

Governor's
Intergovernmental Commission
for Agriculture

*2014 Report to
Governor Martin O'Malley*

January 2015

*Earl F. Hance
Secretary
Maryland Department of Agriculture*

*and Chair
Governor's Intergovernmental Commission for Agriculture*

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The Governor's Intergovernmental Commission for Agriculture (GICA) was established on June 29, 2006, to “promote the economic profitability of agriculture in the State by ensuring that all appropriate State agencies work in a cooperative, coordinated manner with local government and industry groups in planning, implementing, overseeing and evaluating intergovernmental initiatives related to agricultural affairs of the State.” (The 2014 list of members can be found in APPENDIX A). In 2014, GICA’s main focus was on agritourism, a value-added activity that more Maryland farmers are adding to their agricultural operations as an additional source of income.

GICA accomplished the following this year:

1. Developed recommendations and model definition for agritourism and held discussions with the Maryland Association of Counties (MACO) Planners Auxiliary group about agritourism.
2. Hosted presentations from the Department of Business and Economic Development and the State Highway Administration on opportunities for agritourism operators.
3. Reviewed housing issues related to the H2A Visa program.
4. Reviewed the Maryland Agricultural Conflict Resolution Service’s joint education program with the Maryland Association of Realtors.
5. Reviewed stormwater regulations and issues pertaining to agricultural buildings.

During the follow up meeting with the MACO planners group, there was discussion about the need for a model definition for agritourism. GICA formed a workgroup to review existing definitions both nationally and at the county level. The workgroup was comprised of representatives of the Maryland Department of Agriculture (MDA), Maryland Farm Bureau, county planners, Maryland Farm Credit, Maryland Association of Counties, producers, the Maryland Wineries Association and Agricultural Marketing Professionals. The workgroup held three conference calls over the summer, focusing primarily on zoning and permitting issues. It reviewed existing county definitions, county comprehensive plans and other state definitions. It then developed a list of recommendations.

GICA identified the following issues during its review of agritourism:

- The need for a model definition of “agritourism.” -- Thirteen Maryland counties have enacted some sort of definition of “Agritourism” in their county codes and several states have enacted a definition of agritourism as well.
- Sixteen counties have put information in their comprehensive plans that support agriculture as a business and not just for the purpose of preserved land.
- The word “commercial” has created a conflict for agritourism. It opens up the commercial code related to permitting, etc. requirements.
- County inspectors enforce the permit laws on the books.
- Some counties have acreage definitions of farms to ensure there are no “farmettes.”
- Maryland has a contributory negligence statute that is favorable to defendants.
- Within Title 12 Building and Material Codes there is an exemption for agricultural buildings used for agritourism from building permits for nine Maryland counties. The law, however, does not preempt counties from enacting their own requirements.

Model Definition of “Agritourism”

GICA developed the following model definition:

“Agricultural Enterprise” includes an accessory farm-based business which is secondary to the primary agricultural use of the properties where activities such as on-farm processing of agricultural products and agritourism occur. “Agritourism” is a series of activities conducted on a farm and offered to the public or to invited groups for the purpose of education, recreation, or active involvement in the farm operation. These activities may include, but are not limited to, farm tours, hayrides, corn mazes, seasonal petting arms, farm museums, guest farm, pumpkin patches, “pick your own” or “cut your own” produce, classes related to agricultural products or skills, and picnic and party facilities offered in conjunction with the above.

While agritourism is defined within another definition (“agricultural enterprise”), GICA members felt that agritourism should be in addition (accessory) to the primary agricultural activity done on the farm and not a stand-alone farming activity. Members felt that a category of farm activities needed to be created in which to fit agritourism.

ADDITIONAL RECOMMENDATIONS:

For the Counties:

- Recommend to county officials that a county “ombudsman” be designated in each county where there is no Agricultural Marketing Professional (AMP) at this time.
- Request that county tourism boards include an agritourism operator as a board member.
- Agritourism operators should create an industry association, comprised of agritourism operations as well as other niche-market groups.
- Encourage linkages/relationship building between the AMP and the county tourism representative.

For Agritourism Operators:

- Leave the existing contributory negligence statute alone but consider recommending that operations put signage at the front of their properties and/or have guests sign waiver forms.
- Provide a model “checklist” for people who want to go into agritourism, as well as for county planning and health officials (APPENDIX B).

2015 AND BEYOND

During 2015 GICA will review local housing regulations and the impact they have on the H-2A Visa program. The H-2A Visa program gives agricultural employers who anticipate a shortage of domestic workers to bring nonimmigrant foreign workers to the U.S. to perform agricultural labor or services of a temporary or seasonal nature. The program requires that employers provide or secure housing at no cost to H-2A workers. According to the Maryland Department of Labor, Licensing and Regulation, there are 47 agricultural employers in the state in thirteen counties who use the H-2A visa program. There are a total of 661 H-2A employees scheduled to date. H-2A employers have expressed concern about some of the county housing regulatory requirements and their ability to utilize the H-2A program. GICA will spend the next year looking at ways to improve the current local regulatory requirements as they pertain to the H2A visa program.

MDA appreciates the opportunity to submit the 2014 Annual Report.

Appendix A

Governor's Intergovernmental Commission for Agriculture 2014 Members

Secretary Earl F. Hance (chair) Maryland Department of Agriculture

Appointed Members

Lisa Barge	General Public, Agricultural Marketing, Anne Arundel County
Cheryl DeBerry	General Public, Agricultural Specialist, Garrett County
Faith Elliott-Rossing	General Public, Queen Anne's County Economic Development
Robin Frazier	MD Association of Counties
Kurt Fuchs	General Public, Mid Atlantic Farm Credit
Rodney Glotfelty	MD Association of County Health Officials
Leslie Hendrickson-Hart	General Public, Washington County Agricultural Marketing
George Mayo	Maryland Agricultural Education Foundation
Erroll Mattox	Rural Maryland Council
James L. McCarron	MD Municipal League
Amy Moredock	MD Association of County Planning Officials
Sarah O'Herron	MARBIDCO, Proprietor, Black Ankle Vineyards
Tal Petty	Maryland Agricultural Commission
Charles Rice	General Public, Planner, Charles County
Pamela Saul	General Public, Ag Producer, Montgomery County
Jim Steele	Maryland Farm Bureau

Ex-Officio Members

Secretary John Griffin	Department of Natural Resources
Secretary Joshua Sharfstein	Department of Health and Mental Hygiene
Secretary Dominic Murry	Department of Business and Economic Development
Secretary Robert Summers, PhD	Department of the Environment
Secretary Richard E. Hall	Department of Planning
Dr. Cheng-I Wei	College of Agriculture and Natural Resources

Staff

Joanna Kille Maryland Department of Agriculture

APPENDIX B

GETTING STARTED CHECKLIST FOR AGRITOURISM ON THE FARM BASIC INFORMATION			
	Yes	No	N/A
Develop a Business Plan			
Contact your local Agricultural Marketing Professional if your county has one before you do anything else to help navigate through the county process			
Make a list of things you want to do as part of your agritourism enterprise			
Develop drawings if you are planning to build or add onto a building			
Identify appropriate person in each department for assistance			
Check County State and local License Requirements (Contact: the Clerk of the Circuit Court in which your business will be located)			
Check with County to determine whether zoning is appropriate?			
Obtain and review County Permit Requirements			
Determine type of site plan (formal “required by county” or informal “for your reference”) is required (identify activity locations, entrances and exits for emergency) (What is capacity of site at one time?)			
Determine what type of Health Department inspection is needed			
Develop written policies and procedures on the following (at a minimum)			
Food safety and farm safety issues for workers			
Safety and Health requirements (bathrooms, cooking facilities, food)			
Safety and Health requirements for Animals Are pasture/paddocks fenced? Are electric fences marked? Is there fencing to keep animals away from the public? Are manure levels in barns and paddocks under control? People hygiene – is there soap/water, antiseptic hand lotion/wipes? Is there signage to instruct people how to behave around animals?			
Parking Plan (Does plan need to be approved by Police and Fire Department?)			
<u>Signs</u> (do signs need to be approved by County?) Is farm sign clearly visible? Is entrance to farm easy to find? Can customers enter and leave safely?			
<u>Building</u> Is entrance clearly marked? Are doorways wide enough Floors level			
<u>Parking</u> Is directional signage available? Are parking spaces marked? Is there sufficient space for in and out?			
First Aid Kits and Fire Extinguishers readily available			

Handwashing and Restrooms			
<u>Marketing</u> Contact Chamber of Commerce Contact Better Business Bureau Contact County level office of Economic Development Contact Department of Business and Economic Development Office of Tourism Develop Advertisements (internet, mailouts, etc.) Social Media (Twitter, Facebook etc)			