

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Agriculture, Food Resiliency, and Forestry to which was  
3 referred House Bill No. 128 entitled “An act relating to removing regulatory  
4 barriers for working lands businesses” respectfully reports that it has  
5 considered the same and recommends that the bill be amended by striking out  
6 all after the enacting clause and inserting in lieu thereof the following:

7 \* \* \* Working Lands Business \* \* \*

8 Sec. 1. 10 V.S.A. § 6093 is amended to read:

9 § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

10 (a) Mitigation for loss of primary agricultural soils. Suitable mitigation for  
11 the conversion of primary agricultural soils necessary to satisfy subdivision  
12 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

13 \* \* \*

14 (5) Wood products manufacturers. Notwithstanding any provision of  
15 this chapter to the contrary, a conversion of primary agricultural soils by a  
16 wood products manufacturer shall be allowed to pay a mitigation fee computed  
17 according to the provisions of subdivision (1) of this subsection, except that it  
18 shall be entitled to a ratio of 1:1 protected acres to acres of affected primary  
19 agricultural soil.

20 \* \* \*

21 Sec. 2. 10 V.S.A. § 6081 is amended to read:

1 § 6081. PERMITS REQUIRED; EXEMPTIONS

2 \* \* \*

3 (z) No permit or permit amendment shall be required if less than one acre  
4 of land is physically altered for either:

5 (1) a sawmill that produces three and one-half million board feet or less  
6 annually; or

7 (2) an operation that involves the primary processing of wood products  
8 of commercial value and that annually produces:

9 (A) 3,500 cords or less of firewood or cordwood; or

10 (B) 10,000 tons or less of bole wood, whole tree chips, mulch, or  
11 wood pellets.

12 Sec. 3. REPEAL

13 10 V.S.A. § 6084(g) is repealed.

14 Sec. 4. 24 V.S.A. § 4412(11) is amended to read:

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

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

18 (i) “Accessory on-farm business” means activity ~~that is accessory~~  
19 ~~to~~ on a farm, the revenues of which may exceed the revenues of the farming  
20 operation, and comprises one or both of the following:

1                   (I) The storage, preparation, processing, and sale of qualifying  
2 products, provided that ~~more than 50 percent of the total annual sales are from~~  
3 the qualifying products that are produced on the a farm at which the business is  
4 located; the sale of products that name, describe, or promote the farm or  
5 accessory on-farm business, including merchandise or apparel that features the  
6 farm or accessory on-farm business; or the sale of bread or baked goods baked  
7 in the State.

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

17                   (ii) “Educational, recreational, or social events” may include tours  
18 of the farm, farm stays, tastings and meals featuring qualifying products grown  
19 or raised on the farm where the business is located, and classes or exhibits in  
20 the preparation, processing, or harvesting of qualifying products.

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

9           ~~(iii)~~(iv) “Farming” ~~shall have~~ has the same meaning as in  
10 10 V.S.A. § 6001.

11           (v) “Farm stay” means a paid, overnight guest accommodation on  
12 a farm for the purpose of participating in educational, recreational, or social  
13 activities on the farm. A farm stay includes the option for guests to participate  
14 in those activities.

15           (vi) “To feature agricultural practices or qualifying products”  
16 means a host farm’s agricultural practices or its qualifying products are a  
17 substantial component of any educational, recreational, or social event the  
18 accessory on-farm business hosts. For social or recreational events like  
19 weddings or concerts that may have a purpose wholly independent of the host  
20 farm’s activities, agricultural practices or qualifying products must be an  
21 integral component of the event to satisfy the definition of an accessory on-

1 farm business. A farm that is exclusively serving as an event location is not  
2 featuring agricultural practices or qualifying products.

3 ~~(iv)~~(vii) “Qualifying product” means a product that is wholly  
4 principally:

5 (I) an agricultural, horticultural, viticultural, or dairy  
6 commodity, or maple syrup;

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

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

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

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

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

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

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

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

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

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

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

11           (F) Notification; training. The Secretary of Agriculture, Food and  
12 Markets shall provide periodic written notification and training sessions to  
13 farms subject to the RAP rules on the existence and requirements of this  
14 subdivision (11) and the potential need for other permits for an accessory on-  
15 farm business, including a potable water and wastewater system permit under  
16 10 V.S.A. chapter 64.

17 Sec. 5. 10 V.S.A. § 6001 is amended to read:

18 § 6001. DEFINITIONS

19 As used in this chapter:

20 \* \* \*

1           (45) “Agricultural products” means raw agricultural commodities or  
2           processed or manufactured agricultural products.

3           (46) “Principally produced” means, for the purposes of subdivision  
4           (22)(E) of this section, that more than 50 percent of a raw agricultural  
5           commodity or other agricultural product is grown or produced on the farm.  
6           The majority percentage shall be determined over a consistent and reasonably  
7           defined time period. The percentage of a raw agricultural commodity grown or  
8           produced on the farm shall be determined by measuring the commodity’s  
9           volume or weight. The percentage of an agricultural product grown or  
10           produced on the farm shall be determined by measuring the volume or weight  
11           of the product ingredients or materials, excluding water.

12           Sec. 6. 10 V.S.A. § 6081 is amended to read:

13           § 6081. PERMITS REQUIRED; EXEMPTIONS

14                                                           \* \* \*

15           (t) No permit or permit amendment is required for the construction of  
16           improvements for an accessory on-farm business as defined in 24 V.S.A.  
17           § 4412(11)(A) if less than one acre of land is physically altered.

18                                                           \* \* \*

19                                           \* \* \* Effective Date \* \* \*

20           Sec. 7. EFFECTIVE DATE

21           This act shall take effect on July 1, 2024.

1

2 (Committee vote: \_\_\_\_\_)

3

\_\_\_\_\_

4

Representative \_\_\_\_\_

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FOR THE COMMITTEE