



Best Practices for Opening Your Farm to Visitors

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Overview

- AAFM Regulatory Jurisdiction
- Municipal Regulatory Jurisdiction
- Additional Considerations

Agritourism

"a commercial enterprise on a working farm conducted for the enjoyment, education, and/or active involvement of the visitor, generating supplemental income for the farm" [definition from Vermont Farms Association]

Agritourism

- On farm sales of valued added agricultural products “principally produced” on the farm
- Direct Sales- Farm stand, U-Pick, CSA
- Farm tours
- Cooking, preservations or fiber arts classes
- On-farm restaurant, bed and breakfast
- Events on the farm (weddings or festivals)
- Recreation (x-country skiing, corn maze)

Accepted Agricultural Practices

Vermont law limits the regulation of

- “accepted agricultural practices”
- and the construction of “farm structures”

Through a municipal land use regulation adopted under Chapter 117 of Title 24

Limitation

This limitation can result in confusion

- What are “accepted agricultural practices”?
- In what situations does the limitation on municipal authority apply?
- Who has the authority to allow construction of structures?

Accepted Agricultural Practices

- standards to be followed in conducting agricultural activities
- address agricultural activities which have a potential for causing pollutants to enter the groundwater and waters
- Standards are technically feasible and cost effective
- All farms must comply
- If in compliance a farm is presumed to be compliance with water quality standards

Accepted Agricultural Practices

- AAPs define the Agency's regulatory jurisdiction
- The Agency narrowly interprets its jurisdiction
- Therefore, the municipal land use regulation limitation is also narrowly interpreted

Accepted Agricultural Practices

- Management of livestock and their waste and by-products
- Collection of maple sap and production of syrup
- The preparation of soils and planting and harvesting of crops

Accepted Agricultural Practices

- Stabilization of farm fields
- The construction and maintenance of farm structures and farm roads
- On-site production of fuel and power from agricultural products or wastes produced on the farm
- On-site storage, preparation, and sale of agricultural products principally produced on the farm

Accepted Agricultural Practices

- On-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides
- The handling of livestock mortalities

Accepted Agricultural Practices

“Principally produced” means that more than 50% by weight or volume of the agricultural products, which result from [farming] activities, and which are stored, prepared or sold at the farm, are grown or produced on the farm.

Accepted Agricultural Practices

- Farmers must provide a notice of intent to build a farm structure to the town

Municipal Land Use Regulation

Signage

- You must inquire with the town
- Different sign regulations may apply to different areas in the town
- Some municipalities have stand alone ordinances

Municipal Land Use Regulation

- Retail Sales
 - When products are not principally produced on the farm
- Restaurant/ café/ seating
- Lodging
- Outdoor recreation
- Events/Facility for hire

Who are your Contacts?

- Zoning administrator
- Clerk
- Selectboard
- Agency of Agriculture
- Dept. Environmental Conservation

What are your resources?

- Farming and Local Zoning Regulations
- Accepted Agricultural Practices Regulations
- Local land use regulations
- Flood Plain Maps

Permitting and Licensing

Other Considerations

Other Considerations

Agency Licensing and Inspection Programs

Frozen Dessert Licenses

Vermont Milk Handler License

Maple Dealers license

Retail License

Devices Inspection (scales and scanners)

and

Packaging and Labeling requirements

Other Considerations

Act 250

While the farming exemption from Act 250 serves an important function in preserving individual farms and Vermont's strong farming tradition, it is not an unlimited exemption, especially when the land has been sold subject to an Act 250 permit binding successors. *In re Eustance*, No. 13-1-06 Vtec, Decision at 12 (2/16/07), Judgment Order (3/16/07), *aff'd*, 2007-156 (Vt. S. Ct. 3/13/09).

Other Considerations

Act 250

However, this does not apply when soils are set aside on a development site for the purposes of mitigating the loss of “primary agricultural soils” to development.

Other Considerations

Act 250

District Coordinators

http://nrb.state.vt.us/lup/commission_members.htm

Other Considerations

Department of Health

Bakeries and Camps

Lodging Establishments

Food Service Establishments

Food processing

Temporary Food Stand

http://healthvermont.gov/enviro/food_lodge/food_lodge_guide.aspx

Other Considerations

Department of Health

Farm Animals and Field Trips

http://healthvermont.gov/family/animals/field_trip.aspx

Other Considerations

ADA and Fire and Building Safety

“Public building” shall not include a working farm or farms, as that term is defined by 20 V.S.A Section 2730.

Other Considerations

ADA and Fire and Building Safety

However, for purposes of these rules “public building” shall not include existing housing on a working farm provided to farm employees or a farm building which is open for public tours and for which no fee is charged for those tours.

Other Considerations

"working farm or farms"

means farms with fewer than the equivalent of 10 full-time employees who are not family members and who do not work more than 26 weeks a year.

Other Considerations

ADA and Fire and Building Safety

In addition, the term means a farm or farms:

- (A) Whose owner is actively engaged in farming.
- (B) If the farm or farms are owned by a partnership or a corporation, one which includes at least one partner or principal of the corporation who is actively engaged in farming.

Other Considerations

Division of Fire Safety

ADA and Fire and Building Safety

<http://www.firesafety.vermont.gov/Standards>

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Other Considerations

Department of Labor

- Wage and Hour
- Child Labor Laws

Department of Taxes

- Current Use Program
- Food, Lodging and Admissions fees

Department of Environmental Conservation

- Wastewater and Water Supply Permitting
 - Solid Waste

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