

Managing the Impacts of Tourism Activities on Ag Lands

Illustrative examples of approaches used by local governments

Compiled by the Advocates for Herring Bay

For the Committee on Upper Limits

Anne Arundel County Agriculture, Farming, and Agritourism Commission

Presented April 26, 2019

Scope of impacts varies depending on use

Tourism with strong nexus to farming:

Activities conducted directly by farmers that relate to farming activities



Other tourism uses on farms:

Rental or leasing of land or structures on farms for events or activities unrelated to farm operations



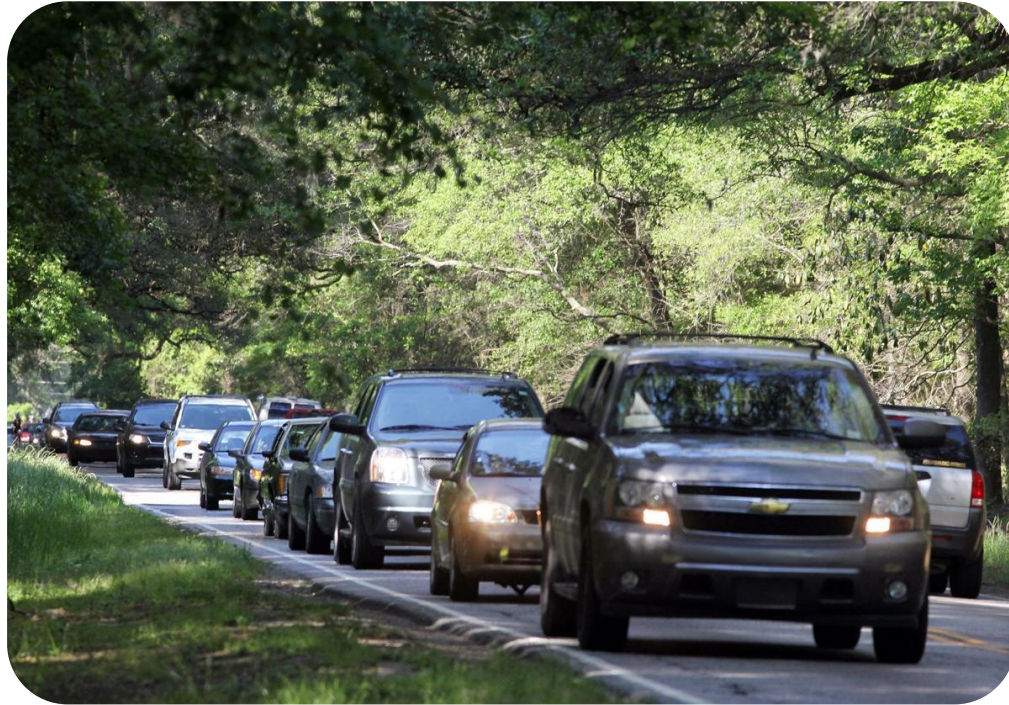
Tourism on farms: Who bears the impacts?

- Adjoining properties
 - Traffic
 - Noise
 - Lighting
 - Trespass, safety
 - Property values
- Surrounding communities
 - Traffic
 - Safety
- Environment and Public Health
 - Wastewater impacts (septic loads)
 - Increased impervious surfaces or risk of degraded lands



Impact: traffic

Key factors: trip generation (volume), road capacity, road safety, street parking



• Access requirements

- Harford: must have safe and adequate access for vehicular traffic, as determined by SHA or county
- Howard: sight distance and design of driveway entrances must be adequate to accommodate expected traffic
- Calvert: must have direct road access to publicly owned and maintained right-of-way
- Michigan guidelines: all parking areas should be located in a manner that avoids traffic hazards associated with entering and exiting the public roadway

• Off-street parking

- St. Mary's: 1 parking space per 5 attendees at peak
- Howard: requires off-street parking, dust control, screening
- Anne Arundel: off-street parking required for produce markets, farm breweries, and wineries

• Rural/scenic roads

- Anne Arundel: Renfest and country clubs, private clubs, and service or charitable organizations cannot be on rural/scenic/historic roads

• Traffic volume

- Mariposa (CA): different standards based on trips generated per day by activity



Impact: noise

Key drivers: amplification (entertainment at weddings/events), recreational motorized vehicles, nonfarm machinery



- Motorized recreational vehicles

- Calvert: no motorized vehicles for ecotourism
- Howard, Montgomery: no motorized vehicles in open space areas
- Lake County, CA: no recreational motorized vehicles for agritourism (other than farm vehicles)

- Amplified sound

- Frederick: no outdoor amplified sound after 9 pm for events for farm-based craft beverages
- San Diego (CA) : no amplification allowed for agritourism activities

- Amplified events

- Weddings, corporate events subject to special exceptions/conditions: Calvert, others
- VA: weddings allowed at wineries, breweries (separate from general agritourism)

- Hours of operation

- Harford: 7 am to 10 pm
- Howard: 6 am to 10 pm
- Butte (CA): 8 am to 6 pm



Impact: lighting

Key drivers: Advertising, after-dark activities, and event parking lots



Photo credit: Flavio Scorsato

- Lighting must be shielded and directed away from any off-site residences and may be used only during permitted hours of operations (Harford)
- Signs may not glare onto adjacent properties (Prince Georges)
- Any new exterior lighting related to agritourism shall comply with county “dark skies” policies (Mariposa, CA)
- Require compliance with outdoor lighting standards (Howard)



Impact: trespass and safety

Key drivers: lack of defined perimeters, altered viewscape, recreational use of firearms, use of alcohol/etc. at events



Photo credit: Hugh Johnson

- **Perimeters**
 - Boundaries must be clearly marked using fencing or landscaping if areas being used are near property boundaries (Howard)
- **No significant adverse effects on neighboring properties** (Howard).
 - Complaints from neighbors involving violations of the county's noise or other regulations may result in the suspension of the zoning certificate for agritourism events for farm-based craft beverages (Frederick)
 - Screen/buffer neighbors' view of structures, storage areas, off-street parking, lighting, etc. All parking areas should contain fencing or other appropriate devices to prevent vehicles from crossing adjoining properties or directly accessing adjoining roads (Cumberland PA, Harford)
 - No air pollution, odor, smoke, vibration, hazards, electromagnetic interference or other effects shall be noticeable at or beyond the property line (Cumberland PA recommendations)
- **Setback requirements**
 - Harford: 100 feet from property line, 200 feet from other residences
 - Calvert: camp sites must be 300 feet from property line
- **Acreage requirements**
 - Howard: 50 acre minimum for agritourism
 - Harford: 10 acre minimum for agritourism; 100 acres for resource centers
- **Use of firearms in tourist activities**
 - Mariposa CA, prohibited under agritourism

Impact: Health, Environment

Key drivers: day and overnight wastewater impacts, impervious surfaces, runoff



- Sanitation requirements

- Harford: require compliance health requirements for temporary sanitary facilities
- Calvert: temporary sanitation and potable water must be provided at campsites

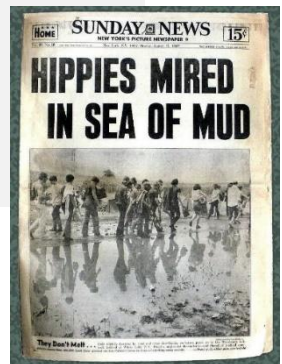
- Overnight stays/glamping

- Calvert: limits to 15 camp sites, tents only. No showers, bath facilities, or electricity
- PG: no overnight stays other than licensed B&Bs
- Mariposa CA: limited to 5 glamping sites

- Tourism structures/impervious surfaces

- Howard: area of structures used for agritourism must be subordinate to area of principal farming facilities
- Worcester: up to 5,000 square feet
- Montgomery (may be revised): up to 10 percent of the total footprint square footage of all structures on the site used for agriculture
- Cumberland PA recommendations:
 - Encourage use of existing structures wherever possible
 - Structures should not exceed the square footage of the structures engaged in the principal farming use

- Environmental site management for large events



Cumulative Impacts: property values

Key drivers: character, frequency, and size of events



• **Tourism use of farmland or structures** (high impact)

• character of events

- Note: MD state definition of “agritourism” does not expressly authorize uses of land or structures by third parties for activities unrelated to farm operations (see slide 11)
- Weddings, company, or private party rental of facilities, special exception and/or special conditions: Calvert, Frederick, Howard, Montgomery, others
- Glamping/tent camping, subject to conditions: Calvert, Frederick
- Overnight stays prohibited except B&Bs: Prince Georges
- Public events/assemblies, including performing arts and concerts: special exception/conditions/permits: Calvert, Harford, Montgomery
- Michigan guidelines: special procedures for animated barns (fun/haunted houses), weddings, corporate events, concerts, fairs, etc.

• frequency

- Howard: no more than 4 festivals/year and no more than 8 days a year
- Calvert: concerts/performing arts no more than 2 events per year, with duration limit
- Montgomery: 2 weddings/ festivals per calendar year in Rural Cluster (RC) districts
- Worcester: festivals no more than 4 times a year

• attendance/size

- Howard: 150 attendees for weddings, etc.
- Anne Arundel: Country clubs, private clubs, etc. with more than 125 parking spaces, special exception
- Montgomery: outdoor recreation not allowed in ag reserve or RC/RCN but up to 1,000 in rural residential districts, subject to conditions

• **Direct farm-related tourism** (fewer cumulative impacts)

- Howard: activities and structures must be subordinate in area, intensity, and purpose to farming
- Calvert: “agritourism” must be incidental to the operation of the farm and related to agriculture
- St. Mary’s: must be incidental to farming operations and for purposes related to agriculture
- Harford: only events related to agricultural vocations
- Montgomery: agritourism activities must be conducted as part of a farm’s regular operations
- Calvert: “ecotourism” limited to observation of nature; no motorized activities
- Clackamas County (Oregon): agritourism uses must account or less than 25 percent of total income

Accountability:

Who is responsible for compliance for third-party uses (e.g., weddings, gatherings)?

- Farmer or tenant operated (Howard)
- **Cumberland (PA) guidelines:** Must be owned or operated by landowner, landowner's immediate family, operator of the farm, or persons in residence of the farm
- **Mariposa (CA):** owner or designated family member shall be present throughout the duration of the event
- **USDA definition of farm operator:**
The farm operator is the person who runs the farm, making the day-to-day management decisions. The operator could be an owner, hired manager, cash tenant, share tenant, and/or a partner. If land is rented or worked on shares, the tenant or renter is the operator.



State of Maryland definition of “agritourism”

Maryland HB 252 enacted 2018 (applies to Charter Counties)

- *“Agritourism means an activity conducted on a farm that is offered to the general public or to invited guests for the purposes of education, recreation or active involvement in the farm operation”*
- Agritourism Includes:
 - Farm Tours; Hayrides; Corn Mazes; seasonal Petting Farms; Farm Museums; Guest Farms; Pumpkin Patches; “pick your own” or “cut your own” Produce; Picnic & Party Facilities offered in conjunction with any Agritourism activity

AA County has one of the weakest zoning standards in MD for value-added processing



To: County Executive Schuh and Members of the Anne Arundel County Council
From: Peter Legg, on behalf of the Advocates for Herring Bay
Date: August 31, 2017
Re: The “single-ingredient” rule for agricultural processing in Bill 67-17

By enacting the “single-ingredient” rule in Bill 67-17, food processing facilities operated by third parties will be allowed in every residential district in the county. This will give Anne Arundel County the distinction of having one of the weakest zoning standards in the State of Maryland for agricultural processing facilities. In our view, Anne Arundel’s standards should at least be on par with other counties.

Today, the zoning code allows products grown on a farm to be processed on the property as a “farming” use. Bill 67-17 will break the connection between processing and true farming. Under the bill, a processor would no longer be required to grow the products being processed; instead, third parties could buy feedstocks from multiple farms, truck them to a facility, transform them into finished products, and transport those goods to markets. The only stipulation would be that the processor grows a single ingredient on the property. That could be as simple as growing an herb in a window box.]

Why should Anne Arundel allow such complex facilities in every residential district when at least 11 other counties—Calvert, Caroline, Charles, Frederick, Harford, Howard, Montgomery, St. Mary’s, Talbot, Wicomico, and Worcester—restrict them to large rural lots and commercial areas?¹ Other counties also set conditions on lot size, setbacks, and feedstocks, similar to those that apply to Anne Arundel’s wineries and breweries. Why would you give all other facilities a free pass?

The stakes are too high to simply wing it and hope nothing goes wrong. Complex processing facilities pose special waste management challenges. Their effluent usually contains a mix of residual solids, added chemicals, and cleaning fluids that may not be amenable to treatment by septic systems. Other disposal methods may be a nuisance to neighbors and harm the environment.

We urge you to strike the single-ingredient rule from Bill 67-17 and update the processing rules after there has been an informed and open debate about what zoning is appropriate. Waiting to update the law will do no harm. Farmers can continue to process their products, as permitted under existing law. If there are constituents with special needs—such as those wanting to manufacture cheese in a county with few dairy cows or goats—we suggest that you craft language tailored to that specific set of facts instead of enacting sweeping changes that could trigger unintended consequences for citizens throughout the county.

Thank you for considering our views. We have attached extracts from the zoning codes of other counties so you can see how their treatment differs from what you are proposing for Anne Arundel County. Please do not hesitate to contact us if you have any questions.

¹ Under the Anne Arundel zoning code, “farming” uses are allowed in every residential, commercial, and industrial district as well as in open-space and open-space conservation areas.

- **Howard County’s definition of “basic processing” (permitted use):** *“Basic agricultural processing” means processing necessary to store and market farm products and is subordinate and incidental to the farm operation. Basic processing does not include treatment that changes the form of the product, but does include treatment such as cutting, drying, and packaging;”*
- **Howard County’s definition of “value-added processing” (conditional use):** *“Value-add agricultural processing” means treatment that changes the form of a farm product in order to increase its market value, including such processes as canning, milling, grinding, freezing, heating, and fermenting. Such processing is subordinate and incidental to the farm operation.*
- **Examples of possible conditions:**
 - *Source of products being processed:*
 - *Frederick: “A minimum of 51 percent of the processed products must be produced on the farm”*
 - *Howard: “the primary product being processed is grown on the farm where the processing occurs. Necessary secondary ingredients that are not grown on the farm, however, may be obtained from other sources.”*
 - *The minimum lot area must be at least 10 acres (see AA wineries/breweries)*
 - *Any outdoor processing shall be located at least XXX feet from property lines (see AA wineries/breweries)*
 - *Waste management: Some counties require plans for waste management, depending on size and products*
 - *Could grandfather operations in existence prior to new conditions*

Links to selected local codes

- **Calvert** (see zoning chart for various ag uses)
 - <https://ecode360.com/29302159Z>
- **Harford** (see ag public events):
 - <http://www.harfordcountymd.gov/DocumentCenter/View/2257/Zoning-Code-PDF?bidId=>
- **Howard** (see definition of accessory use and special conditions for agritourism):
 - https://library.municode.com/md/howard_county/codes/zoning?nodeId=HOWARD_CO_ZONING_REGULATIONS_S105.0RRRURED
- **Frederick** (enacted in 2018):
 - <https://www.frederickcountymd.gov/DocumentCenter/View/307830/Bill-No-18-24---Farm-based-Craft-Beverage-Promotional-Events>
- **Montgomery**
 - Overview of 2018 study <http://montgomeryplanning.org/wp-content/uploads/2018/11/2018-1128-ASAC-Presentation.pdf>
 - Current code (general link, agritourism subject to change): http://library.amlegal.com/nxt/gateway.dll?f=templates&fn=default.htm&vid=amlegal:montgomeryco_md_mc
- **Prince Georges**
https://library.municode.com/md/prince_george's_county/codes/code_of_ordinances?nodeId=PTIITI17PULOLAPRGECOMA_SUBTITLE_27ZO_PT12SI_DIV3DEST_SD2SISPUS_S27-629.01AGSI
- **St. Mary's** <http://www.co.saint-marys.md.us/docs/ZoningOrdinance2010.pdf>
- **Cumberland** (PA, planning guidelines): <https://mail.google.com/mail/u/0/#search/cumberland+ag/FMfcgxmZTlgTrVFbrwMCtGCHRjzdNdfq?projector=1&messagePartId=0.5>
- **Mariposa** (CA) <https://www.mariposacounty.org/DocumentCenter/View/46054/17-40-AGRICULTURE-EXCLUSIVE-ZONE?bidId=>
- **Lake** (CA): Excerpts (link to code not working): <http://sfp.ucdavis.edu/files/143565.pdf>
- **California** counties (many links): <http://sfp.ucdavis.edu/agritourism/planners/#countyzone>