

Agritourism Study Advisory Committee Meeting (ASAC)

Date: Wednesday February 21, 2018

Time: 6:00 pm – 8:00 pm

Location: Agricultural History Farm Park (18410 Muncaster Rd, Derwood, MD 20855) in the large multipurpose room

- I. **Welcome and Introductions** **6:00 PM – 6:05 PM**
 - a. Opening Remarks
 - b. Packet Distribution
 - c. Housekeeping Issues

- II. **Special Guest Speaker: Robert Butz** **6:05 PM – 6:25 PM**
- III. **Agritourism Challenges Discussion** **6:25 PM – 7:50 PM**
 - a. **Events - What benefits do we seek? what detriments are we worried about?**
 - i. Accessory to Farm/ Connection to Farm - what should the guiding principles be?
 - ii. Rental of Space - is this a defining factor (vs, e.g., when the farmer organizes the event directly)?
 - iii. Limitations: number of events, number of people, etc ...
 - iv. Use of Historic Structures

- IV. **Summary & Next Steps** **7:50 PM – 8:00 PM**
 - a. Next Meeting Focus
 - b. Meeting Times and Locations

- V. **Adjournment** **8:00 PM**

Howard County:

Agritourism Enterprise: Activities conducted on a farm and offered to the public or to invited groups for the purpose of recreation, education or active involvement in the farm operation. These activities must be related to agriculture or natural resources and incidental to the primary operation on the site. This term includes farm tours, farm stays, hay rides, corn mazes, classes related to agricultural products or skills, picnic and party facilities offered in conjunction with the above, and similar uses.

Agritourism Enterprises

Agritourism enterprises are permitted as accessory uses to farming in the RC and RR Districts, provided that:

- a. The use is located on a parcel of at least 50 acres, or on a parcel of any size if subject to an ALPP purchased or dedicated easement or other dedicated easement.
- b. The use supports the agricultural use of the property and will not have significant adverse impacts on neighboring properties. For purposes of this section, adverse impact shall not include any impact normally associated with farms following generally accepted agricultural management practices or farms operating permitted uses under this section.
- c. Adequate off-street parking is provided, parking areas and driveways are treated as needed to control dust, and parking areas are screened from neighboring properties.
- d. Sight distance and the design of driveway entrances are adequate to accommodate expected traffic.
- e. Where the areas open to customers are close to the property boundaries, boundaries are clearly marked through fencing or landscaping to protect neighboring properties from unintentional trespassing by visitors.
- f. The use will operate only between the hours of 6 a.m. and 10 p.m. Any outdoor lighting shall comply with the requirements of Section 134.0.
- g. Agritourism uses may include festivals or similar events held for the purpose of marketing products grown on the farm or farm-related education or recreation, provided that festivals are limited to no more than 4 per year and no more than 8 days per year.

James Zoller to Serve as Ag Ombudsman

County Executive Kittleman has appointed James Zoller, in the Office of Community Sustainability, to be the County's liaison to the agricultural community. In this role, Mr. Zoller is the contact for general farming related issues and concerns involving the County. He will field issues to the appropriate County department or agency and assist with a resolution. Mr. Zoller holds office hours at the Howard County Fairground's office building prior to each Agricultural Land Preservation Board meeting. Hours will run from 6:30-7:00 pm.

33.

Limited Social Assemblies

A Conditional Use may be granted for limited social assemblies in the RC District, provided that:

- a. The lot is the site of a historic structure as defined in these Regulations.
- b. The minimum lot size is 5 acres or greater.
- c. If the driveway providing access to the proposed site is shared with other properties or has direct access to and frontage on a local road, the petitioner shall demonstrate that the use will not result in damage to or deterioration of the shared driveway or in increased hazards to other users of the driveway or local road. The Hearing Authority shall prescribe appropriate conditions and safeguards to ensure the Conditional Use operator's responsibility for repair of any damage or deterioration of the shared driveway caused by the Conditional Use, including requirements for surfacing of access driveways.
- d. The petitioner shall provide a traffic management plan and a sight distance analysis.
- e. The limited social assemblies are the following private functions: Picnics, weddings, anniversary/retirement parties, bridal or baby showers, not for profit organization fund raisers, banquets, rehearsal dinners, philanthropic events, or other similar events.
- f. With the exception of restroom facilities if required by the Health Department, no permanent structures, including catering or restaurant facilities shall be constructed on site.
- g. The outdoor assembly area is located and designed to shield residential property from noise or nuisance and screened from adjacent residential properties.
- h. Limited social assembly events shall have the following limitations:
 - (1) Maximum capacity is not to exceed 150 attendees;
 - (2) No more than 25 of these events shall be held within a one year period.
 - (3) Operation hours shall be restricted to between 9:00 a.m. and 10:00 p.m., Monday thru Thursday; between 12:00 p.m. and 12:00 a.m., Friday and Saturday; and between 12:00 p.m. and 10:00 p.m., Sunday.
- i. All event activities shall occur outdoors except that interior spaces in existing structures over 50 years old, limited to barns or other similar farm structures which are existing at the time of the Conditional Use application, may be utilized. Event activities within enclosed tents are permitted, however.
- j. Special events with catered food or food prepared on-site are subject to review by the food protection program of the Howard County Department of Health and may require a special events permit. The Conditional Use may not commence until the applicant has obtained approval of all necessary permits for its operation.
- k. On an ALPP purchased or dedicated easement property, the following additional criteria are required:
 - (1) The use shall not interfere with farming operations or limit future farming production.

(2) Any new building or building addition associated with the use, including any outdoor storage and parking area shall count towards the cumulative use cap of 2% of the easement

Frederick County:

AGRITOURISM ENTERPRISE. 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 shall be related to agriculture and shall be accessory to the primary agriculture operation on the site. This term shall 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, picnic and party facilities offered in conjunction with the above. No use that is otherwise identified in § 1-19-5.310 as permitted with site plan approval or by special exception is permitted as an agritourism enterprise.

***A zoning certificate is required to be obtained prior to the initiation of the processing operation and/or prior to any building construction related to farm winery, farm brewery, farm distillery, farm distillery tasting room, farm winery tasting room, farm brewery tasting room, or limited farm alcoholic beverages tasting room.

Letter shared by Ellen Gordon

Dear Ellen,

I've put together a selection of zoning codes from around the country that address agricultural tourism including "overnight stay" uses and composting. Because you are familiar with state and county zoning standards in Maryland, I thought it best to include examples from Washington and Oregon, states with long traditions of protecting agricultural lands through zoning.

Skagit County, Washington's code states that the purpose of agricultural zoning is to provide for "farming activities, conserve agricultural land, and reaffirm agricultural use, activities and operations as the primary use of the district." In order to achieve this goal the county restricts non-farm uses in ag zones to minimize the scope of activities. For example, farm based businesses (including those focused on ag. tourism) must be operated by family members residing on the farm and can employ no more than three full time employees. Uses relating to overnight stays such as bed and breakfasts and temporary outdoor events are treated as special uses and permitting is subject to size limitations and potential negative impact to adjacent parcels.

Skagit's zoning code also addresses composting and is permissive to the extent that there is no net loss of original soil.

Here is a link to the Skagit Zoning Code. The sections relating to permitted and special uses are found in section 14.16.400 on pages 38-40. The standards for permitting special uses, including B&B's are under section 14.16.900 at pages 87 and 88.

<http://www.skagitcounty.net/PlanningandPermit/Documents/udc/14.16ZONING.pdf>

Spokane County, also in Washington, represents another mode in that allows more than one agricultural zone. The zoning code permits large and small agricultural tracts. Large tract agricultural zoning prohibits virtually all non-resource related uses, that are not necessary for commercial farming, including most ag. tourism activities and residential, industrial and non-farm commercial uses.

The small tract zones are fairly restrictive as well but do permit direct farm marketing and "seasonal festivities" limited to weekends running from June through October. However, the creation of permanent or semi-permanent sales businesses is not permitted and farms must include a minimum of 9 actively farmed acres. Retail and commercial areas are restricted to a 3000 square foot minimum.

The only articulated "overnight" uses in the code relate to camps. Youth camps are limited on both small and large agricultural tracts to the extent that they do not involve the acquisition of new property. Conditional use permitting is available for acquisitions of new property but camps must maintain the rural character of the area and impacts to the surrounding area must be mitigated. The county may impose other necessary conditions and restrictions as well.

The Spokane County Code addresses compost storage and processing by requiring conditional use permits and limiting lot areas to 10 acres. The county retains authority to revoke composting

permits if air quality standards are not maintained.

Here is a link to Spokane County's Zoning Code. Specifically, see Chapter 14.616 on pages 109 to 121.

<http://www.spokanecounty.org/data/buildingandplanning/lrp/documents/2009ZoneCode.pdf>

Oregon protects farmland through strong zoning policy based on a state level planning program. The Oregon Land Conservation and Development Commission sets standards for planning which cities and counties then apply through local plans and ordinances. All counties in Oregon have "Exclusive Farm Use" (EFU) zones which limit development and uses conflicting with farming activities. Land in EFU zones is automatically eligible for preferential tax assessment.

Here is a link to Marion County, Oregon's Zoning Code which serves as a good example of local implementation of the state EFU standards.

<http://www.co.marion.or.us/NR/rdonlyres/0C041D73-0435-4F4A-84A2-B942FB396792/52932/CHAP17136.pdf>

Under the Code, "single agri-tourism or other commercial" events are permitted but are subject to regulations designed to limit the scale and scope of the event. For example, events are limited to no more than 100 attendees or 50 vehicles, may only occur during specified hours (precluding overnight stays) and may not include construction of new permanent structures. Here is the section of the code relating to allowed agri-tourism uses:

<http://www.co.marion.or.us/NR/rdonlyres/0C041D73-0435-4F4A-84A2-B942FB396792/52926/CHAP17126.pdf>

Larger events and ag. tourism activities for longer durations are permitted subject to a conditional use permits. Approvals are granted subject to a variety of conditions designed to ensure that "events or activities shall be incidental and subordinate to existing commercial farm use of the tract and are necessary to support the commercial farm uses or the commercial agricultural enterprises in the area." Construction of permanent structures, activities that materially alter the stability of the land use pattern of the area and activities that alter the land base such as grading, filling and paving are expressly prohibited. These standards articulated in section 17.120 (see pages 9-11):

<http://www.co.marion.or.us/NR/rdonlyres/0C041D73-0435-4F4A-84A2-B942FB396792/52925/CHAP17120I.pdf>

The Marion County Code permits composting operations and facilities but states that they must be "in conjunction with and auxiliary to farm use on the subject tract." Excess compost may be sold to neighboring farm operations and are limited to bulk loads of one unit (7.5 cubic yards) in size. Composting operations that do not meet this standard may be allowed as a conditional use but must also meet a high standard, including a provision prohibiting new facilities on high-value farmland.

I hope this information and these examples are helpful.

Sincerely,

Ben Kurtzman
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