

Governor's Intergovernmental Commission for Agriculture

2015 Annual Report to Governor Larry Hogan and the Maryland General Assembly

The Governor's Intergovernmental Commission for Agriculture 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."

Primary Responsibilities:

- A. Promote a clear and consistent business-friendly climate for agriculture in the State by serving as a liaison between the Governor and local governments and industry organizations;
- B. Develop an annual, coordinated intergovernmental plan for services and functions dealing with the agricultural affairs of the State;
- C. Develop procedures for identifying and assessing agricultural developments with a potential for impact on the State and on local governments, and for
- D. Develop and implement a consistent, systematic method for the coordination of the State's agricultural economic development activities;
- E. Develop and implement specific and measurable actions to improve the economic and regulatory climate for agriculture in the State;
- F. Make recommendations for programs and policies, if appropriate, in order to ensure that the needs and goals of the State's agricultural strategy are met and accomplished;
- G. Undertake the establishment of an "agricultural affairs information center" that serves as the first point of contact regarding agricultural issues impacting farmers in the State.

During 2014, the commission'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.

This year, the commission:

- Developed recommendations and a model definition for agri-tourism and held discussions with the Maryland Association of Counties Planners Auxiliary group about agri-tourism;
- Hosted presentations from the Maryland Department of Business and Economic Development and the State Highway Administration about opportunities for agritourism operators;
- Reviewed housing issues related to the H2A Visa program (also known as the "guest worker program");
- Reviewed the Maryland Agricultural Conflict Resolution Service's joint education program with the Maryland Association of Realtors; and
- Reviewed storm water regulations and issues pertaining to agricultural buildings.

During the follow up meeting with the county association planners, there was discussion about the need for a model definition for agri-tourism. The commission 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, 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.

The commission identified the following during its review of agri-tourism:

- There is a need for a model definition of “agritourism.” Thirteen Maryland counties have enacted some sort of definition of “agri-tourism” in their county codes, and several states have enacted a definition of agri-tourism as well. The commission’s model definition is as follows: “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 agri-tourism occur. “Agri-tourism” 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 farms, 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 “agri-tourism” is defined within another definition (“agricultural enterprise”), commission members felt that agri-tourism 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 agri-tourism.
- Sixteen counties have information in their comprehensive plans that support agriculture as a business and not just for the purpose of preserving land.
- The word “commercial” has created a conflict for agritourism. It opens up the commercial code related to permitting and other requirements.
- 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, nine counties exempt agricultural buildings used for agritourism from building permit requirements. The law, however, does not preempt counties from enacting their own requirements.

The commission made the following recommendations for the counties:

- County officials should designate a county “ombudsman” if there is no agricultural marketing professional.
- County tourism boards should include an agri-tourism operator as a board member.
- Agri-tourism operators should create an industry association, comprised of agri-tourism operations as well as other niche-market groups.
- Counties should encourage linkages/relationship building between agricultural marketing professionals and county tourism representatives.

The commission made the following recommendations for agri-tourism 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 agri-tourism, as well as for county planning and health officials.