



Howard County

Internal Memorandum

Subject: Testimony on Council Bill No. 10-2013
Right to Farm Update

To: Lonnie Robbins, Chief Administrative Office
Department of County Administration

Through: Marsha McLaughlin, Director
Department of Planning and Zoning

From: Joy Levy, Administrator, Agricultural Land Preservation Program
Department of Planning and Zoning

Date: February 11, 2013

The Department of Planning and Zoning supports Council Bill No. 10–2013, which amends Section 12.111 of the Howard County Code to update and expand the protections afforded by the Howard County Right to Farm law.

Right to Farm (RTF) laws protect agricultural operations from nuisance suits and seek to resolve problems before they escalate into legal conflicts. Howard County initially enacted RTF legislation in 1989, which was amended in 1993. It has remained unchanged since. In the intervening 20 years, much of the land not in agricultural preservation has been developed and farming has evolved in ways that potentially exacerbate neighbor conflicts. As an example, the significant increase of on-farm sales and marketing activities has created additional traffic and other concerns for nearby residential property owners. The proposed amendments to Section 12.111 strengthen the protective language and expand on the scope of farming activities, so that the agricultural community can operate free of the threat of nuisance suits.

One of the significant additions is the provision that no legal action shall be maintained against a farmer if mediation has not been sought through the Maryland Department of Agriculture’s Conflict Resolution Service.

As for fiscal impact, amending the Right to Farm law will have minimal to no impact on staff workloads or the Department’s operating budget.

cc: Jennifer Sager, Legislative Coordinator, Department of County Administration
Stan Milesky, Director, Department of Finance
Ray Wacks, Administrator, Office of Budget
Beth Burgess, Chief, Resource Conservation Division