

September 23, 2019

County Commissioners
c/o Clerk to the County Commissioners
200 Baltimore Street
La Plata, Maryland 20646

Re: Rural Planning & Zoning Task Force; Legislative Proposal dated August 14, 2019

Dear Commissioners:

We are writing to you regarding the legislative proposal dated August 14, 2019 and submitted by the Rural Planning & Zoning Task Force. The proposal seeks to amend Section 12-508(e) of the Public Safety Article of the Annotated Code to exempt agritourism buildings from certain building requirements and that such buildings would not be deemed a change of use requiring a building permit. According to the letter submitted by the Task force, agritourism does not generally generate the day to day traffic that commercial buildings do.

Long-standing citizens of Charles County, we are generally supportive of agritourism and the benefit it provides and may provide our county. Still, our personal experience raises some concerns about the proposed exemption. We are residents of homes built in Bryantown in the 1970's and located on lots slightly over 1 acre in size. In 1984, the property behind our homes was subdivided into 7 lots. The 7th lot, which is directly behind and adjacent to our homes, became approximately 5 acres and was proposed for a residence. At the time, the lot contained two (2) barns. The barns were located some distance away from our homes. (Please see attached) Sometime after 2013, the owners of the lot replaced one of the barns (which had blown down in a storm) with a large equestrian center and barn. The large equestrian facility was located 25' from our property lines. (Please see attached)

What followed was a nightmare for our daily lives: light from the large facility flooded the interior of our yards and homes at night; our properties began to flood each time it rained, the smell from the large volume of horses (40 horses on 5 acres) and their excrement filled our yards; flies attracted to the manure arrived in mass and each weekend large amounts of traffic and noise from events occurred. After the large events, trash from the events would blow into our yards. (Please see attached photos) On one such occasion, while mowing grass in the back yard, an attendee of the equestrian center leaned out the door and asked us to quiet down so they could hear the announcer of the event. Late last year, we learned that no building permits

were approved by the County for the facility and that the facility, as a commercial stable, violated the 100' setback regulation of the County. What resulted were hard feelings between neighboring properties that had co-existed peacefully for years and great expense to both parties. In short, there are no winners. We have endured a great deal of expense, worry and angst but so have our equestrian neighbors. The result has not been good for any of the property owners including the owner of the Equestrian Center.

Our fear that is this legislation, while well intended, could lead to more situations such as ours. Agritourism is defined by the Charles County Code as

An Ag tourism facility is an **agricultural-related** business located on a farm that is open for customers and tourists for at least six months of the year, for at least four days a week, and which provides tours and on-site sales or samples of primarily Charles County agricultural products.

The County defines the term "agriculture" as

The use of land for agricultural purposes, including dairying, pasturage, agriculture, apiaries, horticulture, floriculture, orchards, agricultural nurseries, viticulture **and animal and poultry husbandry** and the necessary accessory uses for packing, processing, treating or storing the produce; provided, however, that the operation of any such accessory uses shall be secondary to that of normal agricultural activities; and provided further, that the above uses shall not include the acceptance or disposal of land clearing debris or rubble which originates off-site or the commercial feeding of garbage or offal to swine or other animals. ***The breeding, raising, training and general care of livestock for uses other than food, such as sport or show purposes, as pets or for family recreations, shall be considered a normal farming function, but kennels are excluded from this definition.***

It appears that if enacted, a property owner could construct a barn for their private use. That barn would not need to meet the commercial requirements of a commercial stable or facility, to include building permit or setbacks of commercial establishments. Years later or even one year later, the owner could convert the barn to "agritourism" and not be required to comply with appropriate building permit requirements. Does this include exemption from "setback" requirements or other requirements such as buffering etc...? If so, the County is setting the stage for trouble. Neighbors will not be afforded the protections needed to ensure the quiet use and enjoyment of their properties and agricultural property owners will have expectations that may not be met.

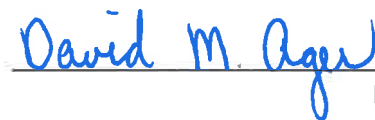
Before undertaking this exemption, we recommend the County review all of its ordinances related to these uses and situations and clearly define what is allowed and the rules under which such uses will be allowed. Only when that local legislation is enacted that involves

the participation of all affected parties and property owners, (agri-tourism property owners and their neighbors) and only when all parties know the rules and expectations, should this legislation be considered. Again, this letter is not anti-horse, anti-farm or anti-animal. Instead, it is about clear, reasonable rules and regulations that allow everyone the use and benefit of their properties.

Sincerely,



Laura Paulk



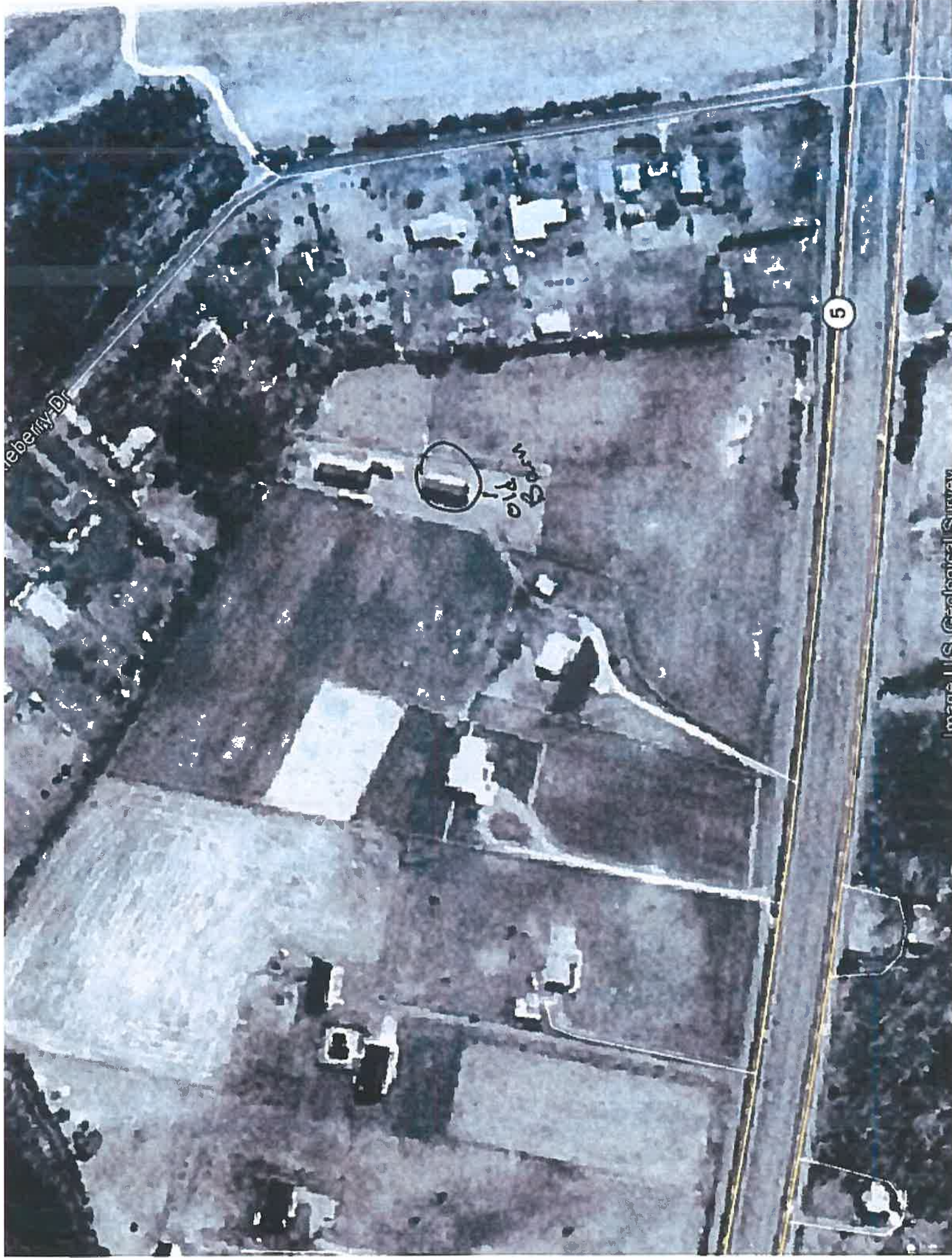
David M. Ager



Paulette Ager

Cc:

File
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Barn

Image: U.S. Geological Survey



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