

A photograph of a farm scene. In the foreground, there is a field of dry, golden-brown grass. In the middle ground, a large red barn with a white cupola is on the left, and a tall, silver metal silo stands on the right. A bare tree is positioned between the barn and the silo. In the background, there are blue mountains under a clear blue sky.

Act 143: Relating to Municipal Land Use Regulation of Accessory On-Farm Businesses

Aaron Brown, Zoning Administrator

Charlotte Selectboard Meeting

February 11, 2019

Photo credit: Lee Krohn



We'll Review:

- Intent of Legislation (Effective July 1, 2018)
- Current Charlotte Regulations
- Examples of Accessory On-Farm Businesses in Vermont
- What's Clear & What's Unclear about Act 143
- Potential Regulatory Changes in Charlotte

A photograph of several pigs in a field. In the foreground, a brown pig and a black and white spotted pig are looking towards the camera. They are behind a wire fence. The background is filled with dry, brown leaves and some green grass. The text is overlaid on the upper left portion of the image.

Intent of Act 143 (2018)

- Promote and facilitate the economic viability of Vermont's farms
- Increase the consistency across the State of municipal regulation and permitting of accessory activity that supports those farms



Scope of Act 143

- Accessory On-Farm Businesses
- On-Farm Events
- Hemp
- Pesticide Use Notification to Employees



Scope of Tonight's Presentation

- Accessory On-Farm Businesses
- On-Farm Events
- Not Hemp or Pesticides

What is an Accessory On-Farm Business?

- Activity that is **accessory** to a farm and comprises one or more of the following:
 - Storage, preparation, processing, and sale of **qualifying products**, provided that **more than 50% of the total annual sales** are from qualifying products that are principally produced on the farm at which the business is located
 - Educational, recreational, or social **events** that feature agricultural practices or qualifying products, including farm stays



Farms Must Meet Minimum Standards

- Operate 4 or more acres
- Minimum \$2,000 in annual gross income OR
- File with the IRS



Accessory Businesses and Municipal Regulations under Act 143

- Municipalities are limited to site plan & performance standard reviews.
- Zoning cannot prohibit accessory on-farm businesses.
- Law aims for uniformity among towns.
- Agency of Ag defers to towns to interpret qualifying products, events, and accessory uses.
- However, Agency will determine whether something constitutes farming.

Under Charlotte's Regulations, Agriculture Is:

- Exempt from Zoning
- Exempt from Site Plan Review
- Exempt from Performance Standards

What is a Qualifying Product?

A product that is wholly:

- (I) An agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
- (II) Livestock or cultured fish;
- (III) A product of poultry, bees, an orchard, or fiber crops;
- (IV) A commodity otherwise grown or raised on a farm; or
- (V) A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms

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Accessory On-Farm Business

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What is a Qualifying Event?

- Tours
- Farm stays
- Tastings and meals featuring qualifying products
- Classes or exhibits in the preparation, processing, or harvesting of qualifying products





- Vermont -
Grand View Farm
LLC

Home About ▾ Sheep & Lambs ▾ Farmstay ▾ Farm Store ▾ Events Fiber Arts ▾ Blog

Shepherding Workshop on Gotland Sheep Genetics & Evaluation



*Breeding for Silver Curls – Gotland
Sheep Selection &
Evaluation with Anette Skoog*

July 15, 2019 9:00am to 4:00pm This one day class gives participants basic knowledge about Swedish Gotland breed standards and their common evaluation system for the selection of Gotland breeding stock in their country of origin, Sweden. Participants will learn more about selection tools used to gain quality and uniformity in color, curls, and wool type. They will also learn how to further their own breeding programs through identifying less desirable traits. This workshop provides useful information for anyone interested in Gotland sheep, their history, wool, and

Events – Education @ Grand View Farm

Events – Farm Stays @ Liberty Hill Farm



Liberty Hill Farm
3-star hotel
511 Liberty Hill, Rochester, VT 05767 · (802) 767-3926

[Website](#) [Directions](#) [Book a room](#)

4.9 ★★★★★
Excellent | 14 reviews

Greek Revival-style B&B on a working farm, with 7 rooms, full breakfast, dinner & farm activities.

Check availability

Check in: Sun, Feb 17 Check out: Mon, Feb 18 2

CONTACT THIS PROPERTY
Call or visit website for rates and availability

Location summary

2.6 Good for visitors

Housed in an 18th-century Greek Revival building, this family-run B&B is also a working farm, situated 0.3 miles from White River and 1.5 miles from White River Golf Course.

Nearby Things to do

- White River Golf Course (3 min)
- Pico Mountain Ski Resort (28 min)
- Green Mountain Trails (13 min)

Nearby Airports

- Burlington Intl (1 hr 29)
- Lebanon Mt (50 min)
- Rutland–So (52 min)

Events – Social – Weekly Community Dinner and CSA Pickup @ Fable Farm and Fermentory



Events – Theater @ Fable Farm...To Exempt or Not to Exempt?



A close-up photograph of a dinosaur skull, showing the eye socket, nasal cavity, and the base of the skull. The bone is a light tan color with a porous, cracked texture. A white text overlay is centered in the upper portion of the image.

What's Clear? What's Unclear?

Clear

- Farms must meet minimum standards – revenue, size, or tax status
- Certain types of events (ex: NOFA-VT's farmer training classes)
- Sale of products produced at the farm always count toward 50%



Less Clear

- Do products from other VT farms count toward the required 50%?
- How frequently can a farm host tastings and meals?
- Do events, including farm stays, affect the 50% requirement? If so, how?
- Can a farm become a wedding or concert venue if 50% of farm revenue is derived from qualifying products served at the events?

Not at All Clear

- How does this law achieve uniformity among towns?

Next Steps

- Town staff: meet with Agency of Ag, Hinesburg, and Shelburne 2/14
- Officials: consider whether to update site plan and performance standards to regulate on-farm accessory businesses
- Officials: consider whether to define appropriate uses or defer to town staff