



Frederick County Executive Jessica Fitzwater's

# Agritourism Workgroup Final Report

February 2024





## Letter from County Executive Jessica Fitzwater

Dear Frederick County,

It is my honor to be able to share the Frederick County Agritourism Workgroup's findings and recommendations with you.

Recognizing the vital importance of the agricultural industry to Frederick County, I appointed the Agritourism Workgroup to examine existing laws, regulations, and programs related to the industry. Our laws and regulations need to be the foundation that support a thriving farming and agriculture industry for years to come, and the actions outlined in this report will help lead that charge.



We have a strong agricultural economy, and I am proud of our farmers who keep Frederick County growing each and every day. Together, we will foster an industry where our farmers are encouraged to think big, to be bold, and to know they have a partner in innovation in Frederick County Government.

I want to extend my gratitude to those who served on the workgroup, our staff, and to the public who made their voices heard at the various workgroup meetings. Your contributions made this report possible and will help to create meaningful developments in the agricultural industry.

This report is the beginning of a process, not the end. As we continue to ensure the health, safety, and quality of life for Frederick County residents, this report will serve as our guide. It will help to shape and mold policymaking in the agricultural industry into the future while we diversify and modernize our approach to agriculture and farming.

All my best,

A handwritten signature of Jessica Fitzwater in blue ink. The signature is written in a cursive, flowing style.

# Letter from Workgroup Chair Tom Mullineaux

It is my privilege and honor to present to you the comprehensive report detailing the remarkable efforts and significant accomplishments of our dedicated team over the past six months. As Chair of the Agritourism Workgroup, it brings me great pride to share this report, encapsulating the depth and breadth of our collective endeavors, discussions, and resulting recommendations aimed at fortifying the agritourism landscape in Frederick County.

Our Workgroup was established in response to County Executive Fitzwater's initiative to strengthen the agricultural economy by modernizing laws, regulations, and processes within the agritourism industry. Comprising 15 members from diverse backgrounds representing various agritourism operations, agricultural organizations, elected officials, and community stakeholders, our team embarked on a rigorous journey spanning from July to December.

Throughout this period, our focus remained steadfast on evaluating existing regulations and programs, identifying challenges, addressing community concerns, and crafting pragmatic recommendations. The paramount goal was to foster the growth of agritourism while upholding the well-being and quality of life of our county residents.

Our approach was collaborative and inclusive. We engaged with an array of stakeholders, encompassing government officials, industry experts, and the public, to strike a balance between providing a conducive regulatory environment for agritourism operators and safeguarding public health, safety, and community welfare.

Our discussions revolved around several pivotal themes, including the interaction between State Bill 12-508 and local building codes, community welfare and safety concerns, and the need for regulatory clarity and accessibility. These discussions led to actionable recommendations aimed at streamlining regulations, such as proposed updates to the Building Code and Zoning Ordinance.

This report represents a significant milestone in our journey towards fostering a robust, sustainable, and community-centric agricultural economy in Frederick County. I am immensely proud of the collaborative spirit and dedication displayed by each member of our Workgroup in shaping these recommendations.

I extend my heartfelt gratitude to all Workgroup members for their unwavering commitment, insightful contributions, and collaborative efforts throughout this process. I firmly believe that the recommendations outlined in this report, if implemented, will play a pivotal role in advancing the agricultural landscape of our county.

Thank you for your dedication, commitment, and unwavering support throughout this journey.

Warm regards,

*Tom Mullineaux*



## Workgroup Members

**Tom Barse**

Milkhouse Brewery

**Bob Black**

Catoctin Mountain Orchard

**Mason Carter**

County Council Member

**JoAnn Coates-Hunter**

Fox Haven Organic Farm

**Jerry Donald**

County Council Member

**Lisa Gaver**

Gaver Farm

**Emma Jagoz,**

Moon Valley Farm

**Mehrl Mayne**

Mayne's Tree Farm

**John Miller**

Burgess, Town of Middletown

**Tom Mullineaux**

Agriculture Business Council

**Denny Remsburg**

Frederick County Farm Bureau

**Sam Roop**

Brookfield Pumpkins

**Emily Snyder**

Rocky Point Creamery

**Ben Sowers**

South Mountain Creamery





## Background

The Agritourism Workgroup was established as a response to County Executive Fitzwater's initiative to bolster the agricultural economy in Frederick County. Convened to modernize laws, regulations, and processes affecting the agritourism industry, this workgroup comprised 15 diverse members representing various agritourism operations, agricultural organizations, elected officials, and community stakeholders.

The Workgroup convened over a span of six months, from July to December, conducting five comprehensive meetings. The primary focus was to evaluate existing regulations and programs, identify challenges, explore community concerns, and develop actionable recommendations to foster the growth of agritourism while ensuring the well-being of county residents.

In pursuit of these objectives, the Workgroup adopted an inclusive approach. It engaged with a diverse array of stakeholders, including government officials, industry experts, policy analysts, and the public. The goal was to strike a balance between providing a conducive regulatory environment for agritourism operators and safeguarding public health, safety, and community welfare.

## Thematic Discussion

Throughout its meetings, the Agritourism workgroup delved into various themes, engaging in comprehensive discussions aimed at addressing key challenges and formulating actionable recommendations to enhance the regulatory framework for agritourism in Frederick County.

### 1. State Bill 12-508 and Local Building Code

Discussions on the interaction between State Bill 12-508 and local building codes were robust. Concerns regarding alignment and potential discrepancies were raised consistently. As a solution, the Workgroup recommended updates to the local building code, aligning it with the language and provisions laid out in 12-508, specifically focusing on building code exemptions applicable to agritourism ventures.

### 2. Community Welfare and Safety

Community members voiced apprehensions about potential impacts on health, safety, and the overall welfare of the local population due to agritourism activities. Apprehensions include noise to adjacent properties from cannons, fireworks, smoke from fire pits, and traffic to neighboring roads. Addressing these concerns became a significant focal point for the Workgroup's recommendations. Strategies to mitigate these impacts while fostering agritourism growth were discussed extensively.



### 3. Regulatory Clarity and Accessibility

One of the recurrent themes that emerged during the Workgroup's discussions was the lack of clarity in interpreting existing rules and regulations pertaining to agritourism. To address this issue, the Workgroup proposed the development of an easily accessible FAQ section dedicated to agritourism on the county website. This resource aims to provide clear and concise guidance to operators and interested parties.

Additionally, acknowledging the need for defining small farm agritourism for parcels under 25 acres, the Workgroup plans to reconvene in the new year to deliberate and formulate specific recommendations tailored to this subset of operations.

## Recommendations

The Workgroup concluded its deliberations on December 18, 2023, finalizing recommendations, including draft updates to the Agritourism definition.



#### 1. Update the Building Code.

Any **structure** must meet the building code exemption for "agricultural building" defined as per the International Building Code and **Frederick County Code 1-6-18B R105.2 (11)**: *"a structure designed and constructed to house farm implements, hay, grain, poultry, livestock, or other horticultural products. This structure shall not be a place of human habitation, or a place of employment where agricultural products are processed, treated, or packaged, nor shall it be a place used by the public. The structure can be used by the public if the structure has been determined to be used in conjunction with an approved agritourism use in accordance with the agritourism enterprise definition as a subordinate use of the structure for a period not to exceed 120 calendar days annually and an occupant load that cannot exceed 50 number of people and is limited to levels of the building in which a ground level exit is located."*

Frederick County Building Code 1-6-18A Exception # 4 The provisions of this code shall not apply to the construction, alteration, addition, repair, removal, demolition, use, location or maintenance of agricultural buildings and farm stands. This provision does not exempt the owner from obtaining required zoning certificates, electrical , plumbing permits, or life safety permits nor from complying with all other applicable local, state, and federal regulations, laws, and ordinances.

We would like to suggest that we adopt many of the same principles in §12-508 which if included as part of the building code exemption requirements, would accomplish the objectives of the agriculture workgroup. Those sections of 12-508 include: *d), an existing agricultural building used for agritourism is not considered a change of occupancy that*

requires a building permit if the subordinate use of agritourism; and: (1) shall be structurally sound and in good repair; but (2) need not comply with: (i) requirements for bathrooms, sprinkler systems, and elevators, as set forth in the Standards; or (ii) any other requirements of the Standards or other building codes as set forth in regulations adopted by the Department.

This recommendation passed with all but one workgroup member supporting the recommendation.

## 2. Update the Zoning Ordinance.

### 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, but is not limited to, farm tours, hayrides, corn mazes, seasonal petting farms, farm museums, guest farm, pumpkin patches, "pick your own" or "cut your own" agricultural products, 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.



The following restrictions apply to these agritourism activities:

a) Must obtain a one-time zoning certificate prior to having outdoor amplified entertainment. It may not begin before 1pm and must end by 8 p.m., not to exceed four hours per day, no more than three days a week

a. Complaints from the community, such as noise ordinance violations or other actions resulting in violations of county rules and regulations, may result in the suspension of the Zoning Certificate.

b) Overnight events are prohibited except for guest farm activities.

c) Recreational fire pits must not exceed 20 fire pit sites, not within 500 feet of residential property lines.

d) For Agritourism enterprises bordering residential neighborhoods, the use of fruit and vegetable cannons shall be limited to 1-6 p.m., no more than three times a





week. There must be a setback 500 feet from the residentially zoned property.

e) Fireworks offered in conjunction with agritourism activities must comply with the regulations of the Fire Marshal and must end by 9 p.m. and shall not occur more than 4 days per calendar year.

f) Compliance with applicable Life Safety and Health Department rules and other rules and regulations as required.

g) Penalties for violations of these restrictions may be imposed in accordance with § 1-1-9 of the County Code.

### **3. Enhance Access to Information.**

To ensure that farmers can understand allowed uses within the Agritourism Definition, it was recommended that staff put together Frequently Asked Questions. To ensure that farmers and agribusinesses have clarity and guidance, a county website dedicated to allowing easy access to agriculture information will be essential.





# Implementation Strategy

To effectively implement the proposed recommendations, the Workgroup outlines a strategic plan:

- 1. Building Code Update:** Given the ongoing building code update in alignment with international standards, the suggested changes can be submitted as an amendment to this update for incorporation.
- 2. Agritourism Zoning Definitions Update:** The drafted changes recommended by the Workgroup should be presented as a bill to amend the zoning ordinance to the County Council for review and approval.
- 3. Enhanced Information Accessibility:** The Workgroup proposes the creation of a user-friendly website that can be incorporated within the new Office of Agriculture. This online resource would aim to empower farmers and agribusinesses by guiding them on navigating regulatory processes and housing a repository of agritourism-related FAQs.

## Conclusion

In conclusion, the Agritourism Workgroup diligently addressed challenges, understood community concerns, and devised pragmatic solutions aimed at modernizing regulations and processes in the agritourism sector. The proposed changes, if implemented, are expected to not only support the growth of agritourism but also prioritize the well-being and interests of Frederick County residents, thereby fostering a robust, sustainable, and community-centric agricultural economy.

This report signifies a pivotal step in modernizing regulations and processes, aligning with the County Executive's vision of a thriving and diversified agricultural economy in Frederick County.





## More information

Agendas, minutes and video recordings of the Agritourism Workgroup are available online at [FrederickCountyMD.gov/Agritourism](https://FrederickCountyMD.gov/Agritourism). To learn more about agritourism in Frederick County, contact:

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