the impacts of climate change and incorporate measures to improve climate resilience; and
5. Ensure an equitable distribution of burdens and benefits of development, mitigation, restoration, conservation, and adaptation to climate change within the critical area.

The defined land uses and policies of the RCA are to:

1. Conserve, protect, and enhance the overall ecological values of the Critical Area, its biological productivity, and its diversity;
2. Provide adequate breeding, feeding, and wintering habitats for those wildlife populations that require the Chesapeake Bay, its tributaries, or coastal habitat in order to sustain populations of those species;
3. Conserve the land and water resources base that is necessary to maintain and support land uses such as agriculture, forestry, fisheries activities, and aquaculture; and
4. Conserve the existing developed woodlands and forests for the water quality benefits they provide.

Agricultural uses¹ in the Critical Area are regulated under COMAR 27.01.06, which differs from Critical Area development standards under COMAR 27.01.02. Agriculture is permitted by right in the Critical Area, including the Resource Conservation Area. There is no lot coverage limit for agricultural uses, nor is there a forest clearing limit, except in limited circumstances. Agricultural uses are also allowed within the Buffer, except natural vegetation may not be cleared in the Buffer to create new agricultural land.

As agricultural operations have expanded to incorporate related uses of a more commercial nature, such as farm stands, farm markets, agritourism, etc., those uses have also been regulated for Critical Area purposes as agriculture; in 2024, the Commission approved Anne Arundel County's text amendment Bill 74-24 regarding dual farm uses, which addresses the incorporation of these commercial uses. The purpose of Bill 57-24 is to mainly address how the County will regulate farm and agricultural heritage site special events and stays as accessory uses to agriculture.

Special Events in the RCA

This text amendment also permits a property owner to establish *farm or agricultural heritage site special events* on properties designated as RCA. In 2013, a workgroup of Critical Area Commission members was established to review a proposal by Queen Anne's County to permit special events in the RCA. The purpose of the workgroup was to examine the significance of such uses and make recommendations to the Commission regarding allowing such uses in the RCA. Because special events are commercial uses, there is the risk that a significant number of events, the length of the event, the number of guests, and the intensity of the use, or other factors, will conflict with the defined land uses and policies of the RCA. The Commission Workgroup recommended the Commission should consider

¹ COMAR 27.01.01 defines "Agriculture" to mean: an activity related to the production or management of livestock, crops, vegetation, or soil. Agriculture includes tillage, harvest, fertilization, pest management, cropping, pasturing, or production of an agricultural product, including livestock, poultry, plants, trees, sod, food, feed, and fiber; and is an activity that directly contributes to the production, conversion, processing, storage, or sale of agricultural products primarily generated on-site.

the above-listed RCA Land-Use Policies when reviewing proposed special events text amendment. The Commission approved the Queen Anne's County text amendment, with conditions, in May 2013. The County's standards included a definition for special events, measures to meet RCA lot coverage and clearing limits, a requirement to minimize impacts to the natural resources on site, prohibition of any lot coverage or temporary structures in the Buffer unless the structures legally existed at the time of application, and limits on the length and number of special events that can be hosted per year; events were limited to 48 hours, and the maximum number of events is set to 35 (the number of allowed events is reduced for parcels smaller than 100 acres).

Summary of Proposed Text Amendment

The Bill addresses lot coverage, Buffer impacts, and clearing requirements for *Farm or Agricultural Heritage Site Special Events* and *Farm or Agricultural Heritage Site Stays* in the Critical Area. Additionally, the Bill adds three uses to the approved RCA Use List, provided the lot coverage of those uses is limited to the lesser of 15% of the total square footage of the property or 20,000 square feet: 1) *Agritourism*, 2) *Farm or Agricultural Heritage Site Special Events*, and 3) *Farm and Agricultural Heritage Site Stays*.

Definitions

Per Anne Arundel County Code § 18-1-101, the proposed uses are defined as:

Agritourism: a business enterprise on a farm related to agriculture or natural resources that is offered to the public or invited groups. Agritourism shall be accessory to a principal use of farming and shall be located on land that qualifies for an agricultural use assessment pursuant to the Tax-Property Article, § 8-209 of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District. Agritourism includes fishing; wildlife study; corn mazes; pumpkin patches; harvest festivals; field trips; hayrides; pick-your-own operations; farm tours; food services, including commercial kitchens for preparation of value-added products and service of farm to table meals; aggregation; farm museums; educational classes; and other activities or events related to agriculture, historical, cultural, or natural resources, agricultural products, or agricultural skills.

Farm or agricultural heritage site special event: a gathering of the public or invited groups limited to attendance by invitation or reservation for compensation for events including parties, celebrations, weddings, or receptions on a farm that qualifies for an agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District, or an agricultural heritage site.

Farm or agricultural heritage site stay: a hosted accommodation for overnight guests who pay to stay on a farm that qualifies for an agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District, or on an agricultural heritage site. "Farm or agricultural heritage site stay" does not include a bed and breakfast inn, bed or breakfast home, or short-term residential rental.

Farm or Agricultural Heritage Site Special Events

County Bill 57-24 permits a property owner to establish *farm or agricultural heritage site special events* on properties designated as Critical Area RCA with the following criteria and via the following approvals:

Temporary Use authorizes up to eight farm or agricultural heritage site special events within a 12-month period and the events will not exceed one day. Additionally, the maximum capacity for an event will not exceed 25 attendees per acre.

Conditional Use authorizes between nine to 15 farm or agricultural heritage site special events within a 12-month period and events shall not exceed one day. The minimum lot size for a farm is 10 acres and for an agricultural heritage site is five acres. Special events on a farm or agricultural heritage site with a lot size over 10 acres may not exceed 200 attendees and lots between five and 10 acres are limited to 50 attendees.

Special Exception authorizes between 16 and 30 farm or agricultural heritage site special events within a 12-month period and all events shall not exceed one day. The minimum lot size is 10 acres, and maximum capacity may not exceed 200 attendees.

For all three categories, the owner must have owned the property for the immediately preceding two years and engaged in active farming for the immediately preceding two years. Additionally for properties in the Critical Area, the following provisions apply:

- Lot coverage limits and limits on clearing, including areas for access, parking (regardless of surface), temporary structures, temporary tents, and temporary pavement surface;
- No new lot coverage may be added in the Buffer to accommodate the event; and
- Within the RCA:
 - Any lot coverage associated with a farm or agricultural heritage site special event is limited to 20,000 square feet or 15% of the site, whichever is less.
 - The farm or agricultural heritage site special events is located in structures existing as of December 1st, 2025

Farm or Agricultural Heritage Site Stays

Farm or agricultural heritage site stays may be authorized as a conditional use provided that they shall be on lots of at least 10 acres, and the owner or manager of the property shall reside on the property and be present during use. For farms or agricultural sites less than 50 acres, a maximum of three groups or twelve guests, whichever is less, may stay at one time. For lots 50 acres or more, no more than five groups or 20 guests, whichever is less, may stay at one time. Guests may stay no more than 14 consecutive days. The owner must have owned the property for the immediately preceding two years and has been engaged in active farming for the immediately preceding two years.

For properties in the Critical Area, the following provisions apply:

- Lot coverage limits and limits on clearing, including areas for access, parking (regardless of surface), temporary structures, temporary tents, and temporary pavement surfaces;
- No new lot coverage may be added in the Buffer to accommodate the event; and
- Within the RCA:

- Any lot coverage associated with a farm or agricultural heritage site stay is limited to 20,000 square feet or 15% of the site, whichever is less.
- The farm or agricultural heritage site stay is located in structures existing as of December 1st, 2025

RECOMMENDATION

Commission staff and the Program Committee recommend that the Commission concur with the Chair's determination that this text amendment be processed as a refinement to the Anne Arundel County Critical Area program.

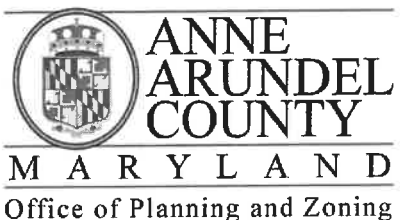
During the Program Committee meeting on May 23rd, 2025, the following condition was added to the recommendation for approval:

- Prior to the full Critical Area Commission meeting, Commission staff and the County shall coordinate to ensure that accessibility is addressed in the program and applies to Farm and Agricultural Heritage Site special events and stays.

Commission staff will provide additional information regarding this condition at the June 4th, 2025 Commission meeting.

ATTACHMENT

1 _Anne Arundel County Bill No. 57-24



2664 Riva Road, P.O. Box 6675
Annapolis, MD 21401
410-222-7450

Jenny B. Dempsey
Planning and Zoning Officer

April 4, 2025

Chairman Erik Fisher
Critical Area Commission
1804 West Street, Suite 100
Annapolis, MD 21401

Re: Anne Arundel County Bill 57-24
Request for Refinement Review and Approval

Dear Chairman Fisher:

In June 2024, Anne Arundel County passed Bill 57-24 the purpose of which was to add certain requirements for specific uses in the Critical Area and to add those uses to the list of approved RCA Uses. The Bill specifically addressed coverage and clearing requirements for the site and the buffer for Farm or Agricultural Heritage Site Special Events temporary, conditional and special exception uses as well as Farm or Agricultural Heritage Site Stays conditional uses. In addition, the Bill adds Agritourism, Farm or Agricultural Heritage Site Special Events and Farm or Agricultural Heritage Site Stays to the approved list of uses within the RCA provided the coverage for those uses is limited to the lesser of 15% of the total square footage of the property or 20,000 square feet.

Per Anne Arundel County Code, these uses are defined as:

Agritourism means a business enterprise on a farm related to agriculture or natural resources that is offered to the public or invited groups. Agritourism shall be accessory to a principal use of farming and shall be located on land that qualifies for an agricultural use assessment pursuant to the Tax-Property Article, § 8-209 of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District. Agritourism includes fishing; wildlife study; corn mazes; pumpkin patches; harvest festivals; field trips; hayrides; pick-your-own operations; farm tours; food services, including commercial kitchens for preparation of value-added products and service of farm to table meals;

aggregation; farm museums; educational classes; and other activities or events related to agriculture, historical, cultural, or natural resources, agricultural products, or agricultural skills.

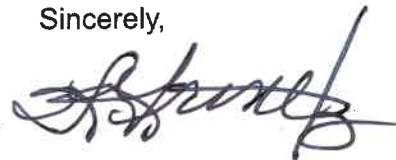
Farm or agricultural heritage site special event means a gathering of the public or invited groups limited to attendance by invitation or reservation for compensation for events including parties, celebrations, weddings, or receptions on a farm that qualifies for an agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District, or an agricultural heritage site.

Farm or agricultural heritage site stay means a hosted accommodation for overnight guests who pay to stay on a farm that qualifies for an agricultural use assessment pursuant to § 8-209 of the Tax-Property Article of the State Code or that is covered by a current and active soil conservation and water quality plan approved by the Anne Arundel Soil Conservation District, or on an agricultural heritage site. "Farm or agricultural heritage site stay" does not include a bed and breakfast inn, bed or breakfast home, or short-term residential rental.

Attached is a copy of the Bill and the County hereby request review and approval as a refinement to our program.

If you have any questions regarding this request, please contact me at pzkrin00@aacounty.org.

Sincerely,



Kelly Krinetz
Planning Administrator

cc: Charlotte Shearin, CAC
Katherine Charbonneau, CAC

Jamileh Soueidan, CAC
Jennifer Esposito, CAC

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2024, Legislative Day No. 11

Bill No. 57-24

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, May 20, 2024

Introduced and first read on May 20, 2024
Public Hearing set for and held on June 17, 2024
Bill Expires August 23, 2024

By Order: Kaley Schultze, Administrative Officer

A BILL ENTITLED

- 1 AN ORDINANCE concerning: Zoning – Critical Area Overlay – Resource Conservation
2 Area – Agritourism, Farm or Agricultural Heritage Site Special Events, and Farm or
3 Agricultural Heritage Site Stays
4
5 FOR the purpose of adding certain requirements for temporary, conditional and special
6 exception uses for agritourism, certain farm or agricultural heritage site special events,
7 and farm or agricultural heritage site stays in the Critical Area and the Resource
8 Conservation Area (“RCA”); allowing agritourism, farm or agricultural heritage site
9 special events, and farm or agricultural heritage site stays as uses in the RCA; making
10 the effective date of this Ordinance contingent on the approval of the Maryland Critical
11 Area Commission; and generally relating to zoning.
12
13 BY renumbering: § 18-13-206(2) through (15) and (16) through (46) to be
14 § 18-13-206(3) through (16) and (19) through (49), respectively
15 Anne Arundel County Code (2005, as amended)
16
17 BY adding: §§ 18-10-129(12) and (13); 18-10-130(10) and (11); and 18-13-206(2), (17),
18 and (18)
19 Anne Arundel County Code (2005, as amended)
20
21 BY repealing and reenacting, with amendments: § 18-2-203(b)
22 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
2 That § 18-13-206(2) through (15) and (16) through (46), respectively, of the Anne Arundel
3 County Code (2005, as amended) are hereby renumbered to be § 18-13-206(3) through
4 (16) and (19) through (49), respectively

5
6 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County
7 Code (2005, as amended) read as follows:

8
9 **ARTICLE 18. ZONING**

10
11 **TITLE 2. GENERAL PROVISIONS**

12
13 **18-2-203. Temporary uses.**

14
15 (b) **Farm or agricultural heritage site special events, one to eight annual events.**
16 The Planning and Zoning Officer may authorize up to eight farm or agricultural heritage
17 site special events on a property in the RA, RLD, or R1 zoning districts as a temporary use
18 if:

19
20 (1) the Planning and Zoning Officer determines that the event will not adversely
21 affect nearby properties and will not require significant or permanent changes to existing
22 topography, vegetation, or other natural features;

23
24 (2) no more than eight events on the same property within a 12-month period are
25 authorized;

26
27 (3) authorization is given for each individual event to be held on a property;

28
29 (4) an event will not exceed one day;

30
31 (5) any outdoor assembly areas are located and designed to shield surrounding
32 residential properties from the effects of noise, hazards, or other offensive conditions;
33 [[and]]

34
35 (6) the maximum capacity for an event will not exceed 25 attendees per acre; [[and]]

36
37 (7) the owner has owned the property for the immediately preceding two years and
38 has been engaged in active farming for the immediately preceding two years;

39
40 (8) FOR PROPERTY IN THE CRITICAL AREA, PROVISIONS OF THIS CODE RELATING
41 TO LOT COVERAGE AND LIMITS ON CLEARING ARE APPLICABLE, AND INCLUDE ACCESS,
42 PARKING REGARDLESS OF SURFACE, TEMPORARY STRUCTURES, TEMPORARY TENTS, AND
43 TEMPORARY PAVEMENT SURFACES; AND

44
45 (9) FOR PROPERTY IN THE CRITICAL AREA, NO NEW LOT COVERAGE, INCLUDING
46 FOR ACCESS OR PARKING, IS ADDED IN THE BUFFER TO ACCOMMODATE THE EVENT.

47
48 **TITLE 10. REQUIREMENTS FOR CONDITIONAL USES**

18-10-129. Farm or agricultural heritage site special event, 9 to 15 annual events.

A farm or agricultural heritage site special event, 9 to 15 annual events, shall comply with the following requirements.

(12) FOR PROPERTY IN THE CRITICAL AREA, PROVISIONS OF THIS CODE RELATING TO LOT COVERAGE AND LIMITS ON CLEARING APPLY, AND INCLUDE ACCESS, PARKING REGARDLESS OF SURFACE, TEMPORARY STRUCTURES, TEMPORARY TENTS, AND TEMPORARY PAVEMENT SURFACES.

(13) FOR PROPERTY IN THE CRITICAL AREA, NO NEW LOT COVERAGE, INCLUDING FOR ACCESS OR PARKING, MAY ADDED IN THE BUFFER TO ACCOMMODATE THE EVENT.

18-10-130. Farm or agricultural heritage site stay.

A farm or agricultural heritage site stay shall comply with the following requirements.

(10) FOR PROPERTY IN THE CRITICAL AREA, PROVISIONS OF THIS CODE RELATING TO LOT COVERAGE AND LIMITS ON CLEARING APPLY, AND INCLUDE ACCESS, PARKING REGARDLESS OF SURFACE, TEMPORARY STRUCTURES, TEMPORARY TENTS, AND TEMPORARY PAVEMENT SURFACES.

(11) FOR PROPERTY IN THE CRITICAL AREA, NO NEW LOT COVERAGE, INCLUDING FOR ACCESS OR PARKING, MAY ADDED IN THE BUFFER TO ACCOMMODATE THE EVENT.

TITLE 11. REQUIREMENTS FOR SPECIAL EXCEPTION USES

18-11-125. Farm or agricultural heritage site special event, 16 to 30 events.

A farm or agricultural heritage site special event, 16 to 30 annual events, shall comply with the following requirements.

(11) FOR PROPERTY IN THE CRITICAL AREA, PROVISIONS OF THIS CODE RELATING TO LOT COVERAGE AND LIMITS ON CLEARING APPLY, AND INCLUDE ACCESS, PARKING REGARDLESS OF SURFACE, TEMPORARY STRUCTURES, TEMPORARY TENTS, AND TEMPORARY PAVEMENT SURFACES.

(12) FOR PROPERTY IN THE CRITICAL AREA, NO NEW LOT COVERAGE, INCLUDING FOR ACCESS OR PARKING, MAY ADDED IN THE BUFFER TO ACCOMMODATE THE EVENT.

TITLE 13. CRITICAL AREA OVERLAY

1 **18-13-206. RCA uses.**

2
3 The following uses are the only uses allowed in the RCA and, to be allowed, the use
4 must be allowed in and meet all requirements of the underlying zoning district and, for a
5 residential use, the density allowed is one dwelling unit per 20 acres:

6
7 ***

8
9 (2) AGRITOURISM SO LONG AS THE LOT COVERAGE FOR THE USE IS LIMITED TO THE
10 LESSER OF 15% OF THE TOTAL SQUARE FOOTAGE OF THE PROPERTY OR 20,000 SQUARE
11 FEET;

12
13 ***

14
15 (17) FARM OR AGRICULTURAL HERITAGE SITE SPECIAL EVENT LOCATED IN
16 STRUCTURES EXISTING AS OF DECEMBER 1, 1985, SO LONG AS THE LOT COVERAGE FOR
17 THE USE IS LIMITED TO THE LESSER OF 15% OF THE TOTAL SQUARE FOOTAGE OF THE
18 PROPERTY OR 20,000 SQUARE FEET;

19
20 (18) FARM OR AGRICULTURAL HERITAGE SITE STAY LOCATED IN STRUCTURES
21 EXISTING AS OF DECEMBER 1, 1985, SO LONG AS THE LOT COVERAGE FOR THE USE IS
22 LIMITED TO THE LESSER OF 15% OF THE TOTAL SQUARE FOOTAGE OF THE PROPERTY OR
23 20,000 SQUARE FEET;

24
25 ***

26
27 SECTION 3. *And be it further enacted*, That this Ordinance shall take effect 45 days
28 from the date it becomes law or upon approval of the Maryland Critical Area Commission
29 under the authority granted by § 8-1801 et seq. of the Natural Resources Article of the State
30 Code, whichever is later. If approved in whole or in part after the 45 days, the approved
31 provisions of this Ordinance shall take effect on the date the notice of approval is received
32 by the Office of Planning and Zoning. If disapproved in whole or in part, the disapproved
33 portions of this Ordinance shall be null and void without the necessity of further action by
34 the County Council. The Office of Planning and Zoning, within five days after receiving
35 any notice from the Maryland Critical Area Commission, shall forward a copy to the
36 Administrative Officer for the County Council.


READ AND PASSED this 17th day of June, 2024

By Order:



Kaley Schultze
Administrative Officer

PRESENTED to the County Executive for his approval this 20th day of June, 2024



Kaley Schultze
Administrative Officer

APPROVED AND ENACTED this 24th day of June, 2024



Steuart Pittman
County Executive

EFFECTIVE DATE: August 8, 2024*

*Pending Approval by the Critical Area Commission

Bill No. 57-24

Page No. 6

**I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 57-24 THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.**

A handwritten signature in black ink, appearing to read 'K. Schultze', with a long horizontal line extending to the right.

**Kaley Schultze
Administrative Officer**