

AGRICULTURE VIABILITY TASK FORCE FINAL REPORT

**Presented to County Council
January 15, 2008**

INTRODUCTION

The Agriculture Viability Task Force was established by Harford County Council Resolution 16-07. The Resolution required that the membership consist of five members: three representatives of varying agricultural industries, a member of the Farm Bureau and a County Council Member. A list of the Task Force members is attached to this report.

The mission of the Task Force was to review the current County laws regarding permitted agricultural uses and make recommendations to the County Council regarding any changes which should be made to the current law.

The final report is divided into three sections. The first section contains a review of the current County laws regarding agricultural product sales and agricultural commercial uses. The second section is an analysis of the problems encountered by the agricultural community with the implementation of the current law. The third section contains a list of recommendations for changes to the current law to relieve some of the problems currently being encountered by the agricultural community.

Four addendums are attached to the report:

- 1) List of Task Force Members
- 2) Wording of Resolution 16-07
- 3) Mission and Purpose of the Task Force
- 4) Minutes of Task Force Meetings.

SECTION 1 – Review of Current County Law

The Task Force conducted a thorough review of all the County laws concerning permitted and special development agricultural uses.

The first section of the current zoning laws reviewed by the Task Force concerned agricultural retail sales. The County law permits agricultural retail sales on property that is zoned and assessed agricultural. The zoning code provides under agricultural retail sales that no more than 20% of the total area of the agricultural retail use or structure may be dedicated to “non-agricultural products”. The definition of “non-agricultural product” includes any processed form of an agricultural product.

Next, the Task Force reviewed the current laws regarding agricultural/commercial uses. Currently the laws permit a variety of agricultural/commercial uses on property zoned and assessed agricultural provided that the parcel is a minimum of 20 acres. In order to establish an agricultural/commercial use on parcels of 20 acres or more, the agricultural/commercial sales must be at least \$15,000 annually. The use must be owner or tenant operated and employees are limited to family members and not more than a total of 160 equivalent employment hours by outside employees per week. The final general requirement for some of the agricultural/commercial uses is approval to participate in the US Department of Agriculture Commodity Credit Corporation Payment Limitation Program.

The list of the current permitted or special development agricultural/commercial uses (subject to the general regulations stated in the previous paragraph) are as follows:

Amusements:

Agricultural public events (i.e. corn mazes, farm tours)

There is no minimum \$15,000 annual sales for these uses

Commercial riding stables

Private parties and receptions

Industrial Uses associated with Agricultural Uses as Shown in Table I

Motor Vehicle

- Commercial or construction vehicles and equipment storage used in the farming operation
- Farm vehicles and equipment storage and service
- School buses

Retail Trade

- Feed and grain storage and sales

Services

- Veterinary practice-large animals

Restaurants

SECTION 2 - Problems with the Current Law

The rapidly changing nature of the agricultural industry does not always allow zoning code and development regulations to keep pace. The Agricultural Viability Task Force feels this has resulted in the application of regulations that limit opportunities for farmers to diversify their agricultural businesses and increase profitability. The Task Force has identified the following challenges with the current legislation:

- 1) The current code does not define *processed agricultural product*. These innovative and economically notable value-added products, which include ice cream, cheese, preserves, baked goods, wine, and packaged meat products goods made with *raw agricultural products*, are erroneously classified under *non-agricultural product*, a category whose sale and display is limited under § 267-34(D)(2) Agricultural Retail Sales.
- 2) Present code does not reflect the recent development of smaller farm operations. Reduced land availability, demand for more labor-intensive products, the rise of specialized farming practices, and the ability to sustain a viable farming operation on less acreage, have resulted in more concentrated agricultural ventures. Due to this farming trend the existing 20 acre minimum Ag/Commercial requirement is unreasonably restrictive and should be reduced to ten acres.
- 3) Existing regulations limit the number of hours non-family members are permitted to work at a farm. This provision severely confines an agri-business' ability to succeed and expand. In addition it discourages youth from potential job opportunities, acquiring hands-on-learning experiences, and ultimately from exploring careers in agriculture.¹ It represents an economic disadvantage to farm businesses, which would be inconceivable if applied to non-farm businesses.

¹ Lack of next generation farmers and youth interest in agricultural careers is a concern the Work Group heard repeatedly during their interviews with local farmers and is a challenge which has been recognized at state and national levels.

4) The current provision requiring applicants to participate in the U.S. Department of Agricultural Commodity Credit Corporation Payment Limitation Program is no longer a requirement by the Farm Service Agency, and should be stricken.

5) Finally §267-34(D)(2) restricts the display of non-agricultural products to no more than 20% of the total retail use area or structure. Under the Task Force's new definition of *Non-agricultural product* this category excludes processed agricultural products and promotional agricultural products and is comprised of other sale items which help draw clientele to the farm's retail unit, subsidize the sale of agricultural products, and may promote other Harford County artists, businesses, and landmarks.

SECTION 3 - Recommendations

In response to these issues the Task Force recommends the following changes to the current regulations.

- 1) Current Code should include the new definitions below:

Farmer – A person, family, corporation, or cooperative actively engaged in agriculture production and deriving taxable income from such activity or any family member retired but still actively engaged in agriculture production.

Raw Agricultural Product – Any good that is grown or raised on a farm.

Processed Agricultural Product – Any good whereby a **raw agricultural product** is the primary ingredient, and whereby at least 5% of the **raw agricultural products** used in the production of the good are raised or grown on the farm on which it is sold.

Processed Agricultural Product (Imported) – Any good whereby a **raw agricultural product** is the primary ingredient, and whereby less than 5% of the **raw agricultural products** used in the production of the good are grown on the farm on which it is sold.

Agricultural Related Promotional Items – Any good that contains the name and/or logo of a Harford County farm or farm-related business, or, promotes Harford County or Maryland agriculture and/or benefits agri-tourism.

Farm Markets (Private) – Markets held on private property by multiple vendors selling agricultural and processed agricultural products on a limited basis not exceeding one (1) event per crop per season.

Agricultural Educational Workshops – Workshops that are held on the farm premises which educate the public on agricultural related activities.

Non-Agriculture Product – Any good that is not grown, raised or processed on a farm.

Non-Agricultural Product – Locally Handmade or Representative of Local Landmarks – Items that are sold not connected to farming or the farm operation, but foster and promote items made by local artist or represent Harford County landmarks, heritage or culture.

Producer – Individuals or entities (including for profit and not for profit corporations, LLCs, partnerships or LLPs), where the entities are solely owned or controlled by those who own a majority ownership interest in the agricultural product that is

produced. These individuals or entities must produce and own the agricultural product to which value is being added. The producer must be directly involved and benefit from the supplementary agri-business enterprise and not leased to an outside party to conduct business from the landowner or leased by the producer.

- 2) The existing 20 acre minimum Ag/Commercial requirement should be reduced to ten acres for several permitted uses as described in Chart 1. Further, to support the growth of the County's local agricultural industry, the Task Force encourages the permission of uses that are related and compliment farming activities.

(See Chart 1 on the following page)

CHART 1
PERMITTED USES AS DEFINED BY FARM SIZE

CATEGORY & USE	AG (20+ Ac)	AG (10-19.99 Ac.)	RR (10+ Ac.)*
Amusements			
Commercial Riding Stables	SD	SD	
Private Parties & Receptions	SD	SD	
Educational Workshops			
Education Workshops	SD	SD	
Industrial Uses			
	SD		
Markets			
Farm Markets (Private)	SD	SD	
Motor Vehicle			
Commercial or Construction	SD		
Farm Vehicles and Equipment Storage and Service (excluding Farm Vehicles used in conjunction with the farm activities)	SD		
School Buses	SD		
Retail			
Feed and Grain Storage	SD	SD	
Agricultural Product Sales (Raw or Processed)	SD	SD	SD
Services			
Veterinary Practice, Large Animal	SD		
Restaurants			
	SD		
Winery			
Winery	SD	SD	

***All Eligible properties must receive an Agricultural Assessment through the State Department of Assessment and Taxation.**

***The total acreage requirement may be calculated by combining parcels if owned or leased by related family members.**

- 3) The current provision requiring applicants to participate in the U.S. Department of Agricultural Commodity Credit Corporation Payment Limitation Program should be removed.
- 4) §267-43(F)(1)(d), which limits the number of hours non-family members are permitted to work on a farm, should be removed.
- 5) The following percentages regarding the display of raw and processed agricultural products, agricultural related promotional items, and non-agricultural products should be added:

Raw Agricultural Product allowed up to 100%.

Processed Agricultural Product allowed up to 100%.

Processed Agricultural Product (Imported) allowed up to 25% of sales display area.

Agriculture Related Promotional Items allowed up to 30% of sales display area.

Non-Agricultural Product allowed up to 10% of sales display area.

Non-Agricultural Product – Locally Handmade or Representative of Local Landmarks allowed up to 25%.

- 6) Finally the Agricultural Product Sales (Raw or Processed) \$15,000 annual gross agricultural/commercial sales requirement should be eliminated.
- 7) The Task Force urges county and state land preservation boards and county and state government officials to adopt policies that permit complimenting agricultural uses on land that has been placed into county or state land preservation programs in which the landowners have surrendered the underlying development rights. Farmers and landowners who have chosen to protect their farmland and preserve it for future generations and agricultural heritage of our community should not be economically punished for their commitment to not develop their land.

CONCLUSION

Agriculture plays a key role in the County and State's economy, and quality of life. Agricultural land preservation has become increasingly popular at the county, state and national levels to protect land as a resource, but we must also preserve the farmer by ensuring the future viability of farm businesses. Regulations must reflect the character and trends of modern land use practices, or risk being irrationally restrictive to this market sector. The recommended changes best support agricultural innovation, the dynamic farming industry, and the rural communities that depend on its survival.

ADDENDUM 1

AGRICULTURAL VIABILITY TASK FORCE
Membership List & Contact Information

Chad R. Shrodes, Chairman
Harford County Council
District D – Northern Harford County
212 S. Bond Street
Bel Air, Maryland 21014

Michele Magness
(*Harford County Farm Bureau Designee*)
Hickory Chance Beef, LLC
2010 Whitehouse Road
Bel Air, Maryland 21014

Dawn Bero
Little Creek Meadows, LLC
4327 Federal Hill Road
Street, Maryland 21154

David Keyes
Mount Felix Farm
2028 Level Road
Havre de Grace, Maryland 21028

Cybil Preston
Cybee's, LLC
3109 Sharon Road
Jarrettsville, Maryland 21084

ADDENDUM 2

RESOLUTION NO. 16-07

WHEREAS, Harford County seeks to promote the business endeavors of the farming community and encourage our residents and visitors to support the agricultural industry by “buying local”; and

WHEREAS, The County Council recognizes it is necessary for the County’s laws and standards to be updated to further encourage growth, diversity, and profitability of our farming industry to sustain the viability of agriculture for future generations of Harford County families.

NOW, THEREFORE, BE IT RESOLVED By The County Council of Harford County, Maryland, that there is hereby created a task force to review and update the county laws and standards regarding agricultural uses permitted on agricultural farmland. The task force shall consist of 5 members: 3 members representing varying agricultural industries, one member designated by the Farm Bureau, and a County Council Member, who shall serve chairman.

AND BE IT FURTHER RESOLVED that the task force shall complete its review and submit its recommendation to the County Council by November 15, 2007.

ADDENDUM 3

AGRICULTURAL VIABILITY TASK FORCE

MISSION

To review the current County laws and standards, solicit input from the broader agricultural community, and recommend legislative amendments that will support the farming industry by enhancing growth, diversity, and profitability of local farms, thus sustaining the viability of agriculture for future generations of Harford County families.

PURPOSE

The purpose of the Agricultural Viability Task Force is to assist in the creation of legislation that will encourage the growth of agri-business by modifying regulations to reflect the ever-changing farming industry.

ADDENDUM 4

Minutes of the Meetings of the Agricultural Viability Task Force:

August 8, 2007

August 22, 2007

September 5, 2007

September 19, 2007

October 24, 2007

November 7, 2007

**HARFORD COUNTY
AGRICULTURAL VIABILITY TASK FORCE**

MEETING MINUTES

August 8, 2007 – 7:00 p.m.

Harford County Council Conference Room

Present: Chad Shrodes, Chair
 Dawn Bero
 Michele Magness

Absent: David Keyes
 Cybil Preston

The meeting was called to order by Chad Shrodes, Chair, at 7:30 p.m. The members were provided with copies of the current section of the Zoning Code dealing with Agricultural/Commercial, the Resolution forming the task force, a contact sheet for the members, a proposed draft for legislation, and an agenda for the meeting.

Mr. Shrodes asked the members to introduce themselves. Michele Magness stated that her family owns two beef cattle farms – one off of Tollgate Road and another in Hickory. Michele is also a member of the Farm Bureau. Dawn Bero stated that her family has a 14-acre farm in Jarrettsville/Street that currently sells pork and eggs but is looking to include lamb and llama fiber in their products. She stated she is also the Director of the Harford County Agriculture Market Co-op. Mr. Shrodes stated that he is the Council Member representing the northern district of Harford County and the initiator of this task force. His interest is to keep farming viable by allowing the farmer to diversify by selling processed products along with the raw farm products, as long as the product is produced by the same family.

Mr. Shrodes suggested that the task force should establish a purpose and mission statement. He had suggested that the purpose and mission would be to review the current County laws and standards, solicit input from the broader agricultural community, and recommend legislative amendments that will support the farming industry by enhancing growth, diversity, and profitability of local farms, thus sustaining the viability of agriculture for future generations of Harford County families. Dawn suggested that the statement should include the encouragement of value added products, to not only include the obvious such as cheese, ice cream, etc., but to think outside the box. She also feels that the venues for marketing farm products needs to be broadened.

The group discussed the definitions of the terminology used in the current legislation, and it was agreed that the law needs to clarify the definition of non-agricultural products. Agricultural products would include food, fiber and fertilizer. Mr. Shrodes stated that his goal is to allow the sale of a diversity of the raw goods, along with processed products, and also add a defined percentage of related products to subsidize the products. This percentage might include promotional items with the logo of the farm or a product that promotes agriculture or the individual farm in general. All products should be strictly local to Harford County. It is important to avoid these outlets from becoming retail shops. The

group agreed that the concentration must be on truly agricultural products to avoid abuse by larger commercial enterprises.

Mr. Shrodes directed the members to seek out advice from agriculture organizations and other farmers and to utilize all resources available, such as internet research. He encouraged them to communicate with each other and the farming community throughout the process. It would also be beneficial to look at what legislation has been established in other counties in Maryland as well as other states and to share it with all members.

The group felt it would be important to find out when this section of the Code was established and how it relates to the size and scope of the farms in Harford County then and now. Dawn felt that the average individual farm size has changed in the last 20 years. She noted that many of the larger farms have been subdivided over the years and are now made up of smaller farmettes.

It was agreed that the focus of the group needs to be on getting the agricultural products to the public through direct farm sales. It was noted that many processed foods come under the regulation of the Health Department and determines whether the product is processed offsite or on the farm. This will have to be a consideration in what would be allowed under Health Department regulations.

Michele also noted that there are some subsections under the Agricultural/Commercial section that also might need to be addressed, and she particularly noted under General Provisions, section (d) referencing the employment of family members only. There was also discussion as to exactly what types of businesses actually fall under the Agricultural/Commercial definition.

The timeline for the task force was discussed. The resolution states that the task force should present its recommendations to the County Council by November 15. The members present decided to meet every other Wednesday at 7:00 p.m. in the Council Conference Room. The next meeting will be August 22, and continue every other Wednesday, except October 17. In lieu of October 17, the meeting will be held on October 24, and then the final meeting on November 7.

The issues to be addressed at the next meeting will be to examine the current zoning code to identify the restrictions that limit the ability to market and sell agricultural products made from raw materials raised or grown from land owned or leased by local farmers, determine the objectives of the current legislation, and examine how any changes to those objectives would expand the profitability for farmers. It would also be helpful to examine what other jurisdictions have done.

The meeting was adjourned at 9:00 p.m.

**HARFORD COUNTY
AGRICULTURAL VIABILITY TASK FORCE**

MEETING MINUTES

August 22, 2007 – 7:00 p.m.
Harford County Council Conference Room

Present:	Chad Shrodes, Chair Dawn Bero Cybil Preston David Keyes	Absent:	Michele Magness
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The meeting was called to order by Chad Shrodes, Chair, at 7:00 p.m.

The members reviewed the drafted Mission Statement. Mr. Shrodes felt that the phrase “legislative changes” should be stated as “legislative amendments” to more accurately reflect the actions that will be taken. He also stated that he had difficulty working the term “value added products” into the mission statement and thought it could somehow be included in the Purpose and asked the members for suggestions.

In review of the proposed Purpose, it was agreed that it is not the purpose to “eliminate regulations” because regulations are necessary, and the purpose should be stated with a more positive slant by taking out the term “stagnate” as well. Several terms were suggested, such as “enhance or modify regulations to encourage growth of the small farm,” “modify and improve regulations that limit agri-business – or – in order to encourage and foster high productivity,” or “to encourage the growth of agri-business by modifying regulations to reflect the ever-changing farming industry.” The group tossed around several different phrases and terms such as “modernize” or “nurture” and will give it more thought until the next meeting.

The group discussed the definition of “Processed Agricultural Product” as defined in the draft legislation as “any product whereby a majority of the raw materials used to make the product are raised or grown on agriculturally assessed land.” Mr. Keyes noted that the word majority would be a problem in describing ice cream because the milk is not a majority percentage of the product and felt there may be other products that would be affected by that definition as well.

In discussion of the term “Non-Agricultural Product,” the concern was on the 20% limitation of the area of the sales use and that “Processed Agricultural Product” falls under that limitation under the current legislation. It was suggested that 30% might be a more reasonable limitation. There was discussion as to whether promotional items should be excluded from that percentage but no consensus was reached.

There was some discussion as to what “Raw Agricultural Products” fall under the Health Department, such as milk or manure. Mr. Shrodes stated that the processed product

must include only raw products raised or produced from Harford County farms to promote buying local.

In review of the obstacles in the current legislation, the percentage of the area of sales use had been discussed earlier, and the suggestion of raising it to 30% to allow more sales of supplementary goods and establishing a limitation on the possible new definition of processed goods. The members felt that the staffing limitations are unrealistic because few farms have enough family members living on site to operate the farm. It was suggested that the reference to family members be stricken or to modify the number of hours that outside employees could be hired. Some other obstacles in this wording that were discussed is that it prohibits neighboring farmers from helping each other out and stifles the possibility of expansion of the business.

In review of the acreage requirements, there did not seem to be opposition to the limitation of \$15,000 annually. The discussion focused on the current requirement of at least 20 acres. Mr. Shrodes noted that wineries require a minimum of 10 acres and the smaller acreage farms are already producing mostly raw products. Mr. Shrodes also cautioned that breaking down into too many acreage limitations would result in a lot of gray areas and it should be kept more consistent. He suggested that lowering the requirement to 10 acres would open up the potential for a lot of smaller farms to market processed products, which will help those farms subsidize the sale of raw products. He suggested that restaurant categories may have to stay at the 20-acre requirement. Another possibility that was suggested was if the acreage requirement was lowered to 10 acres, the limitation of \$15,000 of gross sales could be eliminated. The reverse of that suggestion was also put on the table - - that if enough income was generated, there should be no limitation on the acreage – but Mr. Shrodes noted that Planning and Zoning does not want to be involved in checking income statements or being involved in IRS regulations. He feels that just cutting the limitation to 10 acres would be a major improvement.

All of the members present were in agreement that the requirement of being “approved to participate in the U.S. Department of Agricultural Commodity Credit Corporation Payment Limitation Program” did not have merit. Mr. Keyes is going to gather more information on the program in an effort to determine why that requirement was placed in the original legislation.

The group discussed the need to invite some of the former members of the Farm Bureau Task Force who worked together with Planning and Zoning in creating the original legislation to attend future meetings to offer insight on why some limitations were placed. Mr. Shrodes also suggested that farmers such as Kate Umbarger Dallam, Brad Milton and Mike Fiore might be able to point out the obstacles they have hurdled in the existing legislation.

Mr. Shrodes said it will be important to get letters of support from the agricultural community. Dawn suggested that a survey form might be distributed at places like Brooms Bloom Dairy to reach the public, and she will talk to Kate Dallam for some ideas. She will also ask members of the Agricultural Co-Op to submit letters.

AGRICULTURE VIABILITY TASK FORCE REPORT

January 15, 2008

Page 19

A discussion also began as to whether this legislation should include guidelines for an agricultural co-op which would sell all local agricultural products, whether raw or processed, and offer a venue for farmers without the limitation of acreage.

The Task Force is charged with making recommendations to the Council by November 15. Mr. Shrodes will keep President Boniface and Mary Kate Herbig, the Council Attorney, up to date with the progress of the meetings. It is his goal to formulate legislation from the recommendations of the group. He encouraged all members to do research of other jurisdictions. He offered reports that he has already gathered from other jurisdictions outside the State of Maryland, and he will ask Mrs. Herbig for assistance with finding sample legislation.

The meeting was adjourned at 8:45 p.m. The next meeting is scheduled for Wednesday, September 5 at 7:00 p.m., Council Conference Room.

**HARFORD COUNTY
AGRICULTURAL VIABILITY TASK FORCE**

MEETING MINUTES

September 5, 2007 – 7:00 p.m.

Harford County Council Conference Room

Present: Chad Shrodes, Chair
 Dawn Bero
 David Keyes
 Michele Magness
 Cybil Preston

Guests: Stephanie Stone
 Charles Day

The meeting was called to order by Councilman Chad Shrodes, Chair, at 7:15 p.m. Mr. Shrodes introduced the members of the task force to the guests, Charles Day and Stephanie Stone. He reviewed the progress of the task force to date and distributed copies of minutes of the prior sessions. He also had available copies of excerpts from the agricultural zoning ordinances from Anne Arundel, Frederick and Carroll Counties available, as well as from some jurisdictions throughout the country.

He stated that his desire for the resulting legislation is to encourage “buy local and market local.” In prior sessions, the members have formulated the purpose of the new legislation is to encourage the growth of agri-business by modifying regulations to reflect the ever-changing farming industry.

The definition of “Processed Agricultural Product” had been discussed and the word “majority” was removed from the definition to read: “Any product whereby raw materials used to make the product are raised or grown on agriculturally assessed land.” In further discussion, it was decided that the definition should be revised to read:

Any product whereby raw materials used to make the product are raised or grown by the producer on owned or leased agriculturally assessed land.

The discussion continued as to whether a minimum acreage requirement should be established, and the difference between assessed land as opposed to zoned land. Mr. Day also noted that income requirements could be expressed as either net or gross. He also noted that it is very easy for a small acreage farm to produce a high dollar return crop, and this type of scenario needs to be considered in writing the legislation. Another downfall in establishing limitations is the scenario of a two-acre parcel with a house and garden using the legislation as a tax write-off. He noted that minimums can be set in different ways and can be specific to land for production. He stated that the Farm Bureau or Mid-Atlantic Farm Credit would be a resource for determining the economic value of production. He suggested that a rolling average income threshold over time would allow for the lean start-up years or the unanticipated poor crop years. The group agreed that it is important that the legislation does not unduly restrict the farmer who is trying to make a living versus the landowner who

uses his property as a side business. Chad gave an example that setting the acreage too low could allow a small construction service business on the minimum acreage. He also noted that it would not be desirable to have events or restaurants on farms less than 10 acres in size.

Mr. Day pointed out that some uses could be removed from the permitted uses on agricultural land. The group also needs to realize that there are several rural zoning designations, such as RR, AG, VB and VR. It was agreed that it would be helpful to study those tables, and Chad will get that information for the next meeting.

Mr. Day suggested that a good way for the Task Force to evaluate any change to the legislation would be by listing what fears the agriculture community might have due to certain constraints, and examine how the constraint might be changed, but to be sure that it is the right constraint. It was noted that some constraints are outside of this legislation – for example, the requirements of the Health Department regulations. Mr. Day stated that in those instances, the legislation could state “subject to the regulating department.”

The members felt that if a farm has relinquished its development rights through agricultural preservation, it should be protected from taking away other viable uses. Many of the members used Rumbleway Farm in Conowingo as a prime example of what this legislation should achieve.

Mr. Keyes reported that he had investigated the requirement in the current legislation which mandates participation in the U.S. Department of Agricultural Commodity Credit Corporation Payment Limitation Program. He stated that the Farm Conservancy had no idea why it was in the legislation or where it came from and suggested that it be removed. Mr. Day stated that he was not part of the Farm Bureau Task Force that established the current legislation. He had worked through the Community Planning Council when this legislation was formulated. Michele was asked to inquire if the Farm Bureau had any notes from the meetings of that task force.

The group briefly reviewed the information provided on Anne Arundel, Carroll and Frederick Counties. The members will study the information for discussion at the next meeting and also suggested that Howard County information be obtained. Mr. Day noted that Harford County will need more infrastructure to support the types of operations that are envisioned by this task force. As examples, he noted that Harford County would need canneries and butchers as well as economic support to attract those businesses. He suggested that the task force ask for input from the Farm Bureau, American Farmland Trust and John Sullivan. He also suggested contacting the other counties directly. Mr. Keyes felt that the task force must not go beyond its directive and do more than they need to do.

Dawn volunteered to compile the information from the various counties on a grid to enable the group to see the comparisons.

Chad reminded the members that he had suggested that a percentage be placed on the non-agriculture products to make sure that most of the income was from agriculture

AGRICULTURE VIABILITY TASK FORCE REPORT

January 15, 2008

Page 22

products, whether raw or processed, but to allow the farmer to supplement his income through the sale of those non-agriculture products. The non-agriculture products should be related to agriculture however, such as a promotional item with the farm's logo or relating to Harford County.

A farmer has no limitations on selling raw products, but perhaps a percentage does need to be placed on the import of raw products that are not produced locally. There is concern that if a substantial amount of the raw product is imported, it will undercut the local farmer; however if the local farmer is not permitted to supplement the supply of raw product available, the farmer could fail for lack of providing enough product. Mr. Day stated that the economic viability of farms should be in dollars and cents and perhaps the task force needs to consider the boundaries on the basis of the percent of net income.

The meeting adjourned at 9:00 p.m. The next scheduled meeting date is Wednesday, September 19, at 7:00 p.m.

HARFORD COUNTY AGRICULTURAL VIABILITY TASK FORCE

MEETING MINUTES

September 19, 2007 – 7:00 p.m.
Harford County Council Conference Room

Present: Chad Shrodes, Chair
 Michele Magness
 Cybil Preston

Absent: Dawn Bero
 David Keyes

The meeting was called to order by Councilman Chad Shrodes, Chair, at 7:15 p.m.

Michele stated that the Farm Bureau has issues with the 10 acre minimum for sales on agriculturally accessed land. Mr. Shrodes stated that farms under 10 acres already have the ability to sell their products on-site.

Mr. Shrodes distributed a handout of the summary of what the Task Force had discussed to date. The group decided that they would focus on finalizing the definitions and percentages. After discussion, the group agreed on the following:

Raw Agricultural Product – Any product that is grown or raised by the producer on the land on which it is sold to the public.

Raw Agricultural Product (Imported) – Any raw agricultural product that is grown or raised at a site other than the land on which it is sold to the public.

Processed Agricultural Product – Any product whereby raw materials used to make the product are raised or grown on agriculturally assessed land that is owned or leased by the producer.

Agricultural Related Promotional Items – Include items that promotes the name and/or logo of the farm, farm stand, creamery or a product that promotes Harford County or Maryland agriculture and agri-tourism.

Farm Markets (Private) – Markets held on private property by multiple vendors selling agricultural and processed agricultural products on limited basis not exceeding one event per crop per season.

Farmette – Real estate including a dwelling and agricultural structure(s) on a parcel of land consisting of 5 to 9.99 acres.

Agricultural Educational Workshops – Educational workshops that are held on the farm premises which educate the public for a fee on agricultural related hobbies, crafts and preparation of processing agricultural products. (NOTE: This would be a permitted use on parcels exceeding 10 acres.)

Value Added Agricultural Products

Non-Agricultural Product- A product that is not agricultural related.

The group reviewed the following permitted uses and made these recommendations:

Permitted Uses as Defined by Farm Size

Category & Use	AG (20+ ac)	AG (10- 19.99 ac)	AG (5.0- 9.99 ac)*	RR*
Amusements				
Commercial Riding Stables	P			
Private Parties & Receptions	P	P		
Industrial Uses				
	P			
Motor Vehicle				
Commercial or Construction	P			
Farm Vehicles and Equipment Storage and Service	P			
School Buses	P			
Retail				
Feed and Grain Storage	P			
Sales	P	P	SE*	SE*
Services				
Veterinary Practice, Large Animals	P			
Restaurants				
	P			

*Requires Board of Appeals (BOA) Approval – Special Exception

PERCENTAGES

To allow agri-entrepreneurs to sell a diversity of the raw goods, along with processed products, and also add a defined percentage of related products to subsidize the products. This percentage might include promotional items with the logo of the farm or a product that promotes agriculture or the individual farm in general. All processed products should be strictly local to Harford County. It is important to avoid these outlets from becoming retail shops. The group agreed that the concentration must be on truly agricultural products to avoid abuse by larger commercial enterprises.

Raw Harford County Agricultural Products raised or produced on agriculture assessed land allowed up to 100%.

Raw Agricultural Product (Imported) allowed to be sold for a period of time not exceeding two (2) months.

AGRICULTURE VIABILITY TASK FORCE REPORT

January 15, 2008

Page 25

Processed Agricultural Products allowed up to 100%.

Agriculture Related Promotional Items allowed up to 30% of sales display area.

The group also agreed that there should be no annual income limitation except for the construction category.

Mr. Shrodes will work with the Council Attorney to prepare draft legislation for review at the next meeting.

The meeting adjourned at 9:00 p.m. The next meeting is scheduled at 7:00 p.m., Wednesday, October 3, in the Council Conference Room.

AGRICULTURE VIABILITY TASK FORCE
Meeting Minutes – October 24, 2007

Valerie Connelly and Kurt Fuchs, Farm Bureau Representatives, were present to share issues that are being considered at the present time by the Farm Bureau.

They stated that upcoming issues for consideration by the Farm Bureau involve water rights dispute between farmers and adjacent landowners; buffer plantings to soften views and filter farming issues from surrounding neighborhoods; right-to-sell credits; and the tax status for buildings using the Green Fund. These issues are not related to the role of this Task Force.

In addressing the legislation to be proposed by the Task Force, the Farm Bureau representatives suggested the following:

- Replacing the word “institutional” with “educational” to clarify that it does not relate to commercial or industrial
- Define “local” as to whether it is county or state or a certain mileage radius, since Pennsylvania and Delaware are in close proximity to Harford County
- Encourage a central processing location with a commercial kitchen owned jointly in coordination with other farmers, such as a co-op; and educate farmers on the state and local health department rules and regulations
- Include right-to-farm ordinances
- Do not exclude wood products

Kevin Atticks from the Maryland Winery Association addressed issues that need to be considered for wineries:

- Minimum acreage required for commercial kitchens and hosting private events
- Special exceptions for wineries on small parcels, and if separate parcels are leased do they have to be contiguous
- Should there be a maximum number of people for special events on smaller parcels; i.e. 50 or less on parcels of 5 to 9.9 acres, 50 or more on 10+ acres
- Special Development issues for the smaller wineries

Chad Shrodes will meet with the Agriculture Advisory Board on October 31 to discuss the progress of the Task Force. The Task Force will meet again on November 7 to discuss their recommendations.

AGRICULTURE VIABILITY TASK FORCE
Meeting Minutes – November 7, 2007
7:00 p.m. – Council Conference Room

All members of the Task Force were present, along with Bob Tibbs, from the Harford County Farm Bureau, Agriculture Advisory Board, and Agriculture Land Preservation Advisory Board, and David Thompson, also from the Agriculture Advisory Board and Agriculture Land Preservation Advisory Board.

The membership focused on issues that were raised during the presentation to the Agriculture Advisory Board on October 31. The Board had advised that many of the definitions that were proposed need to parallel those used by the USDA and that a definition should not include the phrase that it is describing.

The following are definitions that were reviewed, indicating the changes that were agreed upon:

Farmer – A person, family, corporation or cooperative actively engaged in farming and deriving taxable income from such activity – ~~or someone who is retired from farming when it relates to the land the farmer formerly farmed. or any family member retired but still actively engaged in agriculture production.~~

Raw Agricultural Product – Any product that is grown or raised ~~and sold by the producer on from the land in which it is sold.~~

Raw Agricultural Product (Imported Out of County) – Any ~~raw~~ agricultural product that is grown or raised ~~at a site from land~~ located outside of Harford County's governmental boundaries and sold on a property within Harford County, except when products are raised or grown by a producer who owns or leases land outside of County or State.

Agricultural Educational Workshops – Workshops that are held on the farm premises which educate the public ~~for a fee~~ on agricultural related ~~hobbies, crafts, and preparation of processing agricultural products.~~ activities.

Producer – Individuals or entities (including for profit and not for profit corporation, LLCs, partnerships or LLPs), where the entities are solely owned or controlled by those who own a majority ownership interest in the agricultural product that is produced. These individuals or entities must produce and own the agricultural product to which value is being added. ~~Those who produce the agricultural product under contract for another entity but do not own the product produced are not producers.~~

The following deletions and additions to the current wording in the County Code as presented to the Agricultural Advisory Board were also discussed and agreed upon with the changes indicated:

Delete:

- *Wood products that are made or manufactured from trees grown by a producer are prohibited.*
- *Participation in the U.S. Department of Agricultural Commodity Credit Corporation Payment Limitation Program.* It was found that this requirement is no longer a requirement by the Farm Service Agency.
- In section (1)(d) keep the wording “*Must be owner or tenant operated.*”
Delete: ~~*Employees may include only family members living on the site and not more than the total of 160 equivalent employment hours by outside employees per week.*~~
- §F(4)(b) Motor vehicle/Farm vehicles and equipment storage and service was suggested to be deleted. After discussion, it was agreed instead of deleting the entire section, the farm vehicles should be described as “not used in the agricultural business.”

Additions:

- All eligible properties must receive an agricultural assessment through the State Department of Assessment and Taxation.
- The total acreage requirement may be calculated by indicating the land area(s) that make up the needed total acreage by combining ~~adjoining~~ parcels if owned or leased by related family members.
- The producer must be directly involved and benefit from the supplementary agri-business enterprise and not leased to an outside party to conduct business from the land owner or leased by the producer.
- Gross agricultural/commercial sales must be \$15,000 annually for all uses described above, except for Agricultural Product Sales.

In discussion of the percentages proposed by the Task Force, the members agreed that it would be hard to regulate, and it is not the intent of the legislation to put limitations on a producer who needs outside materials to fulfill an obligation; i.e. a drought year that limits available local resources such as lack of apples to make cider. The proposed percentage of 51% of the gross sales area must consist of raw or processed products that are raised or produced by the producer would be too limiting. It was agreed that there are certain agri-businesses, such as wineries, ice cream and cheese production, that may need special provisions in the code.

Mr. Tibbs suggested that the group do further research on the requirements of wineries as to how much acreage would be adequate to eliminate the effects of spraying on adjoining agricultural parcels and the quantity of imported raw product that would be required. Ice cream and cheese production is also an area that the Task Force needs to better define. Health Department regulations dictate some of the limitations on these products and cannot be regulated by this legislation.

It was agreed not to put a period of time limitation on the sale of imported raw agricultural product. The remainder of the proposed percentages were agreed upon:

- Raw Harford County Agricultural Products raised or produced on agriculture assessed land allowed up to 100%.
- Raw Agricultural Product (Imported Locally) allowed up to 45% of sales display area.
- Processed Agricultural Products allowed up to 100%.
- Agriculture Related Promotional Items allowed up to 30% of sales display area.
- Non-Agricultural Product allowed by up 10% of sales display area.
- Non-Agricultural Product (Handmade Products by Local Residents or Representative of Local Landmarks) 25%.

Mr. Tibbs felt that a better definition of commercial riding stables should be established in the code. Mr. Thompson stated that the Task Force needs to keep its definitions consistent with USDA.

The chart of permitted uses as defined by the farm size was briefly discussed, and the Task Force needs to study that section further.

It was agreed that the Task Force would not schedule another meeting at this time. The members will study those areas in question and offer feedback to Chad Shrodes. He will compile the information he receives from the members and draft a report for review.