

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House  
3 Bill No. 663 entitled “An act relating to municipal land use regulation of  
4 accessory on-farm businesses” respectfully reports that it has considered the  
5 same and recommends that the bill be amended by striking out all after the  
6 enacting clause and inserting in lieu thereof the following:

7 Sec. 1. PURPOSE

8 The General Assembly adopts this act to:

9 (1) promote and facilitate the economic viability of Vermont’s  
10 farms; and

11 (2) increase the consistency across the State of municipal regulation and  
12 permitting of accessory activity that supports those farms.

13 Sec. 2. 24 V.S.A. § 4412 is amended to read:

14 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

15 Notwithstanding any existing bylaw, the following land development  
16 provisions shall apply in every municipality:

17 \* \* \*

18 (11) Accessory on-farm businesses. No bylaw shall have the effect of  
19 prohibiting an accessory on-farm business at the same location as a farm.

20 (A) Definitions. As used in this subdivision (11):

1                    (i) “Accessory on-farm business” means activity that is accessory  
2                    to a farm and comprises one or both of the following:

3                    (I) The storage, preparation, processing, and sale of qualifying  
4                    products, provided that more than 50 percent of the total annual sales are from  
5                    qualifying products that are principally produced on the farm at which the  
6                    business is located.

7                    (II) Educational, recreational, or social events that feature  
8                    agricultural practices or qualifying products, or both. Such events may include  
9                    tours of the farm, tastings and meals featuring qualifying products, and classes  
10                   or exhibits in the preparation, processing, or harvesting of qualifying products.

11                   (ii) “Farm” means a parcel or parcels owned, leased, or managed  
12                   by a person, devoted primarily to farming, and subject to the RAP rules. For  
13                   leased lands to be part of a farm, the lessee must exercise control over the  
14                   lands to the extent they would be considered as part of the lessee’s own farm.  
15                   Indicators of such control include whether the lessee makes day-to-day  
16                   decisions concerning the cultivation or other farming-related use of the leased  
17                   lands and whether the lessee manages the land for farming during the lease  
18                   period.

19                   (iii) “Farming” shall have the same meaning as in 10 V.S.A.  
20                   § 6001.

21                   (iv) “Qualifying product” means a product that is wholly:

1                    (I) an agricultural, horticultural, viticultural, or dairy  
2 commodity, or maple syrup;

3                    (II) livestock or cultured fish or a product thereof;

4                    (III) a product of poultry, bees, an orchard, or fiber crops;

5                    (IV) a commodity otherwise grown or raised on a farm; or

6                    (V) a product manufactured on one or more farms from  
7 commodities wholly grown or raised on one or more farms.

8                    (v) “RAP rules” means the rules on required agricultural practices  
9 adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.

10                  (B) Eligibility. For an accessory on-farm business to be eligible for  
11 the benefit of this subdivision (11), the business shall comply with each of the  
12 following:

13                  (i) The business is operated by the farm owner, one or more  
14 persons residing on the farm parcel, or the lessee of a portion of the farm.

15                  (ii) The farm meets the threshold criteria for the applicability of  
16 the RAP rules as set forth in those rules.

17                  (C) Use of structures or land. An accessory on-farm business may  
18 take place inside new or existing structures or on the land.

19                  (D) Review; permit. Activities of an accessory on-farm business that  
20 are not exempt under section 4413 of this title may be subject to site plan  
21 review pursuant to section 4416 of this title. A bylaw may require that such

1 activities meet the same performance standards otherwise adopted in the bylaw  
2 for similar commercial uses pursuant to subdivision 4414(5) of this title.

3 (E) Less restrictive. A municipality may adopt a bylaw concerning  
4 accessory on-farm businesses that is less restrictive than the requirement of this  
5 subdivision (11).

6 (F) Notification; training. The Secretary of Agriculture, Food and  
7 Markets shall provide periodic written notification and training sessions to  
8 farms subject to the RAP rules on the existence and requirements of this  
9 subdivision (11) and the potential need for other permits for an accessory on-  
10 farm business, including a potable water and wastewater system permit under  
11 10 V.S.A. chapter 64.

12 Sec. 3. EFFECTIVE DATE

13 This act shall take effect on July 1, 2018.

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15 (Committee vote: \_\_\_\_\_)

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\_\_\_\_\_

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Representative \_\_\_\_\_

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FOR THE COMMITTEE