

Senate Bill 75 Proponent Testimony
Written Testimony - Rob Leeds, Owner, Leeds Farm
June 10, 2015

Chair Bacon, Vice Chair Oelslager, Ranking Member Skindell and members of the Senate Civil Justice Committee, thank you for the opportunity to provide proponent testimony on Senate Bill 75. This legislation seeks to resolve issues many Ohio farmers have faced as they seek to develop agritourism on their farms. I am an employee of The Ohio State University and OSU Extension and want to be clear that my written testimony is as a private citizen and my testimony shares my personal views and do not indicate a position by OSU on this matter.

Leeds Farm is a typical example of a farm that has made the transformation from traditional crops to agritourism. Our operation includes 3 generations: Bob and Gayle Leeds, who still farm traditional crops like corn and soybeans on the home farm in Milford Center. Myself and Christy Leeds, represent the second generation, and raise about 20 acres of pumpkins and fall crops between the home farm and our farm in Ostrander. The third generation is Isaac Leeds, currently a student at The Ohio State University.

Leeds farm began in Milford Center in the early 60's, when my parents, Bob and Gayle Leeds, moved there. During those early years traditional crops like corn, soybeans, wheat, and Hereford and Simmental cattle were raised on the farm. Over time we started to lose the pasture and rented crop ground to landowners selling off land to build houses. In 1988, looking for a way to increase farm income, we planted pumpkins and sold them out of the front yard. In 1992 we decided that I should find work off the farm.

In 1994 we purchased the land near Ostrander that is now known as Leeds' Pumpkin Farm and began opening our farm to guests. The current Leeds' Pumpkin Farm is family owned by my wife and me, and operated by the entire Leeds family. My parents are still actively involved in the operation and the 3rd generation of Isaac Leeds and his cousins Garrett, Meghan and Logan are taking on more responsibility. At the 2014 National FFA Convention, Garrett won the National proficiency in outdoor recreation for his work at Leeds Pumpkin Farm.

The Leeds Pumpkin farm acreage has a long agricultural history. The farm was first deeded in the early 1800's, and barns were built soon after on the plot of land. The original log cabin home was built in 1852 and officially recorded as a home in 1870. The original walnut logs used for the small cabin are still the supporting structure for the home. We bought the farm from Don and JoAnne Coe. Don stated that he sold the farm to the Leeds because other buyers wanted to develop the land and the Leeds were the only ones who wanted to continue to farm the land.

Agritourism has allowed us to keep the farm in agriculture and showcase the agricultural heritage of the area. The Big Barn, still standing at the entrance of Leeds Farm was built in 1904 from trees felled on the farm. Some of the hand hewn beams used in the barn construction are over 40'

long. The barn housed the cattle, hogs and draft horses that worked the farm. When the Leeds bought the farm the big barn's overall condition had deteriorated to a point where a decision had to be made to either tear down or restore the barn. Because of our agritourism operation we decided that the barn had enough economic viability to restore. The barn was restored in 2004 to preserve the craftsmanship of the original builders and now is home to agritourism activities during the fall season.

Leeds Farm now raises corn, soybeans, hay, pumpkins and meat goats in conjunction with the fall agritourism activities. Our 6 week agritourism activities employ 63 teenagers and adults from the local area. For many of these workers this is their first job.

While we are very proud that agritourism has allowed us to keep the farm in agriculture, showcase the agricultural heritage of the area and work in our local community, there were several issues that we faced along the way.

The first issue was how agritourism fit into the local zoning code. When we first started out with pumpkins in the front yard and an honor box there were no questions. However, as we grew we moved into a gray area and more questions were raised. Luckily, as we grew the business, we worked very closely with our township trustees and zoning inspector to stay within what they believed was agricultural zoning. My concern is that as local office holders change, they may have a differently interpretation of zoning as it relates to our operation. This could undo 20 years of diligent work by our farm and our local officials. Leeds Farm feels that our agritourism activities are conducted in conjunction with and are part of our working farm. These agritourism activities add to the economic viability of our farm and are part of the farm's agricultural activities. This bill will help to clarify that zoning is not applicable to agritourism activities under these circumstances.

The other issue is the concern regarding liability with our agritourism operation. We have an admission area, where visitors can do activities like the combine slide or pedal carts. We also have a non-admission area where our farm visitors can view the baby pigs, pet the baby calf and pet the goats without a charge. We enjoy sharing our animals with our visitors and welcome them in even if they don't want to pay for the other activities. However, one of these visitors became the first medical liability claim in our 20 years of operation. The mother claimed the young child was bitten by a goat and required stitches.

Farm liability is one of the largest barriers when we explore opportunities within our agritourism operation. We have worked with four insurance companies to get to one that understands our needs as a farming operation. The first company dropped us as soon as we started inviting people onto the farm. The second company was excited to pick up our operation but dropped us after 5 years when we became successful and our attendance increased. The third insurance company I fired because they misinterpreted some of our activities and would not come out for a

site visit. Our present company is not inexpensive, but they come out for yearly site visits and works with us to mitigate risk and decide how to add activities that can be insured.

For many agritourism operators around Ohio securing adequate insurance can be almost impossible. I get calls every year from farm owners who have been dropped by their insurance company. On my recommendation, our insurance agent in Delaware, Ohio is insuring an operator in Washington County because they could not get insurance in their area.

SB 75 will ideally help relieve some of these insurance issues by acknowledging there is inherent risk to agritourism activities. At Leeds farm we have discussed how we could control some factors that could lead to injury. But we quickly realized that trying to maintain 40 acres that reflects the true nature of our farming operation made controlling these factors impossible. We take the safety of our guest very seriously, we pen off animals, like donkeys, that are a biting risk, we fill holes with gravel daily, and we keep the grass mowed so there are no hidden obstacles. However, when your venue is 40 acres open to the environment and your farm includes farm animals you know that control is impossible.

Ohio already has an Equine Liability Act, which recognizes there are inherent risks of which guests should be aware. It acknowledges that these activities take place on a farm where controlling all the factors and conditions which could potentially lead to injury is impossible. Farms contain animals, equipment and structures meant to support agricultural production and ground conditions that can constantly change based on Mother Nature's impacts. Agritourism operators are aware of these changing conditions, and do their best to operate in a safe manner. However, considering the unique nature of agritourism, providing protections similar to those provided to the equine industry would alleviate some fears of farmers opening their operations to the public.

A large part of the draw to Leeds Farm is our attention to the safety and enjoyment of our guests. We do not want see Senate Bill 75 provide blanket immunity, thus letting irresponsible agritourism operations continue to operate. These types of operations will have a negative impact on our industry.

Mr. Chairman, The focus of Leeds Farm is to provide education and enjoyment. We invite people to spend the day getting fresh air and having fun as a family. We farm in an area that is on the edge between rural and suburban Delaware County. We seek to keep the rural character of Delaware County and connect with our suburban neighbors. Agritourism is the way we can accomplish both.

Senate Bill 75 provides the clarity needed in Ohio law and defines the parameters for landowner liability to help operations like Leeds Farm and local communities work together in establishing a unique farm experience. We appreciate this committee's time and consideration of this important legislation.

