

Governor's
Intergovernmental Commission
for Agriculture

Report to
Governor Martin O'Malley

December, 2009

Earl F. Hance
Secretary
Maryland Department of Agriculture

and Chair
Governor's Intergovernmental Commission for Agriculture

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The Governor's Intergovernmental Commission for Agriculture (GICA) 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.”

The Commission currently has 25 duly appointed members (APPENDIX A). As stated in the 2008 report, the Commission decided to pursue the following goals for 2008-2009:

1. Provide recommendations for the State Development Plan and work on implementing the issues raised by the Statewide Plan for Agriculture.
2. Follow up with the State Fire Marshall if any additional information is needed.
3. Host a seminar on value-added agriculture products during the MACO Summer Conference
4. Assist Maryland wineries with navigation of state and local requirements.
5. Monitor water resource issues.

Bi-Annual Meetings

There were two meetings held – June 4, 2009 and October 22, 2009. During the June meeting, Committee members heard from Ginger Myers, with the University of Maryland Extension. Her presentation focused on the assessment and comparison of regional on-farm processing regulations to develop a state food policy that accommodates small-scale processing. Through her leadership, the University of Maryland has created the Maryland Rural Enterprise Development Center, a one-stop virtual business development center (www.mredc.umd.edu) to help farmers grow or start a business and to navigate through the regulatory process. GICA members also heard from a representative of the Maryland Wineries Association, Regina Reilly. She referenced the many regulatory impediments that wineries face at this time. The wineries are working with representatives of the liquor industry to address some of these concerns and hope to come to a consensus on a legislative proposal during the 2010 session. During the same meeting, the GICA planning/zoning subcommittee announced it was working with the Maryland Association of Counties to develop a survey on county planning and zoning regulations. Finally, Les Knapp with the Maryland Association of Counties (MACO) announced that at its annual Summer Conference there would be a session on the viability of Maryland Agriculture.

During the October meeting, the Commission held a listening session, facilitated by Maryland Department of Agriculture (MDA) Secretary and chair of the GICA, Buddy Hance, and Gabe Zepp, Carroll County agricultural specialist, as part of the Maryland Rural Roundtable. The Commission invited members of the public to discuss regulatory issues impacting agricultural viability. There was good representation from state officials, county officials, agricultural organizations and farmers. These were the issues discussed:

St. Mary's County purchased a 150 acre farm, in order to preserve the area along the Chesapeake Bay. The County wants to use it for a farmer's market. Issues impacting the market moving forward are: stormwater management, highway access, etc which is driving up the cost of the project. They were getting ready to meet with the State Highway Administration about highway access issues.

A dairy farmer from Garrett County spoke of the need to align with the business community. There was a

fair amount of discussion about natural gas drilling in Garrett County. Ongoing issues include land preservation and water resources. There are potential revenue opportunities but environmental concerns were raised as well (traffic, wells being left on the land, and the concern about the environmental impact on the land.)

Several county representatives also raised concerns about the Maryland Department of Planning (MDP)'s input into zoning issues at the local level and its use of Maryland Agricultural Land Preservation Foundation (MALPF) funding as a stick. Representatives from the two counties that commented, Queen Anne's County and St. Mary's County, believe that zoning and planning should be done at the local level. They noted that five counties in Maryland are in the top ten for agricultural land preservation nationwide and that MDP was still giving the counties a difficult time.

2008-2009 GICA Activities

The Governor's Intergovernmental Commission for Agriculture focused on five activities:

1. Provide recommendations for the State Development Plan and work on implementing the issues raised by the Statewide Plan for Agriculture.
2. Follow up with the State Fire Marshall if any additional information is needed.
3. Host a seminar on value-added agriculture products during the MACO Summer Conference
4. Assist Maryland wineries with navigation of state and local requirements.
5. Monitor water resource issues.

Provide recommendations for the State Development Plan and work on implementing the issues raised by the Statewide Plan for Agriculture.

In 2008, the GICA created a planning and zoning subcommittee to look at various issues impacting agriculture. The first thing that the subcommittee did was develop a survey for county planning and zoning officials to respond to. A copy of the survey's summary can be found in Appendix B. Within the context of this subcommittee's work are plans to create a toolkit, based on the recommendations of the statewide plan for agriculture. The toolkit will include information on current regulations, contact information at the state and local level and some potential recommendations for model regulations.

Follow up with the State Fire Marshall if additional information is needed.

In 2008, the State Fire Marshall appointed an ombudsman to be the point of contact for agriculture. No additional issues of concern have been raised at this time.

Host a seminar on value-added agriculture products during the MACO Summer Conference

The Maryland Association of Counties invited the following speakers to be part of a panel on the viability of Maryland agriculture. Mark Powell, Chief of Marketing for the Maryland Department of Agriculture, was part of the panel. Other panelists included Ginger Myers and Christine Bergmark from the Southern Maryland Agricultural Commission. Mr. Powell provided an overview of agriculture in Maryland and opportunities that exist for value-added products as well as buying locally grown foods. Ms. Myers talked primarily about regulatory problems confronting farms. And Ms. Bergmark talked about some of the ongoing programs in Southern Maryland

Assist Maryland wineries with navigation of state and local requirements

The GICA hosted the Maryland Wineries Association at their June meeting. The Executive Director of the Wineries Association also participated in the October 22 listening session. Members of the GICA both at the state and federal level have offered to help navigate through the local regulatory process. The GICA will continue to work with the Maryland Wineries to provide them with opportunities to publicize the issues impacting wineries. There also may be some potential legislation during the 2010 session put

forward by the wineries to address some of the zoning issues faced by wineries. The Department of Health and Mental Hygiene, an active member of the GICA, has been very engaged in outreach to local health departments.

Monitor Water Resource Issues.

This will be a long-term issue for the GICA to review.

For 2009-2010, the GICA will focus on the following:

- Continued development of a toolkit to assist local areas.
- Provide input into the development of the Statewide development plan.
- Develop strategies to help farmers in non-traditional agriculture, such as has been done with wineries.

We appreciate the opportunity to submit this annual report.

Appendix A

Governor's Intergovernmental Commission for Agriculture 2009 Members

Secretary Earl F. Hance (chair) Maryland Department of Agriculture

Appointed Members

| | |
|-------------------|---|
| Dr. Clark S. Aist | Producer, Southern Maryland |
| Kenneth Bounds | MidAtlantic Farm Credit |
| Cheryl DeBerry | Agricultural Specialist, Garrett County |
| Jerome Faulring | Maryland Agricultural Commission |
| Vanessa Finney | Maryland Nursery and Landscape Assoc. |
| J. Robert Frazee | MARBIDCO |
| Rodney Glotfelty | MD Association of County Health Officials |
| Daniel T. Magness | Producer, Harford County |
| Thomas Mattingly | MD Association of Counties |
| James L. McCarron | MD Municipal League |
| Vacant | Rural Maryland Council |
| Gail Webb Owings | MD Association of County Planning Officials |
| Pamela Saul | Maryland Horse Industry Board |
| Jim Steele | Maryland Farm Bureau |
| Gabe Zepp | Agricultural Specialist, Carroll County |

State Agency Secretaries/Deans

| | |
|---------------------------|---|
| Secretary John Griffin | Department of Natural Resources |
| Secretary John Colmers | Department of Health and Mental Hygiene |
| Secretary David Edgerley | Department of Business and Economic Development |
| Secretary Shari Wilson | Department of the Environment |
| Secretary Richard E. Hall | Department of Planning |
| Dr. Cheng-I Wei | College of Agriculture and Natural Resources |

Appendix B

Summary of Responses to Survey of County Farming and Land Use Practices October 2009

A total of 15 counties have submitted responses to date. Those counties are: Allegany, Calvert, Caroline, Carroll, Charles, Dorchester, Frederick, Garrett, Harford, Kent, St. Mary's, Somerset, Talbot, Washington, and Worcester

Question 1

Products that qualify as farm or agricultural products – with definition

| Product | # Counties | | | |
|--------------------------|------------|---------------|-----------------|--------------|
| | By Right | Sp. Exception | Conditional use | Prohibited |
| Grain and field crops | 15 | | | |
| Livestock and Poultry | 14 | | 1 | |
| Horses | 14 | 4 | 1 | 1-per zoning |
| Fruits, nuts, vegetables | 15 | | | |
| Ornamental plants | 14 | 2 | | |
| Seafood/Aquaculture | 12 | 2 | 2 | 2 |
| Wine | 10 | 4 | 1 | 2 |
| Honey | 12 | 2 | | |
| Timber | 15 | | | |
| Earthworms | 12 | | | |
| Other | | | | |

Some counties have more than one definition

Question 2

Permitted Uses

| Use | By Right | Sp. Exception | Conditional Use | Prohibited |
|--|----------|---------------|-----------------|------------|
| Year Round Dwellings (family/employee) | 15 | | | |
| Seasonal Dwelling (employee housing) | 7 | 7 | 1 | 1 |
| All agricultural bldgs and activities | 14 | 3 | 1 | |
| Roadside stands for sale of products grown on premises | 13 | 4 | 2 | |
| Ag processing and warehousing | 5 | 7 | 2 | 2 |
| Slaughter facilities | 1 | 8 | 2 | 3 |
| Riding stables, boarding & training facilities | 11 | 8 | | |
| Farm-oriented recreation (petting zoos, mazes) | 10 | 2 | 1 | 2 |
| Other recreational uses | 6 | 5 | 3 | 1 |
| Hospitality activities | 4 | 1 | 4 | 2 |
| Composting of materials brought onto farm | 7 | 5 | 3 | 1 |
| Wineries | 7 | 5 | 3 | 3 |
| Bed and Breakfast facilities | 4 | 10 | 3 | 1 |
| Woodlots and tree farms | 15 | | | |
| Signs subject to certain provisions | 15 | | | |
| Greenhouses | 14 | 5 | | |

| | | | | |
|-----------------------------|----|---|---|--|
| Sawmills | 7 | 8 | | |
| Sod and topsoils for resale | 13 | 2 | 1 | |
| Other | | | | |

Some counties have more than one definition

Setbacks

Residential Buildings 30-75 feet (front) 10-50 feet (side) 35-50 feet (rear)
Commercial buildings 40-100 feet
Farm buildings 40-75 feet
Other no responses

Reverse Setbacks

13 responded –None
1 requires 50 feet for planted trees, 1 requires 50 feet for active farming

What factors most impact your county’s ability to achieve state goals?

Community knowledge Helped
Community Support Helped
Local Funding Split between Helped and Hindered
Exception or variances No Impact

All but one county posts farm-related zoning regulations on their websites