

DEFINITIONS

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

“Farming” means
 (A) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
 (B) the raising, feeding or management of livestock, poultry, fish or bees; or
 (C) the operation of greenhouses; or
 (D) the production of maple syrup; or
 (E) the on-site storage, preparation and sale of agricultural products principally produced on the farm (emphasis added); or
 (F) the on-site production of fuel or power from agricultural products or wastes produced on the farm; or
 (G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding, training, and the management of equines.

“Principally produced” means that more than 50% by weight or volume of the agricultural products, which result from the activities stated in (a) through (g) above, and which are stored, prepared or sold at the farm, are grown or produced on the farm.

“Agricultural Accessory Use” means a land use that is secondary to the farming operation on the same parcel as the farm. Such land use need not be subordinate to the agricultural operation in terms of revenue, but shall be a secondary land use in terms of overall land use and shall not displace the farm operation

How does H. 779 help on-farm enterprises?
 H. 779 creates a category of allowed land uses on “farms” that must meet specific development and performance standards (as determined by the municipality). The size and development of the on-farm enterprise will trigger different local review processes.

Does H. 779 apply to your operation?

START HERE

Are you “farming” and is your operation regulated by the VAAFM?

no

Your operation is not a “farm”

yes

Your operation is a “farm” as defined by the VAAFM

NEXT QUESTION

Are you importing up to 75% (by weight or volume) of raw ag commodities to store, prepare, process or sell from the farm, or using those imported raw ag commodities as ingredients or materials contributing to a value-added agricultural product, which is stored, prepared, processed or sold from the farm? OR Are you engaged in an “Agricultural Accessory Use”?

no

H. 779, On Farm Enterprises, does not apply to your operation

Today

If a raw ag commodity that is stored, processed, prepared or sold from a farm is not principally produced on the farm, a value-added ag product is not derived from raw ag commodities principally produced on the farm, or if a property is used for agritourism, on-farm education, recreational or other use, that land use is regulated locally and these regulations vary by municipality.

yes

Do you have a Wastewater Permit from the Department of Environmental Conservation?

no

Does the lot where the farm is located meet the minimum lot size requirements for the zoning district?

no

Does the proposed enterprise meet the municipal traffic and noise standards?

no

Does existing structure housing the enterprise meet municipal setbacks, and are parking standards without improvements to the site?

no

Does the enterprise occur within existing or a temporary structure on the farm?

no

yes

yes

yes

yes

yes

If you answer “no” to any of these questions, H. 779 does not apply to your business

If you answer “yes” to ALL of the questions, your business may be an on-farm operation covered by H. 779

LAND USES COVERED BY H. 779

The use of existing structures on a farm for storage, preparation, processing and sale of up to 75% (by weight or volume) of imported raw agricultural commodities, or when those imported commodities are used as ingredients or materials contributing to a value-added agricultural product produced on the farm

or

An “Agricultural Accessory Use”- such uses could include x-country ski trails , sleigh rides, lease of processing facilities, on-farm education or cooking classes, blade sharpening or temporary use of farmland for the purposes of holding events