



# HOWARD COUNTY DEPARTMENT OF PLANNING AND ZONING

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## HOWARD COUNTY AGRICULTURAL LAND PRESERVATION BOARD AND STATE AGRICULTURAL PRESERVATION ADVISORY BOARD

June 20, 2016

### Attendance:

#### Board Members:

Lynn Moore, Chair  
Rickey Bauer, Vice Chair  
Jamie Brown  
Howie Feaga  
Ann Jones

#### Public:

George "Chip" Doetsch, Jr.  
George Doetsch III  
Sang Oh, Talkin & Oh, LLP  
Teresa Stonesifer

#### Staff:

Joy Levy, Administrator, Agricultural Land Preservation Program  
Mitch Ford, Planning Technician, Agricultural Land Preservation Program

Ms. Moore called the meeting to order at 7:10 p.m. and conducted introductions.

### Action Items

#### 1) Revisions to Minutes from the meeting of February 17, 2016

Ms. Moore called for the approval of the February 17, 2016 meeting minutes. Ms. Jones moved to approve. Mr. Brown seconded the motion, which passed unanimously.

#### 2) Minutes from the meeting of March 28, 2016

Ms. Moore called for the approval of the March 28, 2016 meeting minutes. Mr. Brown moved to approve. Mr. Feaga seconded the motion, which passed unanimously.

#### 3) Request for Approval, Tenant House, Doetsch property, HO-90-04-E, 99.23 acres (ALPB)

Ms. Levy read the staff report, stating that George L. Doetsch, Jr. is the current owner of the subject property known as Marama Farm, which was placed in the Howard County Agricultural Land Preservation Program (ALPP) on June 15, 1990 by Albert & Virginia Spokes. The Spokes exchanged their lot rights per an amended deed of easement dated November 8, 1994, that provided for the right to a maximum of three unrestricted lots and four tenant houses. The deed was amended again on May 22, 1997 to release all three unrestricted lots. Mr. Doetsch purchased the property from Virginia Spokes on May 29, 2008. As the contract purchaser at the time, Mr. Doetsch was granted approval from the ALPB on April 14, 2008 to re-designate the existing dwelling as a

tenant house, in exchange for a new principle dwelling. Currently, Wanda and Billy Jones occupy the tenant house as the barn manager and horse trainer, while Mr. Doetsch lives in the new main house. Mr. Doetsch's son, George Doetsch III, is requesting a tenant house for his own use as the equine operation's part-time manager and breeder.

Ms. Levy stated that per Section 15.514 of the Howard County Code, the Board may approve the location of a tenant house after determining that the location minimizes any disruption of existing or potential future agricultural activities. In addition, the Code permits tenant housing based on the Board's determination that the dwelling is necessary to house a farm worker fully engaged in the operation of the agricultural use of the property. Marama Farm is primarily a thoroughbred horse breeding operation but also offers boarding, particularly for layup race horses. Mr. Doetsch III is requesting a tenant house for his personal use when he is on the farm and responsible for running it in his father's absence. Furthermore, Mr. Doetsch, Jr. travels extensively and is not available for the many day to day decisions and other farm management functions for long stretches of time.

Ms. Levy noted that the ability of Mr. Doetsch III to fill in while his father is gone will be impeded by his family's imminent relocation from Arnold to St. Michaels. Due to the need for Mr. Doetsch III to be on site, the applicant is requesting a relatively modest tenant house of about 2,060 square feet of living space. He is also proposing an additional 2,655 square feet of garage area that will be for farm equipment and personal vehicle storage.

Ms. Levy indicated that this request is a bit unusual in that typically tenant houses are requested for farm employees who are performing the manual labor for the operation, like the Jones couple on this property. However, the language in the Deed of Easement provides that this right extends to those who are "fully engaged" in the operation of the farm. The easement doesn't give much guidance as to what that encompasses the amount of time devoted to the operation, or to the range of acceptable responsibilities. In this case, Mr. Doetsch III is completely in charge of running the farm and managing the horse breeding operation in his father's absence, which can last as long as three months at a time. The proposed location is in keeping with the Board's general preference for the siting of tenant houses proximate to an existing farm lane and/or other residential or agricultural structures.

In closing, Ms. Levy explained that she has considered this request carefully and has decided to not make a recommendation. In support of approving the request to locate a tenant house, it is clear that while Mr. Doetsch III is in residence he will have a level of involvement that justifies the "fully engaged" requirement stated in the easement. On the other hand, this is a part time situation and raises the question as to whether an additional house is needed on the property. Ms. Levy requested that the Board members consider all of the facts of the request, ask questions of the property owner and make their own determination.

Ms. Moore called for questions and discussion.

Ms. Jones asked Ms. Levy whether there were any size limitations for garage space in tenant houses. Ms. Levy stated that no limitations currently exist for tenant houses on ALPP land.

Ms. Jones asked the applicant why the proposed tenant house was so far away from the agricultural operation. The proposed site for the tenant house is located north of the driveway, and is adjacent to the garage of the main house. Mr. Doetsch explained that the site was chosen so he could better assist his aging father in the coming years. Mr. Feaga, an equine operator himself, added that the proposed site is favorable due to the various vermin that can be found in the barn area.

Ms. Moore asked for clarification on Mr. Doetsch's future living situation, since his family is in the process of moving to the Eastern Shore. Mr. Doetsch replied by saying he will be living in Howard County five days out of the week. By doing this, he will be able to manage the horse breeding operation on site.

Mr. Brown stated that he found no issues with the proposed location, since the tenant house would be constructed within the woodland on the property, and away from the agricultural fields.

With no further discussion or questions, Mr. Bauer moved for approval, which was seconded by Mr. Brown. The motion passed unanimously.

### **Discussion Items**

#### **1) Program Updates**

Ms. Levy informed the Board that the last property currently in the acquisition pipeline, Cattail Meadows, has not yet gone to settlement.

#### **2) Council update – pre-filing of amendments to Section 15.518**

Ms. Levy informed the Board that the pre-filing of the amendments to Section 15.518 would be pre-filed for the July 18, 2016 County Council meeting. *\*County Council consideration has been extended to September 2016.\**

### **Questions from the Public**

#### **1) Commercial Solar Facilities & Agricultural Tax Assessment, Maryland Route 32 Widening**

Teresa Stonesifer, a landowner in the ALPP, had a few issues she wished to discuss with the Board at the end of the meeting. She noted that she has received several inquiries from solar companies regarding her potential interest in having a solar farm on her property. She stated that even though the pending legislation has not yet been introduced to the County Council, it seems as though the solar companies are assuming it will pass and are contacting many farm owners. Ms. Stonesifer expressed concern about how agricultural properties will be assessed by the State Department of Assessment and Taxation (SDAT) if they elect to construct a solar commercial facility on their property.

Due to the fact that solar farms are a relatively new operation on preserved agricultural properties in Maryland, there has yet to be legislation and regulation to reflect the change. Moreover, Governor Hogan's veto of the *Clean Energy Jobs Act of 2016 (SB 921/HB 1106)* will most likely impede state agency regulation adjustments for solar energy on preserved land. The Board members agreed that SDAT probably doesn't know yet how to assess agricultural properties that include commercial solar facilities, and that the agricultural community will have to wait until the veto is overridden by the State Legislature.

In addition, Ms. Stonesifer informed the Board of the proposed condemnation of a portion of her farm from the Maryland Route 32 widening project. She noted that her property will be significantly impacted by the Frederick Road interchange with the new highway.

Mr. Feaga moved to adjourn the meeting, which was seconded by Ms. Jones and carried unanimously. The meeting adjourned at 8:52 pm.

  
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Joy Levy, Executive Secretary  
Agricultural Land Preservation Board