

Agritourism

**Issues and Recommendations
Agritourism Workgroup
Governor's Intergovernmental
Commission for Agriculture
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GICA Agritourism Workgroup

- Workgroup comprised of reps from MDA, MFB, county planners, MAFC, MACO, producers MWA and AMPs.
- Held two conference calls over the summer, focusing on zoning and permitting issues.
- Reviewed existing county definitions and comprehensive plans and state definitions.
- Developed list of major issues and recommendations.

Definitions of Agritourism in County Codes

- Thirteen counties have enacted some sort of definition of “agritourism” in their county codes.
- Sixteen counties have put information in their comprehensive plans that support agriculture as a business, not just for land preservation.

Issues Identified by GICA Agritourism Workgroup

- 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.”

Issues Identified by the GICA Agritourism Workgroup (Contd)

- Should agritourism be defined in statute or should it be part of a guidance document at this time.
- 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. But counties can still go farther.

Recommendations

- Request a county “ombudsman” be designated in each county where there is no Agricultural Marketing Professional (AMP).
- Create an agritourism association, comprised of agritourism operations as well as other niche market industries.
- Recommend that where there are county tourism boards, an agritourism operator be appointed as a board member.

Recommendations (cont'd)

- Better linkages between the county AMP and the county tourism office/contact.
- Leave the existing contributory negligence statute alone but recommend that operations put signage at the front of their properties or have guests sign waiver forms.
- Provide a model “checklist” for people who want to go into agritourism.

Suggested Model Definition

“Agricultural enterprise” includes a farm-based business accessory 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 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.

Establishing a “Statewide” Definition

- It depends on what you want to do.
- If you want to address zoning issues then you would have to amend the Land Use Article.
- If you want to make it a mandatory definition, then you would have to require the counties to enact the definition within the legislation.
- Charter counties vs. non-charter counties are treated differently in the Land Use Article.

Statewide Definition (cont'd)

- If you are trying to address issues regarding health regulations, you would have to amend the health article.
- You cannot pass legislation to establish a statewide definition for “agritourism” in one section of law (like the Agriculture Article) and have it apply to all laws.



Thank you to Workgroup Members:

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DISCUSSION AND VOTE ON RECOMMENDATIONS