

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture and Forestry to which was referred House
3 Bill No. 704 entitled “An act relating to the regulation of accessory on-farm
4 businesses” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 Sec. 1. 10 V.S.A. § 6001(3)(D) is amended to read:

8 (D) The word “development” does not include:

9 * * *

10 (ix) The construction of improvements for an accessory on-farm
11 business located on a tract of land primarily devoted to farming, provided that:

12 (I) the proposed improvements are for an accessory on-farm
13 business as defined by 24 V.S.A. § 4412(11);

14 (II) the farming operation is subject to the Required
15 Agricultural Practices; and

16 (III) the improvements constructed for the accessory on-farm
17 business do not physically alter more than one acre of land.

18 * * *

1 Sec. 2. 24 V.S.A. § 4412(11) is amended to read:

2 (11) Accessory on-farm businesses. No regional plan, municipal plan,
3 or municipal bylaw shall have the effect of prohibiting an accessory on-farm
4 business at the same location as a farm.

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

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

8 (I) The storage, preparation, processing, and sale of qualifying
9 products, provided that more than 50 percent of the total annual sales are from
10 qualifying products that are ~~principally~~ produced on the farm at which the
11 business is located.

12 (II) Educational, recreational, or social events that feature
13 agricultural practices or qualifying products, or both. Such events may include
14 tours of the farm, farm stays, tastings and meals featuring qualifying products,
15 and classes or exhibits in the preparation, processing, or harvesting of
16 qualifying products. As used in this subdivision (II), “farm stay” means a paid,
17 overnight guest accommodation on a farm for the purpose of participating in
18 educational, recreational, or social activities on the farm that feature
19 agricultural practices or qualifying products, or both. A farm stay includes the
20 option for guests to participate in such activities

1 (ii) “Farm” means a parcel or parcels owned, leased, or managed
2 by a person, devoted primarily to farming, and subject to the RAP rules. For
3 leased lands to be part of a farm, the lessee must exercise control over the
4 lands to the extent they would be considered as part of the lessee's own farm.
5 Indicators of such control include whether the lessee makes day-to-day
6 decisions concerning the cultivation or other farming-related use of the leased
7 lands and whether the lessee manages the land for farming during the lease
8 period.

9 (iii) “Farming” shall have the same meaning as in 10 V.S.A.
10 § 6001 except that when calculating whether an agricultural product was
11 principally produced on the farm, water shall not be included in the calculation
12 as an ingredient.

13 (iv) “Qualifying product” means a product that is wholly:
14 (I) an agricultural, horticultural, viticultural, or dairy
15 commodity, or maple syrup;
16 (II) livestock or cultured fish or a product thereof;
17 (III) a product of poultry, bees, an orchard, or fiber crops;
18 (IV) a commodity otherwise grown or raised on a farm; or
19 (V) a product manufactured on one or more farms from
20 commodities wholly grown or raised on one or more farms.

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

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

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

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

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

12 (D) Review; permit. Activities of an accessory on-farm business that
13 are not exempt under section 4413 of this title may be subject to site plan
14 review pursuant to section 4416 of this title. A bylaw may require that such
15 activities meet the same performance standards otherwise adopted in the bylaw
16 for similar commercial uses pursuant to subdivision 4414(5) of this title.

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

20 (F) Notification; training. The Secretary of Agriculture, Food and
21 Markets shall provide periodic written notification and training sessions to

1 farms subject to the RAP rules on the existence and requirements of this
2 subdivision (11) and the potential need for other permits for an accessory on-
3 farm business, including a potable water and wastewater system permit under
4 10 V.S.A. chapter 64.

5 Sec. 3. 10 V.S.A. § 6093 is amended to read:

6 § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

7 (a) Mitigation for loss of primary agricultural soils. Suitable mitigation for
8 the conversion of primary agricultural soils necessary to satisfy subdivision
9 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

10 * * *

11 (5) State-owned airports. Notwithstanding 1 V.S.A. § 214 or any
12 provision of this chapter to the contrary, the conversion of primary agricultural
13 soils by a development or subdivision by a State-owned airport shall not be
14 required to conduct mitigation or pay a mitigation fee under this section if:

15 (A)(i) the development or subdivision is the result of land
16 acquisition, improvement, or maintenance authorized under 5 V.S.A. chapter
17 15, subchapter 6; or

18 (ii) the development or subdivision was authorized under the
19 Federal Aviation Administration airport master plan for the State-owned
20 airport; and

