



# Accessory on-farm businesses

Act 143

An act relating to municipal regulation of accessory on-farm businesses and hemp cultivation

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When does  
AOFB law  
come into  
play?

Only in communities  
with land use  
regulations

# It does not change requirements for

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Act 250

Fire safety

Wastewater/  
Potable Water

Wetlands

Health  
Department

On-farm  
slaughter

Raw Milk

Stormwater

ACT 143 DOES NOT CHANGE ENROLLMENT  
REQUIREMENTS FOR LAND AND BUILDINGS IN THE  
CURRENT USE PROGRAM

What does  
the law do?

Creates a statewide  
municipal land use  
category called  
“accessory on-farm  
business”



# Accessory On-Farm Business

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(I) The storage, preparation, processing, and sale of qualifying products, provided that more than 50 percent of the total annual sales are from qualifying products that are principally produced on the farm at which the business is located.

(II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.

What does  
the law do?

It defines terms for the  
purposes of  
implementing the law



# Definitions

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“farm stay” means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.

“Qualifying product” means a product that is wholly: (I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup; (II) livestock or cultured fish or a product thereof; (III) a product of poultry, bees, an orchard, or fiber crops; (IV) a commodity otherwise grown or raised on a farm; or (V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

# Definitions

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“Farm” means a parcel or parcels owned, leased, or managed by a person, devoted primarily to farming, and subject to the RAP rules. For leased lands to be part of a farm, the lessee must exercise control over the lands to the extent they would be considered as part of the lessee’s own farm. [...]

“Farming” includes the on-site storage, preparation, and sale of agricultural products principally produced on the farm”

What does  
the law do?

Limits municipal  
regulatory authority over  
AOFB to site plan review  
and application of  
performance standards

# Limits Municipal Zoning Authority

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Despite local zoning regulation to the contrary, a municipality

- reviews in accordance with site plan review, and
- May apply performance standards for a similar types of commercial business.

# Who is Responsible?

AAFM

Operator

Municipality

# Existing AAFM Responsibilities

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AAFM continues to protect and maintain water quality by requiring farm operators to meet standards outlined in the Required Agricultural Practices rule

AAFM maintains responsibility for determining whether it is a farm and Required Agricultural Practices rule apply to the operation

AAFM approves alternative setbacks from those required by a municipal bylaw, as outlined in the Required Agricultural Practices rule

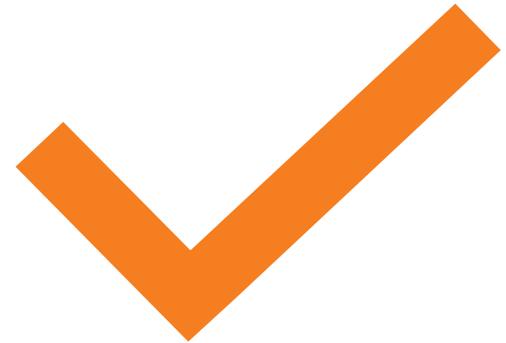


# NEW AAFM Responsibilities

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Provide periodic written notification and training sessions to farms covered by the Required Agricultural Practices rule on the existence and requirements of this law

Alert farms that in order to operate an accessory on-farm business other state permits may be necessary



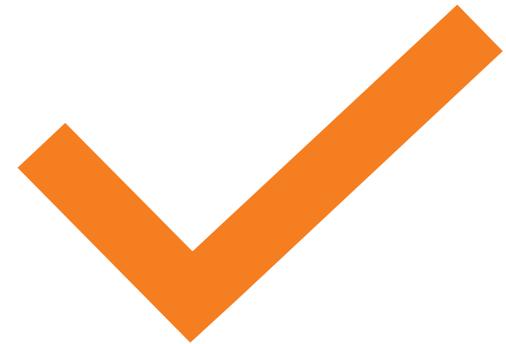
# Farm Operator Responsibilities

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Applying for municipal site plan review and other permits, as necessary

providing evidence used in site plan review process

- Is it a “farm” covered by Required Agricultural Practices rule?
- Is it a business that is accessory to the primary farm use?
- Is the business operated by farm owner, one or more persons living on the farm, or a lessee of a portion of the farm?
- Is it an educational, social or recreational event that features agricultural practices or qualifying products, or is a business that sells qualifying products?



# Municipal Responsibilities

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Determines eligibility of the proposal to qualify as an Accessory On-Farm Business, under Act 143

- Is it a farm owner, resident, or lessee?
- Does it meet the definition of an accessory on-farm business?

Applies municipal site plan review and performance standards and issues decisions

\*Municipalities can adopt more permissive land use regulations



## What This Law Does Not Do

It does not change the need to get other permits for development or to operate a business

# Accessory On-Farm Business Analysis Sales

- Is this a “farm”? And is “farming” happening on the site?
- How much is the sales from products principally produced (PPP) on the site?
- What is the sales from qualifying products (QP)?
  - QP sales must not exceed 49% of the total sales of PPP at the site of the business.

# Accessory On-Farm Business Analysis Events

- Is this a farm? And Is “farming” happening on the site?
- Does the farm host educational, recreational or social events on the farm? and
- Does it include tours of the farm, farm stays, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products ?



VERMONT

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