

Anne Arundel Board of Supervisors

Resolution 2007- 5

Policy Concerning Erosion and Sediment Control for Non-Agricultural Structures on Farms July 24, 2007

The purpose of this resolution is to establish as a policy of the Anne Arundel Soil Conservation District the requirement to obtain erosion and sediment control plan approval from the District before construction can begin on non-agricultural structures located on farms in the County.

Under the Environment Article, Section 4-102, Annotated Code of Maryland and the Anne Arundel County Code, Article 16, Section 16-2-210 (b) (2), the construction of agricultural structures is specifically exempted from the requirement to obtain a grading permit and, therefore, no erosion and sediment control plan review is necessary. Unfortunately, neither the State statute nor County Code define agricultural structures.

For the purpose of this resolution and policy, the Anne Arundel Soil Conservation District hereby defines agricultural structures as those buildings that directly or indirectly support the cultivation of land that further crop production and livestock propagation. All other structures are deemed to be non-agricultural. Agricultural structures include barns, silos, machine sheds and waste handling buildings that support farming activities and all other facilities defined as best management practices under a District developed and approved soil conservation and water quality plan.

Recently, there have been a number of structures either built or planned for construction on farms in Anne Arundel County that do not facilitate the cultivation of crops or the propagation of livestock, although these structures may have an indirect relationship to traditional agriculture. These non-agricultural structures include; recreational, instructional and therapeutic horse riding rinks (both indoor and outdoor) and wineries for the commercial processing and bottling of wine made from grapes raised in vineyards on the property. Without a definition of agricultural structures for guidance, the County has frequently not required grading permits for structures located on farms where a District approved soil conservation and water quality plan exists. Therefore, no erosion and sediment control review has occurred and the environment has been at risk during construction of these facilities. A traditional soil conservation and water quality plan affords no environmental protection in such situations as these plans are unenforceable, voluntary documents and the only buildings covered under the plans are waste handling structures.

Therefore, it is the policy of the Board of Supervisors of the Anne Arundel Soil Conservation District that a person proposing to construct a non-agricultural structure on a farm, whether or not a soil conservation and water quality plan exists for the property, shall obtain erosion and sediment control plan approval from the District prior to the commencement of construction. The erosion and sediment control plan shall conform to the District's Plan Submittal Guidelines. Further, where the County has elected not to require a grading permit, the District shall charge a fee for its erosion and sediment control plan review of the project, consistent with District Policy 2007-4.

Policy Concerning Erosion and Sediment Control
for Non-Agricultural Structures on Farms, Adopted
by Resolution of the Anne
Arundel Soil Conservation District
Board of Supervisors this date, July 24,
2007

Kenneth Carr, Chairman, Board of Supervisors.