

1 Introduced by Representative Partridge of Windham

2 Referred to Committee on

3 Date:

4 Subject: Conservation and development; natural resources; municipal planning
5 and development; agriculture; municipal land use bylaws

6 Statement of purpose of bill as introduced: This bill proposes to direct that no
7 municipal land use bylaw may have the effect of prohibiting an accessory
8 on-farm business at the same location as a farm regulated under the rules for
9 required agricultural practices adopted by the Secretary of Agriculture, Food
10 and Markets. The bill also proposes to define and set forth requirements for
11 what constitutes an accessory on-farm business.

12 An act relating to municipal land use regulation of accessory on-farm
13 businesses

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

15 Sec. 1. 24 V.S.A. § 4412 is amended to read:

16 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

17 Notwithstanding any existing bylaw, the following land development
18 provisions shall apply in every municipality:

19 * * *

1 (10) Accessory on-farm businesses. No bylaw shall have the effect of
2 prohibiting an accessory on-farm business at the same location as a farm.

3 (A) Definitions. As used in this subdivision:

4 (i) “Accessory on-farm business” means one of the following:

5 (I) The storage, preparation, and sale of

6 (aa) raw agricultural commodities, as long as one or more of
7 the commodities is grown on the farm; or

8 (bb) agricultural products produced on the farm, as long as
9 each product contains a raw agricultural commodity grown on the farm.

10 (II) Educational events that feature agricultural practices and
11 raw agricultural commodities or agricultural products, or both, a portion of
12 which are produced on the farm. Such events may include tours of the farm,
13 classes in the preparation and processing of raw agricultural commodities, and
14 tastings of agricultural products.

15 (III) Private events, such as conferences or weddings, not to
16 exceed 12 days in a given year or 150 guests per event. Such events must
17 occur at the same location as the farm operation. An event shall not be
18 considered private if payment is required in order to attend.

19 (ii) “Agricultural product” means a product produced principally
20 from one or more raw agricultural commodities.

1 (iii) “Farm” means a parcel or parcels owned, leased, or managed
2 by a person, devoted primarily to farming, and subject to the rules on required
3 agricultural practices adopted pursuant to 6 V.S.A. chapter 215, subchapter 2.
4 For leased lands to be part of a farm, the lessee must exercise control over the
5 lands to the extent they would be considered as part of the lessee’s own farm.
6 Indicators of such control include whether the lessee makes day-to-day
7 decisions concerning the cultivation or other farming-related use of the leased
8 lands and whether the lessee manages the land for farming during the lease
9 period.

10 (iv) “Farming” has the same meaning as in 10 V.S.A. § 6001.

11 (v) “Raw agricultural commodity” has the same meaning as in
12 6 V.S.A. § 21.

13 (B) Eligibility. For an accessory on-farm business to qualify for the
14 benefit of this subdivision, the business shall comply with each of the
15 following:

16 (i) The business is operated by the farm owner, one or more
17 persons residing on the farm parcel, or by the lessee of a portion of the farm.

18 (ii) The business is located on a parcel of at least five contiguous
19 acres, or the minimum lot size under the bylaw applicable to the district in
20 which the parcel is located, whichever is greater, and at least four acres of the
21 parcel are dedicated to farming.

1 (iii) The total square footage devoted to the business does not
2 exceed 49 percent of the total footprint square footage of buildings on the farm
3 that are dedicated to farming. The determination of total square footage shall
4 include any interior space or land area used for the business, including parking
5 and circulation, deliveries, waste storage, event areas, portions of structures,
6 and display areas. The municipality shall make this determination through its
7 administrative officer or other assigned personnel.

8 (C) Use of existing structures or land. An accessory on-farm
9 business may take place inside any existing structures or on the land, provided
10 that all applicable municipal bylaws and ordinances are met and the total
11 square footage of the business does not exceed the limit set forth in subdivision
12 (10)(B)(iii) of this section.

13 (D) Applicability of other standards. A municipality may require an
14 accessory on-farm business to meet the same standards it applies to similar
15 commercial uses for setbacks, frontage, parking, traffic, height, noise, lighting,
16 landscaping, or screening.

17 (E) Review; permit. The bylaw shall confer authority on the
18 administrative officer to issue a municipal land use permit for an accessory
19 on-farm business that meets the requirements of this section either as a
20 permitted use or through administrative review pursuant to subsection 4464(c)
21 of this title.

1 (F) Notification; training. The Secretary of Agriculture, Food and
2 Markets shall provide periodic written notification and training sessions to
3 farms subject to the rules on required agricultural practices adopted pursuant to
4 6 V.S.A. chapter 215, subchapter 2 on the existence and requirements of this
5 subdivision and the potential need for other permits for an accessory on-farm
6 business, including a potable water and wastewater system permit under
7 10 V.S.A. chapter 64.

8 Sec. 2. EFFECTIVE DATE

9 This act shall take effect on July 1, 2017.