

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
  
13  
14  
  
15  
16  
17  
18  
19

H.779

Introduced by Representatives Partridge of Windham, Eastman of Orwell,  
Graham of Williamstown, Smith of New Haven, and Zagar of  
Barnard

Referred to Committee on

Date:

Subject: Municipal planning; land use; agriculture

Statement of purpose of bill as introduced: This bill proposes to restrict a  
municipal bylaw from prohibiting as a permitted use: (1) the storage,  
preparation, processing, or sale on a farm of a raw agricultural commodity or  
value-added agricultural product; or (2) the conduct of an agricultural  
accessory use from a farm.

An act relating to the regulation of raw agricultural commodities,  
value-added agricultural products, and agricultural accessory uses on a farm

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 4412(10) is added to read:

(10) Agricultural products and accessory uses.

(A) Except for flood hazard and fluvial erosion area bylaws adopted  
pursuant to section 4424 of this title and provided that the conditions of

1 subdivision (B) of this subdivision (10) are satisfied, no bylaw shall prohibit as  
2 a permitted use the storage, preparation, processing, or sale on a farm of:

3 (i) raw agricultural commodities when more than 50 percent of  
4 those raw agricultural commodities are from off the farm;

5 (ii) value-added agricultural products when raw agricultural  
6 commodities from off the farm are used as ingredients or materials  
7 contributing to the value-added product and the raw agricultural commodities  
8 do not exceed 75 percent by weight or volume of the value-added agricultural  
9 product; or

10 (iii) an agricultural accessory use.

11 (B) For a use listed under subdivision (A) of this subdivision (10),  
12 the following requirements shall be satisfied:

13 (i) The property has sufficient wastewater capacity.

14 (ii) The use is in compliance with municipal bylaws related to  
15 noise, setbacks, traffic, and parking for similar land use.

16 (iii) The parcel meets the minimum lot size in the district in which  
17 it is located.

18 (iv) The storage, preparation, processing, or sale of raw  
19 agricultural commodities, value-added agricultural products, or agricultural  
20 accessory uses occurs within an existing or temporary structure.

1           (C) Nothing in this subdivision shall be construed to prohibit:

2           (i) a bylaw that is less restrictive than that in subdivision (A) of  
3           this subdivision (10) regarding the storage, preparation, processing, or sale of  
4           raw agricultural commodities, value-added agricultural products, or  
5           agricultural accessory uses on the farm; or

6           (ii) a bylaw that requires conditional use review for one or more of  
7           the following that is involved in the storage, preparation, processing, or sale of  
8           raw agricultural commodities, value-added agricultural products, or  
9           agricultural accessory uses on the farm:

10           (I) construction of a new structure;

11           (II) expansion of an existing structure; or

12           (III) an increase in the dimensions of an improved parking area.

13           (D) As used in this subdivision (10):

14           (i) “Agricultural accessory use” means a use that is a secondary  
15           land use to the farming operation on the same parcel as the farm. Such land  
16           use need not be subordinate to the agricultural operation in terms of revenue,  
17           but shall be a secondary land use in terms of overall land use and shall not  
18           displace the farming operation on the parcel.

19           (ii) “Farm” means lands that are owned or leased by a person  
20           engaged in any of the activities stated in 10 V.S.A. § 6001(22).

1                    (iii) “Raw agricultural commodity” shall have the same meaning  
2                    as used in 6 V.S.A. § 21(6).

3                    (iv) “Value-added agricultural product” means an agricultural  
4                    product prepared in whole or in part from a raw agricultural commodity.

5                    (E) The Secretary of Agriculture, Food and Markets, in consultation  
6                    with the Commissioner of Forest, Parks and Recreation, shall issue guidelines  
7                    for municipalities in defining what constitutes an agricultural accessory use.

8                    Sec. 2. EFFECTIVE DATE

9                    This act shall take effect on July 1, 2016.