

Governor's
Intergovernmental Commission
for Agriculture

*2013 Report to
Governor Martin O'Malley*

June, 2014

*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 15 appointed members and 6 ex-officio members (APPENDIX A). In 2013 GICA accomplished the following:

1. Commissioned a survey of farmers to get their input on issues related to zoning and health regulations
2. Met with county planners and environmental health officers to discuss results of the survey and future opportunities
3. Reviewed existing laws related to leasing.

Survey

GICA found that the biggest issue facing farmers is the changing face of agriculture. The “new” agriculture doesn't fit into existing county rules. The survey was anecdotal. Approximately 79 farmers participated from 19 counties and Baltimore City. The goal of the survey is to look at improvements to lingering issues and to new issues as well. The full summary of the survey can be found in APPENDIX B.

The survey found the following:

- Respondents believed that neighbors are favored over farmers.
- Urban agriculture is undefined.
- Respondents did not have good relationships with county officials
- Respondents thought that there was poor interagency communication.
- Sampling licenses are taking too long to implement at the county level.
- There is too much bureaucracy.
- The appeal process is difficult and expensive.
- There are too many fees.
- Where the counties have a specific person to guide farmers, this is really helpful
- There needs to be a straightforward process for permits and appeals.

Meeting with County Planners and Environmental Health Officers

GICA chair and MDA Secretary Buddy Hance and MDA staff met with the Maryland Association of County Officials' auxiliary planning directors and environmental health directors groups later in the year. There were no major decisions made at the meeting but it was a good opportunity to make them aware of some of the issues. There is, for example, more and more urban agriculture, which is creating some issues. The planners said that in many cases, it is the neighbors who slow up an appeal process. In addition, in some situations, when a farmer wants to expand into agritourism, then it may not be agriculture, but more commercial. The meetings were productive and will continue in the future.

GICA members believe there are lots of opportunities to continue to educate the public as well as local and state government officials. There is also an interest from county officials in developing ways to make

farmers understand the process for applying for permits or to comply with regulations. Other opportunities include looking at agriculture definitions in the Land Use Article, and see whether those need to be clarified or updated.

In 2014 GICA will continue to work on policies to improve the relationship between farmers and local officials through the development of a guidance document for farmers to use. GICA will also take a look at the Land Use Article and the Health article for opportunities for clarification and updating definitions.

Also in 2014 GICA will continue to focus on issues such as Right to Farm and receive briefings on the program that the Maryland ACRES program has with the Maryland Realtors Association, as well as a briefing from MDE on Stormwater Regulations and how they relate to agricultural buildings.

The next meeting will be held on June 16, 2014.

Appendix A

Governor's Intergovernmental Commission for Agriculture 2013 Members

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

Appointed Members

Cheryl DeBerry	General Public, Agricultural Specialist, Garrett County
Faith Elliott-Rossing	General Public, Queen Anne's County Economic Development
Colby Ferguson	General Public, Frederick County Agricultural Marketing
Robin Frazier	MD Association of Counties
Kurt Fuchs	General Public, Mid Atlantic Farm Credit
Rodney Glotfelty	MD Association of County Health Officials
Tom Hartsock	Maryland Agricultural Commission
George Mayo	Maryland Agricultural Education Foundation
Sarah O'Herron	MARBIDCO
James L. McCarron	MD Municipal League
Erroll Mattox	Rural Maryland Council
Charles Rice	General Public
Vacant	MD Association of County Planning Officials
Pamela Saul	General Public, Ag Producer, Montgomery County
Jim Steele	Maryland Farm Bureau
Shelby Watson	General Public, Montpelier Farms

Ex-Officio Members

Secretary John Griffin	Department of Natural Resources
Secretary Joshua Sharfstein	Department of Health and Mental Hygiene
Secretary Dominic Murry	Department of Business and Economic Development
Secretary Robert Summers, PhD	Department of the Environment
Secretary Richard E. Hall	Department of Planning
Dr. Cheng-I Wei	College of Agriculture and Natural Resources

Staff

Joanna Kille Maryland Department of Agriculture

APPENDIX B

SUMMARY OF GICA SURVEY RESULTS

Summary of Respondents

- 79 Responses (not all respondents answered all questions).
- 19 counties and Baltimore City.
- Types of Operations: Equine, agritourism, fruit/vegetable, organic, Corn, livestock, dairy, hay, orchard, forestry, vineyard, hops, poultry, honey, eggs.

Questions

How is your operation defined in the county?

Most said “agriculture” or “farm” or was very specific to type of operation but it was not consistent.

Are you familiar with county requirements for your operation?

Yes: 61 No: 8

What is your source of information (people gave more than one example)?

County Extension Agent 24 County Government offices 22
Agriculture Marketing Professional (AMP) 17 Friends and Colleagues, Associations 9
Online/Self 3 Consultants 3 SCD 2 State Government 2

If you have an AMP in your county do you contact them for assistance with zoning/health regs?

Yes 23 No 34

If there is no AMP in the county, do you know who to contact about regulations before proceeding with any activities:

Yes 43 No 23

Describe any issue you have had with zoning/permitting issues (comments were general):

- Issues with neighbors – neighbors are favored over farmers.
- Urban agriculture undefined – issues with permits.
- Lack of understanding of agriculture/no relationship with county officials.
- Too much bureaucracy/fees – permits and requirements are cost prohibitive.
- Stormwater regulations.
- County health department rules for selling USDA inspected meat are different.
- Health permits pertaining to serving foods (vineyard).
- Would like to see MOU between states for on-farm poultry rabbit slaughter.
- State health dept seems to work against you and continue to changes the rules. Local health departments misinterpret state law/regulations.
- Poor interagency communication.
- Confusion about ADA bathroom requirements (portable vs permanent – information is not consistent by county).
- Sampling license is taking too long to implement in the county.
- Some regulations aren’t good for the new faces of agriculture – sustainable farms in more urban areas.
- County officials just say no if the issue is too complicated for them.

- State regulations for on-farm processing and agricultural activities for encouragement of localized farmers market activities conflict with county regulations.
- State has too much of a hold on local zoning regulations.
- Environmental issues that are mandated at the state level are a one size fits all.

If you believe you were unjustly turned down for a permit or were required to meet, in your opinion, unnecessary requirements, did you know how to appeal the decision?

Yes 14 No 30

What is the appeals process for zoning/planning (answers were more specific and individual)

Examples of responses

- I was told by planning and zoning that I could not appeal because their closed door hearing decision was binding and could not be reversed or appealed. My legal counsel advised me not to pursue the issue as I was sure to lose.
- Had to run around Towson and go to a bunch of offices with my plans.
- It doesn't really matter – appeals take time and money away from me – (Carroll) Board of zoning appeals.
- The county has a board of appeals commission but was told that this is a state regulation and the county must follow it (Stormwater regulations)
- I have been told several times that portable toilets are a state regulation (ADA) but county says state does not allow them at permanent facilities.
- We can't even find a correct person to tell us what the requirements are.
- Go through the hearing examiner in a public hearing.
- County Planning Board of Appeals but process is expensive.
- You can request a zoning variance but expensive and time consuming.
- You need to know the ropes and people. Some people just refuse to learn this though.
- Planning and Zoning or a variance.
- No appeal process for zoning changes when impacts more than one individual.
- Do not have the time or finances to pursue appeals.
- Ag commission, go to planning and zoning with business plan.

Please describe any changes/additions to your operation that were required by the county health dept (answers were very specific)

- Products sold had to come from my own farm (not clear what this was referring to).
- Numerous memorandums that had a fee attached to them concerning soil erosion – this occurred with a project that officially was too small to need any additional studies or permits done.
- Health dept issued requirements to install well for water, restroom and septic system in order to get a license to open and operate farm store. Cost prohibitive. Appealed and resolved.
- If I retain ownership in my swine after processing I would have to get an on-farm processing license every year and be inspected just to store and sell the meat. Also, determining which water source to use for on-farm slaughter was important.
- Health dept is doing a good job chasing out businesses. We are “over paperworked.”
- Want to expand food service for fall festival but figuring out who to call is the hardest part.
- Requirements for sampling of raw fruit at a farmers market are the same for a restaurant.
- Processing value added foods – had to rent a church kitchen and obtain processing license at that facility. Not profitable at all.
- Told to upgrade septic system for migrant camp – just updated 10 yrs ago.
- BAT Requirements.

- Took over two years to get one septic site approved on 3.3 acre parcel. County does not follow state rules/criteria.

Please describe a situation where the county was helpful with a zoning/permitting health requirement:

- Prince George's SCD is always helpful.
- The Office of Sustainability helped us appeal the high tunnel building requirements.
- Never – want farmers to prosper? Have less regulation and stay out of our way!
- Water tests are relatively easy and painless to perform.
- Thankful to have Colby Ferguson. Did a great job connecting us with the county.
- Our extension office and county economic development office helps people figure out these things.
- In general Harford county planning and zoning are reasonable people. County health not so much.
- The ag specialist at the Howard County EDA has helped us on various issues.
- If not for our AMP we would be in real trouble.
- Farm buildings are on a simplified form and there is a very straightforward process.
- They have not been helpful in the least. Very harmful, unpleasant experience.
- Some understand there is a problem with the process but they are not the ones who can make a change.