



AGENCY OF AGRICULTURE, FOOD & MARKETS

Accessory On-Farm Business Resource Guide

Vermont Agency of Agriculture, Food & Markets (VAAFAM)

Accessory On-Farm Business Homepage: <https://agriculture.vermont.gov/land-use-renewable-energy-0/accessory-farm-business>

FAQ:

https://agriculture.vermont.gov/sites/agriculture/files/documents/Water_Quality/AOFB%20FAQs.pdf

Factsheet:

https://agriculture.vermont.gov/sites/agriculture/files/documents/Water_Quality/AOFB%20Factsheet.pdf

Vermont Statutes Annotated

24 V.S.A. 4412(11) Accessory On Farm Businesses

<https://legislature.vermont.gov/statutes/section/24/117/04412>

24 V.S.A. 4413 Exemptions for Agriculture

<https://legislature.vermont.gov/statutes/section/24/117/04413>

24 V.S.A. 4414(5) Performance Standards

<https://legislature.vermont.gov/statutes/section/24/117/04414>

24 V.S.A. 4416 Site Plan Review <https://legislature.vermont.gov/statutes/section/24/117/04416>

Proposed Model Bylaws including definitions and Site plan review procedures, compiled by Adam Lougee of the Addison County Regional Planning Commission



Section [REDACTED]: ACCESSORY ON FARM BUSINESSES

Farming and forestry activities are generally exempt from municipal zoning regulations as a matter of State law. See Title 24 of the Vermont Statutes Annotated, Section 4413(a), (24 V.S.A. 4413(a)). These regulations exempt farm and forestry activities from zoning in Section [REDACTED], Exemptions, [REDACTED]. Farm Structures may also be exempt from local zoning regulations, but the farmer has the burden of demonstrating that the structure they are proposing to build will be used for farm purposes. The process to claim exemption for a farm structure is also covered in Section [REDACTED] of these regulations.

Many farms are now expanding their operations into business activities that fail to meet the legal definition of “farming” but are clearly related to the farm and farming. The legislature, recognizing the importance of these on-farm businesses to Vermont’s working landscape, created a compromise, requiring municipal bylaws to allow “Accessory On-Farm Businesses”, but also allowing municipalities to regulate some activities of those businesses. See 24 V.S.A. 4412(11) for a full text of the statute. Per the nature of Accessory On-Farm Businesses, where activities fall outside the definition of “Farming”, structures used for Accessory On-Farm Businesses, do not meet the definition of a Farm Structure and therefore must comply with all local and other applicable regulations and permitted requirements.

(Town) hereby allows qualifying “Accessory On-Farm Businesses” as permitted uses in all districts. Qualifying “Accessory On-Farm Businesses” shall be subject to Site Plan Review pursuant to Sections [REDACTED] of these regulations.

Applicants desiring to open an “Accessory On-Farm Business” shall file a zoning application with the (Town) Zoning Administrator. The application shall contain the following information:

1. All information required in Section [REDACTED] of these regulations governing permit applications;
2. Information demonstrating that the proposed use meets the eligibility requirements for Accessory On-Farm Businesses listed in section 2(a)-(c) below. (Applicants may file a letter from the Vermont Agency of Agriculture Food and Markets finding that the farm on which the activity is proposed meets the eligibility criteria).
3. Information listed in the Site Plan Review Criteria contained in Section [REDACTED].

Upon acceptance of a complete application by the Zoning Administrator, the ZA shall pass the application to the DRB for its review.

First, the DRB shall determine whether a proposed activity qualifies as an “Accessory on Farm Business” by complying with the following definitions and eligibility requirements:

1. Definitions, contained in Article [REDACTED] of these regulations that apply to Accessory On- Farm Businesses include: "Accessory On-Farm Business", “Farm”, “Farming”, “Qualifying Product” and “Required Agricultural Practices (RAPs) Rule”.
2. Eligibility. Qualifying “Accessory On-Farm Businesses” shall comply with each of the following:
 - a. The business is operated by the farm owner, one or more persons residing on the farm parcel, or the lessee of a portion of the farm.

- b. The "Farm" meets the threshold criteria for the applicability of the "RAPs" as set forth in the Rule.
- c. An Accessory On-Farm Business sells "qualifying goods or services", which occur on the farm, outside or inside new or existing structures.

Once the DRB finds that the activity qualifies as an "Accessory On-Farm Business":

The DRB shall review the application subject to its Site Plan Review process as listed in Sections [REDACTED] of these regulations.

The DRB's review of the application only relates to (Town)'s permitting process for the proposed accessory on farm business, other permits, including a potable water and wastewater system permit under 10 V.S.A. chapter 64, may be necessary from the State of Vermont.

DEFINITIONS:

"Accessory On-Farm Business: "Accessory On-Farm Business" means activity that is accessory to a farm and comprises one or both of the following:

1. The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.
2. Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products. As used in this subdivision (2), "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

"Farm" means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAPs. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee's own farm. Indicators of such control include whether the lessee makes day-to-day decisions concerning the cultivation or other farming-related use of the leased lands and whether the lessee manages the land for farming during the lease period.

"Farming" shall have the same meaning as in 10 V.S.A. § 6001.

"Qualifying product" means a product that is wholly:

1. an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;
2. livestock or cultured fish or a product thereof;
3. a product of poultry, bees, an orchard, or fiber crops;
4. a commodity otherwise grown or raised on a farm; or
5. a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

"Required Agricultural Practices Rule (RAPs)" means the Vermont Required Agricultural Practices Rule adopted pursuant to 6 V.S.A. § 4810.

Section [REDACTED]: SITE PLAN AND OTHER APPLICATIONS

Section [REDACTED]: GENERAL CONDITIONS

Site Plan approval by the Development Review Board shall be required only for proposed commercial uses not subject to subdivision or conditional use review. Unlike conditional use approval, Site Plan Approval assumes that the use proposed is appropriate for the district in which it is located. As such, it focuses solely on proper development within the site, not its compatibility or lack thereof with the surrounding area.

Any other applications or uses that require approval of the Development Review Board, but are not specifically listed shall be reviewed under the procedure for site plan review.

Section [REDACTED]: APPLICATION FOR SITE PLAN OR OTHER APPROVAL

The owner shall submit three sets of site plan maps and supporting data to the Development Review Board, which shall include the following information, presented in drawn form and accompanied by written text:

1. Property identification numbers of the property taken from the latest tax records; Name and address of the owner of record and the owners of adjoining lands; Name and address of person or firm preparing the map; Scale of Map, north point, and date.
2. An accurate map of the property showing existing features, including contours, structures, large trees, streets, utility easements, rights-of-way, land use, and deed restrictions.
3. Site plan, showing proposed structure locations and land use areas, streets, driveways, traffic circulation, parking and loading spaces, and pedestrian walks; landscaping plans, including site grading, landscape design, and screening.
4. Construction sequences and time schedules for completion of each phase for buildings, parking spaces, and landscaped areas of the entire development.
5. A description of energy utilization and conservation measures for each heated structure.
6. Information pertaining to satisfying the Performance Criteria in Article [REDACTED].

Section [REDACTED]: PUBLIC NOTICE AND REVIEW PROCEDURE

Public notice of hearing shall be given as specified in Section [REDACTED] of these regulations. The Development Review Board shall review this application pursuant to the review procedure established in Section [REDACTED] of these Regulations and pursuant to any rules of procedure it adopts.

Section [REDACTED]: SITE PLAN REVIEW CRITERIA

The Development Review Board may impose appropriate conditions and safeguards only with respect to the adequacy of traffic access, circulation and parking, landscaping and screening, and protecting the utilization of renewable energy resources.

The Development Review Board shall review the site plan map and supporting data, taking into consideration the following objectives, before approval with or without stated conditions, or disapproval, is given:

1. Safety of vehicular circulation between the site and the street network pursuant to the requirements of Article [REDACTED].
2. Adequacy of circulations, parking, and loading facilities, with particular attention to safety pursuant to the requirements of Article [REDACTED].
3. Adequacy of landscaping, screening and setbacks in regard to achieving maximum compatibility and protection to adjacent property.
4. Freedom from flooding and ponding.
5. Adequacy of landscaping and screening with regard to the potential shading of the most southerly facing wall and/or roof of adjacent buildings.
6. If the application falls within the **Habitat Connectivity Overlay District**, please see Section [REDACTED] for additional review criteria.
7. As part of the site plan review the DRB may also incorporate appropriate standards from Article [REDACTED] governing Signs and Article [REDACTED] governing Performance Standards.

Section [REDACTED]: DECISIONS

Upon the close of the hearing, the Development Review Board shall issue its decision pursuant to the procedure outlined in of Section [REDACTED] of these regulations. In approving a project with conditions, the Development Review Board may require specific modifications to the design, scale, layout and/or design or configuration of the project.