

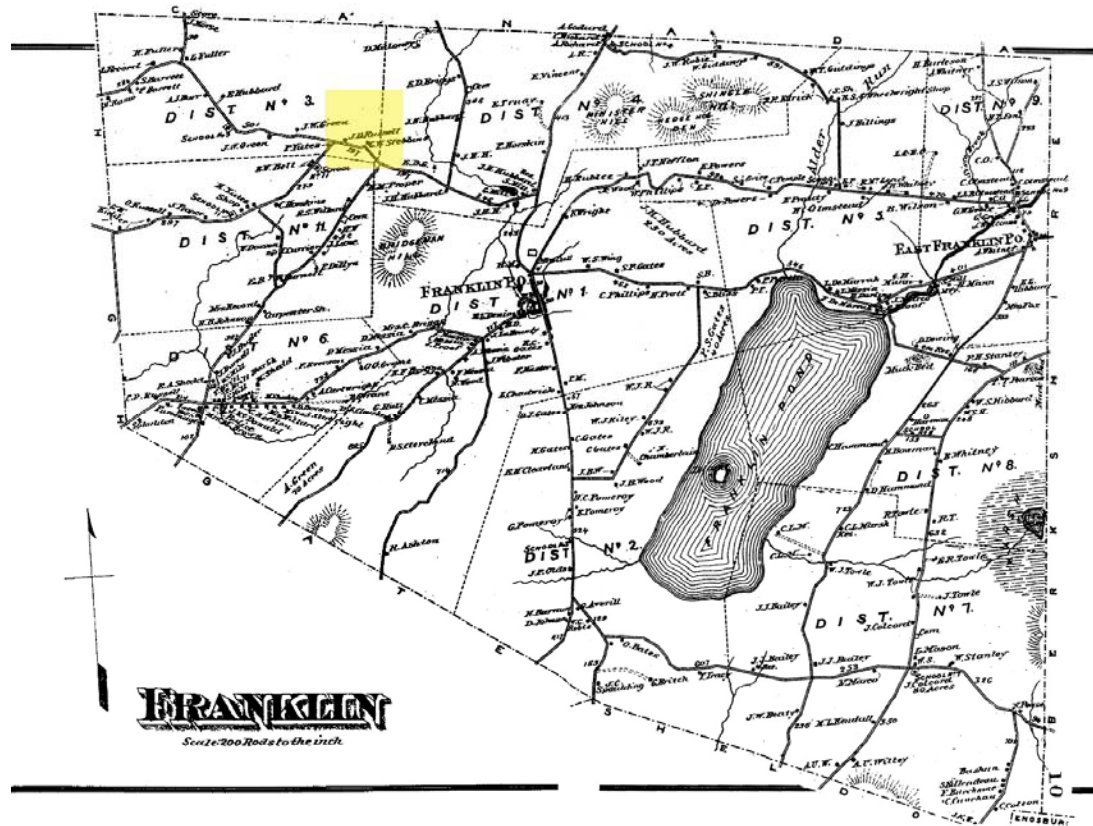
Remarks to House Committee on Agriculture and Forestry

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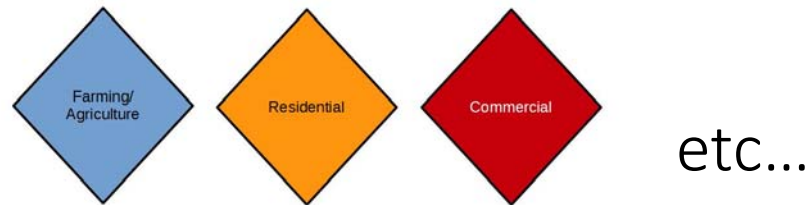
<https://www.linkedin.com/in/deanpierceplanner/>

March 14, 2017

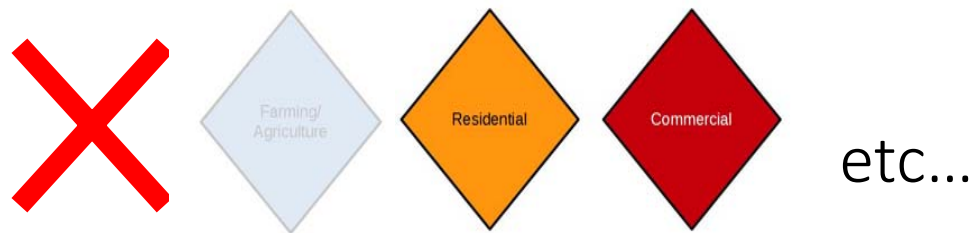
A bit of background...



Helpful to remember that traditional zoning classifies land uses and regulates accordingly...



Although in Vermont some uses can't be regulated via zoning...

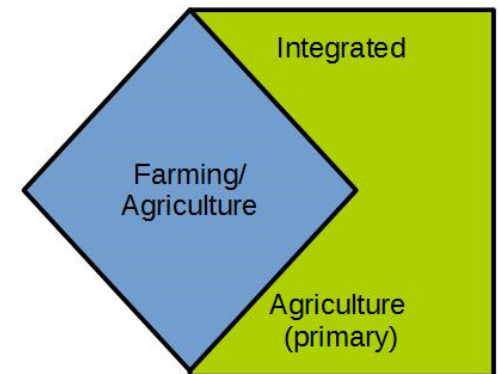


So what does Shelburne do and how does it do it?

- We start with a definition of a new type of use

2110.75 Integrated Agriculture – Hybrid land use and development incidental and directly related to the principal farming activity being conducted on-site excluding the slaughter of livestock or poultry and consisting of the following “Primary Integrated Agricultural Activities”:

- The on-site preparation and processing of crops or produce not principally produced on the farm;
- The storage and sale of crops or produce not principally produced on the farm or the resulting products from such crops or produce;
- The sampling and tasting of crops and produce not principally produced on the farm or the resulting products from such crops or produce; and/or
- Tours of growing areas and storage and processing facilities.



List the use as allowed (conditionally)...

320 Conditional Uses.

320.1 Conversion of a single-family structure built prior to June 1, 1981, to a two-family dwelling.

■ ■ ■

320.18 Day care centers with a maximum of 75 children.

320.19 Integrated Agriculture.

320.20 Outdoor recreation uses with minor structures customarily associated with such uses.

320.21 Outdoor recreation uses not regulated elsewhere in this Article, with major structures customarily associated with such uses, including but not limited to golf courses, bridle paths, nature trails, cross country ski areas, skating rinks, and open athletic field.

Establish review criteria...

1910.6 Integrated Agriculture as a Conditional Use.

- A. Purpose. The purpose of this section is to specify provisions for the accommodation of agriculture-related activities that are not exempt from zoning regulation because they are not recognized as exempt according to 24 VSA § 4413 (d).
- B. Review of Integrated Agriculture. In the Rural district, any proposal to conduct Integrated Agriculture shall be reviewed as a conditional use. Integrated Agriculture is not a conditional or permitted use in any other zoning district within the Town of Shelburne.

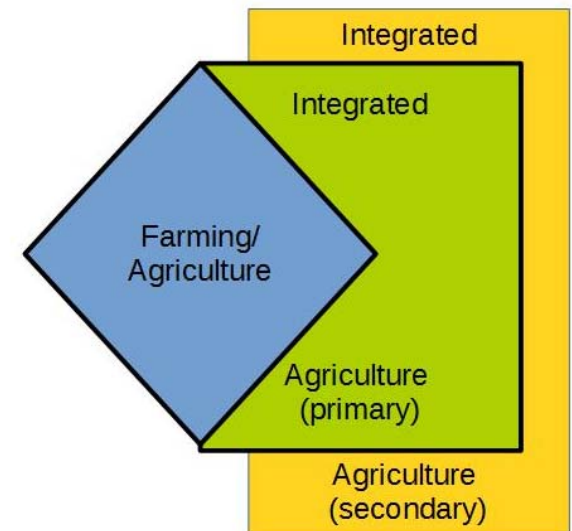
e.g.,

- A. The capacity of existing or planned public community facilities.
- B. The character of the area affected, as defined by the purpose or purposes of the zoning district in which the project is located, and specifically stated policies and standards of the municipal plan or open space plan.
- C. Traffic on roads and highways in the vicinity. The creation of high traffic entry and exiting due solely to a single establishment along Route 7 should be discouraged.
- D. The Town Comprehensive Plan and all bylaws and ordinances then in effect.
- E. The utilization of renewable energy resources.
- F. Historic buildings and sites.

And also authorize qualifying *secondary* activities... (assuming primary activities exist)

C. Secondary Integrated Agricultural Activities. Provided that the Development Review Board finds that the proposed Primary Integrated Agricultural Activities, as defined in Article XXI of these Regulations, meet the applicable general and specific conditional use standards set forth in the Zoning Bylaws, and, subject to conditions deemed necessary by the Development Review Board in order to assure that the proposed activities will not be detrimental to the other uses within the district or to adjoining uses, Integrated Agriculture may include the following (“Secondary Integrated Agricultural Activities”):

1. sales of non-farm products related to those grown on the farm; and/or
2. hosting of educational and cultural events incidental to farming or the farm’s activities.



The logic behind the Shelburne approach...

- Provide some accommodation for agriculture-related activities that are not farming per statute and not exempt from zoning per rule.
- As a first step:
 - Address the 51% rule issue.
 - Authorize tasting and tours where 51% rule not met.
- As a second step:
 - Authorize sales of non-farm products *related to* those produced on farm.
 - Authorize educational and cultural events incidental to farming / farms activities.
 - Provide income potential for activities derived in some real way from farming.
- Recognize special nature of farming while recognizing need for equity amongst rural property owners.

Thoughts on attempts to legislate in this area...

- Municipalities already have the authority to authorize a wide range of commercial uses in their zoning bylaws, farm-based and otherwise.
- Many municipalities already do so. They do so based on Comprehensive Plans. In many cases they apply conditional use review.
- Creating a statutory preemption for activities on farms that also could occur on non-farm parcels raises equity issues. How are the impacts on farm any less or different?
- Municipal review of activities, and resulting approvals, can actually benefit the farmer (with an approval, the answer to the question 'Can they do that?' is 'Yes.')