

Planning and Zoning Issues to Consider and Proposed Recommendations

Agritourism and other Potential Value Added Ventures for Agriculture

Several counties have enacted definitions of agritourism in their county codes

County	Agri tourism Definition	Support for agriculture as a business, not just land preservation
Allegany	in general definition of agriculture	
Anne Arundel		x
Baltimore	x	x
Baltimore City		
Calvert	x	x
Caroline	x	x
Carroll		Sees it decreasing
Cecil		x
Charles	x	x
Dorchester		
Frederick	x	x
Garrett		
Harford	x (defined as ag public events)	x
Howard	x	x
Kent	Defines “farm-based business”	x
Montgomery	Within general definition of agriculture	Not available
Prince George’s.	x	
Queen Anne’s		x
St. Mary’s	x	x
Somerset	NOT AVAILABLE	NOT AVAILABLE
Talbot		X
Washington		x
Wicomico		x
Worcester	X defined as “agritainment”	x

Issues

- The word “commercial” has created a conflict for agritourism. Commercial opens up the commercial code.
- When an inspector comes out to look at a property, they go by the letter of the law.
- Some counties have acreage definitions of farms to ensure there are no “farmettes” but not having a defined acreage might be more beneficial to groups since as the wineries

- Should agritourism be defined in statute or should it be part of a guidance document?
- Liability issues – Maryland has a contributory negligence statute that is favorable to defendants. Many people who have studied this issue think this issue should be left alone.
- Within Title 12 Building and Material Codes; Other Safety Provisions Subtitle 5 Maryland Building Performance Standards (Section 12-508) – Exemption for agricultural buildings used for agritourism for specific Maryland Counties. Statute exempts buildings that are primarily agricultural buildings that are used subordinately for agritourism. Agritourism is defined on page 2 of the COMAR regulations. The regulations, however, do not appear to prevent counties from enacting their own amendments.

[http://mdcodes2.umbc.edu/files/Maryland%20Building%20Performance%20Standards%20\(MBPS\)%20-%20COMAR%2005.02.07%20-%20Effective%20October%2029,%202012.pdf](http://mdcodes2.umbc.edu/files/Maryland%20Building%20Performance%20Standards%20(MBPS)%20-%20COMAR%2005.02.07%20-%20Effective%20October%2029,%202012.pdf)

RECOMMENDATIONS:

- Ask that a county “ombudsman” be designated in each county where there is no Agricultural Marketing Professional (AMP) at this time.
- Create an agritourism association, comprised of agritourism operations as well as other niche-market groups.
- Recommend that where there are county tourism boards, a agritourism operator be appointed as a board member.
- Linkage between the AMP and county tourism person.
- 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 forms.
- Provide a model “checklist” for people who want to go into agritourism (see attached).
- Address “commercial” definition as it relates to agritourism and define agritourism specifically as well as a generic definition of agricultural operations that are accessories to the main farming operation.

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, 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.

(GICA may want to include other things such as paintball tournaments, etc.)