

MEMORANDUM OF UNDERSTANDING
Agricultural Land Management Practices or Agricultural Buildings

THIS MEMORANDUM OF UNDERSTANDING is entered into this 28 day of August, 2023, by and between **ANNE ARUNDEL COUNTY, MARYLAND** (the "County") and **ANNE ARUNDEL SOIL CONSERVATION DISTRICT**, a political subdivision of the State of Maryland, and a body corporate and politic ("AASCD").

WHEREAS, the Maryland Code Annotated, Envir., § 4-103, provides that a county may not issue a grading or building permit until (among other things) the developer submits a grading and sediment erosion control plan approved by the appropriate AASCD; and

WHEREAS, the Maryland Code Annotated, Envir., § 4-102 provides that agricultural buildings and agricultural land practices are exempted from the sediment control subtitle, which includes an exemption from the requirement for a grading or building permit or an erosion and sediment control plan;

WHEREAS, COMAR 26.17.01.01 provides that agricultural land management practices and agricultural best management practices, including those regulated under COMAR 26.17.03, are exempt from the requirement of an erosion and sediment control plan;

WHEREAS, § 16-3-201 (b)(1) of the County Code provides that a grading permit is not required for grading or clearing associated with "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 [AASCD] 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 [AASCD] is required in lieu of a standard grading plan or grading permit for agricultural buildings that involve disturbing more than one acre of land"; and

WHEREAS, § 105.2 of the County Construction Code supplement provides that certain agricultural buildings are exempt from the requirement for a building permit;

WHEREAS, the parties have agreed to a procedure for approval, notification and enforcement for an agricultural building that is exempt from the building permit requirements of the County Code; and

WHEREAS, the parties have agreed to a procedure for enforcement with regard to an agricultural land management practice and a determination of whether there is an exemption from the grading permit requirements of the County Code

NOW, THEREFORE, for and in consideration of the mutual premises hereof, the parties hereto agree as follows:

1. The County and AASCD agree to cooperate and coordinate their efforts, to the extent authorized by applicable law, with regard to agricultural buildings and agricultural land management practices.
2. The AASCD Board of Supervisors and the Department of Inspections and Permits ("I&P") shall review applications for building permit exemptions for agricultural buildings. A Soil Conservation and Water Quality Plan (commonly known as a "Farm Plan"), shall be developed with the cooperation of the landowner by a AASCD employee or one of its partners. The AASCD Board of Supervisors shall review the documents submitted by the applicant and, as appropriate, approve the Agricultural Standard Grading Plan ("SGP Plan") for construction of an agricultural building.
3. Once an agricultural building is approved by AASCD, AASCD shall advise the applicant with instructions to submit a copy of the approved SGP Plan to I&P. The SGP Plan will be reviewed by I&P for approval to grade for the building. All access to the agricultural structure and any related best management practices ("BMP's") shall be illustrated on the SGP Plan. I&P shall provide documentation advising the landowner of the need for any required trade permits from the County.
4. AASCD is tasked with approving agricultural land management practices by approval of a Farm Plan. AASCD shall advise an applicant if it appears that any proposed activities are beyond the scope of Farm Plan, and refer the applicant to I&P to determine what, if any, County approvals may be required.
5. AASCD shall perform erosion and sediment control inspections to verify compliance with approved plans. Should the landowner fail to provide adequate erosion and sediment control protection, AASCD shall inform I&P. I&P shall perform inspections to verify the use of the agricultural building as stated in the definition of agricultural buildings in the County Code and investigate any complaints received regarding erosion and sediment control or the use of the structure.
6. Any failure of the landowner to comply with the approved erosion and sediment control plan approved by AASCD or failure to use a building within the definition of an agricultural building shall be enforced by I&P in accordance with the County Code.
7. If the County receives a complaint of a violation on a property with an approved Farm Plan, the parties shall work together to determine if the activity on the property falls within the approval contained within a Farm Plan. If the County determines that the activity is outside of the scope of the approved Farm Plan, the County may initiate enforcement action against the property owner in accordance with the County Code.

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8. This MOU shall be effective until cancelled or terminated by either party by giving thirty (30) calendar days advance written notice to the other party.
9. The terms and conditions hereof represents the entire agreement of the parties, and no other term or condition shall be implied unless in writing signed by both parties. This MOU may only be amended or changed by a written instrument signed by both parties.
10. This MOU does not create any partnership, joint venture, or other such relationship between the Parties, who remain independent entities.
11. Each party warrants that the person signing below is authorized to sign this Agreement on behalf of such party and to bind such party, and any governmental unit of which the party is a part, to the terms of this Agreement.
12. The parties hereby designate the following individuals to transmit or receive communications with regard to the implementation of this MOU:

a. For the County:

Anne Arundel County Department of Inspections and Permits
Code Compliance Division
2664 Riva Road
Annapolis, Maryland 21401

With a copy to:

Anne Arundel County Office of Law
2660 Riva Road, 4th Floor
Annapolis, Maryland 21401

b. For AASCD:

District Manager
Anne Arundel Soil Conservation District
Heritage Office Center
2662 Riva Road, Suite 150
Annapolis, MD 21401

13. This MOU creates no funding obligation on behalf of any Party beyond that specified herein, and all obligations of the County are subject to appropriation and availability of funds.

WITNESS the hands of the parties hereto.

ATTEST:

**ANNE ARUNDEL COUNTY,
MARYLAND**

DocuSigned by:



By: _____

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Christine M. Anderson
Chief Administrative Officer
For Steuart Pittman, County Executive

Affirmed by the Anne Arundel Soil Conservation
District Board of Supervisors

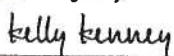


Brian Riddle, Chairperson, Board of Supervisors

APPROVED FOR FORM AND LEGAL SUFFICIENCY
ANNE ARUNDEL COUNTY, MARYLAND
GREGORY J. SWAIN, COUNTY ATTORNEY

DocuSigned by:

By: _____



8/28/2023 | 06:07 PDT

Kelly Phillips Kenney
Supervising County Attorney