

Department of Legislative Services
Maryland General Assembly
2018 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 1120 (Delegates Rey and McMillan)
Environment and Transportation

Land Use - Zoning - Agritourism Activities

This bill requires a local jurisdiction to authorize specified agritourism activities on farms.

Fiscal Summary

State Effect: The bill does not directly affect State finances.

Local Effect: Local government finances may be affected by the need for additional public infrastructure and/or services. **This bill may impose a mandate on a unit of local government.**

Small Business Effect: Potential meaningful.

Analysis

Bill Summary: The bill requires a local jurisdiction to authorize agritourism activities on farms, by local ordinance, resolution, law, or rule.

“Agritourism activity” is defined as an activity conducted on a farm that is offered to a member of the general public or to invited guests for the purpose of education, recreation, active involvement in the farm operation, or to view or enjoy agricultural activities, including (1) farm tours; (2) hayrides; (3) corn mazes; (4) seasonal petting farms; (5) farm museums; (6) guest farms; (7) pumpkin patches; (8) “pick your own” or “cut your own” produce; (9) classes related to agricultural products or skills; (10) bed and breakfast accommodations; (11) barn parties or farm festivals; (12) weddings; (13) outdoor recreation activities, including hunting and fishing, swimming, boating, canoeing, kayaking, water skiing, tubing, temporary camping, hiking, paintball, and nonmotorized

freestyle, mountain, or off-road bicycling; and (14) picnic and party facilities offered in conjunction with any agritourism activity.

Current Law/Background: The Maryland Department of Agriculture indicates that agritourism is increasing in Maryland as a value-added segment of agriculture. The last agricultural census completed by the U.S. Department of Agriculture's National Agricultural Statistics Service, in 2012, indicated there were 307 agritourism farms in Maryland with revenues of \$7.3 million.

State land use law does not specifically address, or require, local authorization of agritourism activities on farms, and "agritourism" is not currently defined in State law. However, the Governor's Intergovernmental Commission on Agriculture (GICA) developed a suggested definition of "agritourism" to help guide counties and local zoning and permitting agencies when dealing with agricultural operations. As recommended by GICA, "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 (1) farm tours; (2) hayrides; (3) corn mazes; (4) seasonal petting farms; (5) farm museums; (6) guest farms; (7) pumpkin patches; (8) "pick your own" or "cut your own" produce; (9) classes related to agricultural products or skills; and (10) picnic and party facilities offered in conjunction with any of the above.

The definition is advisory only. However, GICA recommends that county officials adopt the language as part of their local ordinances or incorporate it into a guidance document when dealing with farm operations in the zoning and permitting process.

State law, in specified counties (Calvert, Cecil, Charles, Dorchester, Frederick, Garrett, Harford, Prince George's, St. Mary's, Somerset, and Talbot), exempts agricultural buildings used for agritourism from requirements of the Maryland Building Performance Standards (but without specifically defining "agritourism").

Local Fiscal Effect: Local government finances may be affected if the bill's requirement that local jurisdictions allow the range of agritourism activities listed in the bill results in the need in a given jurisdiction for public infrastructure and/or services (*e.g.*, public safety or public works) in agricultural areas that otherwise would not arise (if the local government does not otherwise allow for that range of activities in agricultural areas).

Small Business Effect: Small business farms may meaningfully benefit from the bill if it creates business opportunities that are not currently available under existing local land use/zoning restrictions in a given area.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): Maryland Department of Agriculture; Maryland Department of Planning; Anne Arundel, Baltimore, Charles, and Montgomery counties; cities of Frederick and Havre de Grace; Department of Legislative Services

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