

A photograph of a rural landscape featuring a large red barn with a white cupola on the left, a tall silver metal silo in the center, and a house partially visible behind a bare tree. The foreground is a field of golden-brown grass with patches of snow. In the background, there are blue mountains under a clear sky.

Act 143 Follow-Up Presentation

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Charlotte Selectboard Meeting

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Photo credit: Lee Krohn



We'll Review:

- Basics of Legislation (Effective July 1, 2018)
- Current Charlotte Regulations
- Clarification from the Agency of Agriculture
- Potential Regulatory Changes in Charlotte

Where Confusion Existed Last Meeting

- Do VT products from other farms count toward the 51% qualifying sales requirement?
- Do events and on-farm stays have limits on size and frequency?
- Do events and on-farm stays affect any revenue requirement?



Where Confusion Existed Last Meeting

- Why does that dog have gloves?



A photograph of two piglets in a field. The piglet on the left is reddish-brown, and the one on the right is black and white. They are standing behind a wire fence. The background is filled with dry, brown leaves, suggesting an autumn setting. 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: accessory on-farm businesses, events, overnight stays, hemp, and employee pesticide notification

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



What are Some Potential Uses?

Bakery

Bar or tasting room serving
qualifying alcoholic products

Bed and Breakfast

Brewery

Café

Campground

Caterer

Corn maze

Creemee stand

Deli

Food processing facility

Florist

Grocery/market

Pet breeder

Restaurant

Slaughterhouse

Smoothie stand

Store selling clothing and/or housewares
made from local fibers

Store selling beauty and personal care
products made from local farm products

Wedding facility

Accessory Businesses and Municipal Regulations under Act 143

- Municipalities are limited to site plan & performance standard reviews.
- Zoning cannot prohibit accessory on-farm businesses.
- Municipalities may be more permissive than the law requires
- Agency of Ag defers to towns to interpret qualifying products, events, and accessory uses.

Under Charlotte's Regulations, Agriculture Is:

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



Confusion over Qualifying Products

(V) A product that is wholly:

A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms

Agency Guidance on Qualifying Products

A product manufactured on one or more farms from commodities wholly grown or raised on one or more farms → Outside products do not count toward the 51% sales requirement, but are allowed

Non-Vermont farm products are included

The Agency adds the legislature did not contemplate non-farm products being sold at operations (ex: t-shirt)

Events and Farm Stays

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



Agency Guidance

- NO Limit on Frequency or Size of Events & Stays
- Must pass a reasonable “accessory” test
 - Ex: Consider a 200-room hotel on a four-acre carrot farm



Considerations and Questions

- Update Regs to require site plan and performance standards?
 - Size thresholds could exist (starting point - three current recognized uses: bed and breakfasts, inns, and farm cafés)
- Codify additional permissiveness?
 - “Recognized accessory on-farm uses include, but are not limited to, the following:” (refer back to list of potentials)
 - Also “accessory business may sell merchandise that promotes the farm”
- Define appropriate uses in Regs or defer to town staff?
 - Could require administrative review for unlisted uses, but probably not a permit if ZA agrees a project is accessory