

Charles County Commissioners --

I am submitting this letter in support of the Zoning Text Amendment with one change – that the requirement for the 150 setback be removed. Additional information on why that requirement should be omitted is at the end of my letter.

This ZTA is the result of six months of research, discussion and drafting of the Rural Task Force formed by the County Commissioners in 2019 that included members of the agriculture and business community and participation by the staff from Planning & Growth Management (PGM). We met from May of 2019 to November of 2019. It was a collaborative effort and 18 recommendations were submitted in November 2019 to the County Commissioners.

PGM then drafted a ZTA based on a portion of the recommendations and presented it to the Planning Commission with a public hearing in June 2020. Based on public comment, a new version was drafted that addressed public concerns. In November of 2020, the Planning Commission unanimously voted to submit the revised ZTA to the Commissioners.

This ZTA originated from constituent and staff discussion and input, used public testimony to further revise and was then vetted by the Planning Commission and received their support. This ZTA will **provide needed clarification to existing regulations and much needed support to the agriculture community so open land can continue to support our entire community via agritourism and fresh and local food.**

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#### **What does the ZTA achieve?**

1. Allows rear yard averaging: Currently problems arise due to topographic conditions, steep slopes, surveying errors, construction errors. The current ordinance does not allow on averaging of rear yards as it does for front and side yards.
2. Allows accessory structures to remain on land that has been subdivided that does not have a primary dwelling: Currently a farm cannot be subdivided without removing the existing structures (barns, sheds, garages) and prohibits a land owner from building an accessory structure on a vacant lot/farm/parcel. This change would allow a landowner to keep a potentially useful agriculture structure in the event he subdivides the property rather than destroy it.
3. Allows additional occupations to be conducted in a home such as tailoring, bookkeeping and personal services such as cutting hair provided that it does not exceed more than 200 feet (500 feet in the AC, RC and WCD zones). No hazardous activities, only employees are people who live in the dwelling and other restrictions ensure the activity does not interfere with neighboring properties. This will allow landowners to supplement their income at home.
4. Defines Agricultural Operations, Agritourism, Ecotourism, Forestry Operations, and Aquacultural Operations and specifies in the Table of Permissible Uses where they can occur and with certain conditions to ensure the activity does not interfere with neighboring properties, including:
  - a. Agritourism must occur on the same parcel of land as an agricultural operation

- b. Must be 150 feet from the nearest boundary line of an adjacent parcel
- c. Land must have appropriate vehicular ingress and egress
- d. Landowner must comply with all requirements of Federal, State and local regulations including but not limited to nutrient management (which would cover manure management), sediment and erosion.

The State of Maryland has encouraged counties to adopt definitions of agritourism and related activities and Charles County does not have current definitions. Agritourism has been declared to be a major potential source of economic development which will help preserve our rural character as well as aid farmers in diversification opportunities.

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While during the discussions with the Planning Commission I agreed to the 150-foot setback requirement, further discussions afterwards with a Task Member who provides agritourism to our county citizens, brought some concerns that I feel should allow that portion to be deleted. The reasons are:

1. The Task Force did not include any setbacks in their recommendations to the Commissioners.
2. The inclusion of the 150 set-back will be detrimental to existing agritourism operations as it removes the ability for a farmer to fully utilize his land (that he manages and pays taxes on) for agritourism purposes.
3. The setback requirement was added as a result of public testimony that raised concerns regarding noise and manure management from an equestrian facility. While I understand their concerns and think their desire to be able to enjoy their property without manure runoff is valid and should be respected and addressed, existing regulations as well as the new requirement that the “landowner must comply with all requirements of Federal, State and local regulations including, but not limited to, nutrient management, sediment, and erosion” would fully address the concerns so there is no need to double regulate.
4. Any farmer who wishes to provide agritourism services relies on the good will of his neighbors and community and so has a desire to be a good neighbor without regulation. Not every potential concern can be regulated.

If you have any questions or need any further clarification please let me know.

Sincerely,

Brianna Bowling

Chairperson of the Rural Planning & Zoning Task Force

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