



Brief Seven.

Regulatory Barriers

7. Regulatory Barriers

Agritourism is regulated at the state and local level through policies like zoning regulations, laws governing food and alcohol service, and limited liability laws for farms that welcome visitors. It's therefore unsurprising that analysis of survey results found that the degree to which respondents found regulatory issues challenging differed significantly by state.

Across all respondents, 64% found regulations at least somewhat challenging and 25% reported that regulations were very challenging. But these nationwide numbers obscure the extent to which regulatory issues vary by geography. We examined data from the twelve states with 30 or more responses and ran a statistical test to see if and how challenges to regulation related to respondent state (Figure 9). Forty-five percent of respondents in Oregon and 43% of respondents in California found state or local regulations “very challenging,” compared to just 10% of respondents in Maine. Maine was the only state where less than half of respondents reported that regulations were at least somewhat challenging, and Oregon continued to hold the top spot with 90% of respondents reporting at least some challenges from regulations.

Percentage of Respondents Who Found Regulations Challenging

64%

Found Regulations at Least Somewhat Challenging

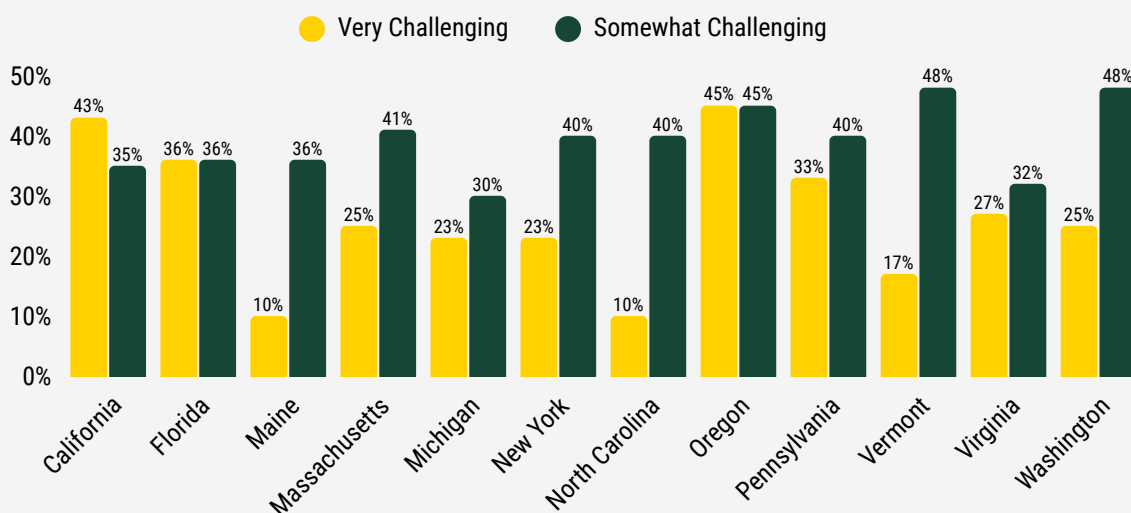
25%

Found Regulations Very Challenging

90%

of Respondents from Oregon Reported Challenges

Figure 9. Reported At Least Some Challenges with Regulations by State



Note. Kruskal Wallis χ -squared = 43.795, df = 11, $p < 0.001$.



Photo Courtesy of Mahlstedt Ranch

In the survey open response question on challenges, multiple Oregon respondents cited difficulties related to Oregon's land use system, which was codified by Senate Bill 100 in 1973 (An Act Relating to Land Use; Creating New Provisions; Amending ORS 215.055, 215.510, 215.515, 215.535 and 453.345; and Appropriating Money, 1973). While this system centralizes land-use regulation, counties interpret the law differently, sometimes resulting in restrictions like prohibitions on short-term rentals (Hunnicut, 2006). California respondents described a fragmented regulatory environment that varied by local jurisdiction.



- "Extremely difficult land use laws here in Oregon."
- "The state of Oregon has banned all short-term rentals on [exclusive] farm use properties."
- "I have a cabin on-site that I was told would not be permissible as a farm stay because of the [exclusive farm use] zoning."



- "Our local tourism authority has been very helpful, but our board of supervisors just cut that entire program, which is a loss for our entire county."
- "There's not a lot of information and often if there is information it's not accurate about what is and is not allowed. We are rule followers so we want to do what's right. But we can't find the rules anywhere."

What Regulations Affect My Farm?

As part of this study, project partners at the National Agricultural Law Center (NALC) updated their agritourism regulation resources. NALC has compiled 3 maps of agritourism-relevant legislation at the state level. Each of the below links leads to a US state map, where states in dark blue have relevant legislation. When you click on a state, a document will open in a new tab that contains the legislation citation and text.



Homepage

This is the landing page for all agritourism resources on the NALC site. Resources are organized by category, beginning with major statutes.



Recreational Use Statutes

Summary of state laws providing liability protection for landowners who allow public use of their land for recreational purposes.



Agritourism Statutes

Summary of state laws that directly address agritourism, covering issues including liability, taxes, and zoning.



Equine Activity Statutes

Summary of state laws that limit liability for equine activities.



Photo Courtesy of Urban Youth Agriculture

Recommendations

The regulations that are appropriate or necessary for agritourism will vary depending on state/local natural resources, population density, agriculture typology, and culture, among other factors. What is consistent is that agritourism operations are predominantly small businesses and experience serious limitations of person-time and available funds, as explored in **Brief #6: Challenges to Agritourism and Suggested Supports**. Confusing regulatory environments, onerous paperwork, and fees can be an obstacle to doing business for these farmers.

We recommend that state and municipal governments examine regulations affecting agritourism businesses with the goal of reducing the administrative and financial burdens of compliance. Special attention should be paid to confusing or contradictory regulations, complicated paperwork, and regulations that disproportionately affect agritourism operators compared to other agriculture or tourism businesses.