

Farm Determinations and Variances



PRESENTED BY

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Vermont Agency of Agriculture, Food and Markets
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Persons engaged in farming and the agricultural practices as defined in Section 3.2 of this rule and who meet the minimum threshold criteria for applicability of this rule as found in Section 3.1(a) – (g) must meet all applicable Required Agricultural Practices conditions, restrictions, and operating standards...

- (a) is required to be permitted or certified by the Secretary, consistent with the requirements of 6 V.S.A. Chapter 215 and this rule; or
- (b) has produced an annual gross income from the sale of agricultural products of \$2,000.00 or more in an average year; or
- (c) is preparing, tilling, fertilizing, planting, protecting, irrigating, and harvesting crops for sale on a farm that is no less than 4.0 contiguous acres in size; or
- (d) is raising, feeding, or managing at least the following number of adult livestock on a farm that is no less than 4.0 contiguous acres in size: (1) four equines; (2) five cattle, cows, or American bison; (3) 15 swine; (4) 15 goats; (5) 15 sheep; (6) 15 cervids; (7) 50 turkeys; (8) 50 geese; (9) 100 laying hens; (10) 250 broilers, pheasant, Chukar partridge, or Coturnix quail; (11) three camelids; (12) four ratites; (13) 30 rabbits; (14) 100 ducks; (15) 1,000 pounds of cultured trout; or (16) other livestock types, combinations, or numbers as designated by the Secretary based upon or resulting from the impacts upon water quality consistent with this rule; or
- (e) is raising, feeding, or managing other livestock types, combinations, and numbers, or managing crops or engaging in other agricultural practices on less than 4.0 contiguous acres in size that the Secretary has determined, after the opportunity for a hearing, to be causing adverse water quality impacts and in a municipality where no ordinances are in place to manage the activities causing the water quality impacts; or
- (f) is managed by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or
- (g) has a prospective business or farm management plan, approved by the Secretary, describing how the farm will meet the threshold requirements of this section.

3.2 The agricultural practices on farms meeting the minimum threshold criteria set forth in Section 3.1 that are governed by this rule include:

- (a) the confinement, feeding, fencing, and watering of livestock;
- (b) the storage and handling of agricultural wastes principally produced on the farm;
- (c) the collection of maple sap principally produced from trees on the farm and/or production of maple syrup from sap principally produced on the farm;
- (d) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops;
- (e) the ditching and subsurface drainage of farm fields and the construction of farm ponds;
- (f) the stabilization of farm fields adjacent to banks of surface water, and the establishment and maintenance of vegetated buffer zones and riparian buffer zones;
- (g) the construction and maintenance of farm structures, farm roads, and associated infrastructure;
- (h) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm;
- (i) the on-site storage, preparation, and sale of agricultural products principally produced on the farm from raw agricultural commodities principally produced on the farm;
- (j) the on-site storage of agricultural inputs for use on the farm including, but not limited to, lime, fertilizer, pesticides, compost and other soil amendments, and the equipment necessary for operation of the farm; and
- (k) the management of livestock mortalities produced on the farm.

Submissions:

>\$2,000 gross income: 6

>4 acres contiguous land: 10

Raising X amount of livestock: 3

Submitted 1040: 2

Submitted business plan: 2

Deferred: 3

Total: 17

Type:

Farm Operation Determination: 10

Farm Operation and Structure: 5

Farm Structure/Variance: 1

Why a determination?

Town bylaws determine what activities can take place in a zoning district. Certain towns request farm determinations from farmers in order to validate their operation and permit their use of the land for farming according to the regulations of the RAPs.

Why a structure determination?

Farm structures, so long as they fit within the rules laid out in the RAPs and fit within local setbacks, are exempt from permitting processes.

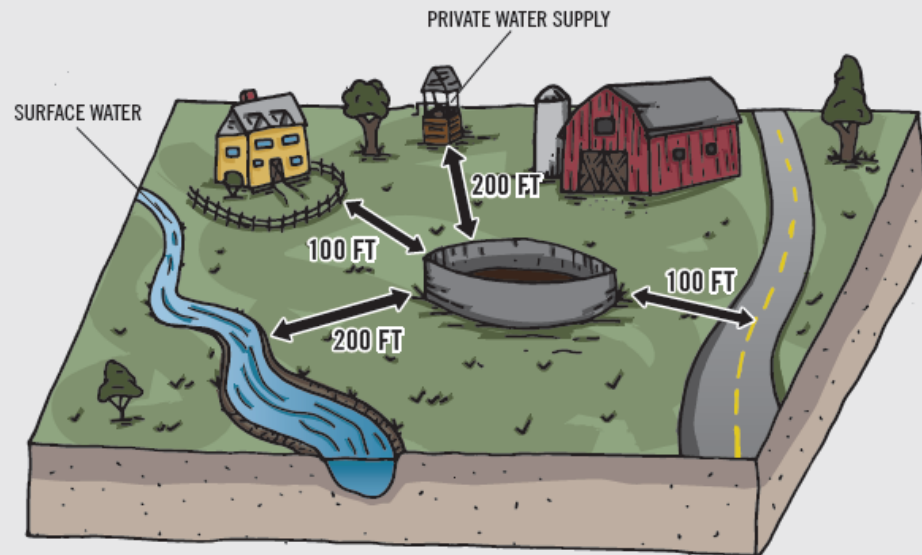
Why a deferral?

Once a farm has been granted a determination from the Agency, farms no longer need to return to the Agency for structure approvals so long as they fit within local setbacks. Certain towns adopt similar rules to the RAPs.

Construction of Farm Structures

6. FARM STRUCTURES

ALL NEW WASTE STORAGE FACILITIES PROPOSED ON SITES WHERE STORAGE FACILITY OR PRODUCTION AREA PREVIOUSLY EXISTED SHALL BE CONSTRUCTED AT LEAST:



- Construction of farm structures in Flood Hazard Areas and River Corridors are required to obtain a Flood Hazard Area and River Corridor permit from ANR
- Prior to construction of farm structures, the farmer must notify the zoning administrator or town clerk in writing of the proposed activity
 - Must contain a sketch of the proposed structure including the setbacks from adjoining property lines, roads and right-of-ways
- The Secretary may grant a variance to municipal and local setbacks that will represent the minimum alternative that will afford relief and will represent the least deviation possible from these regulations
- Following minimum setbacks for all new WSF in new production areas:
 - 100' feet from centerline of public road
 - 100' feet from abutting property line
 - 100' feet from the top of bank of any surface water
 - 200' from public or private wells

Appendix A. Process for Obtaining a Variance Farm Structure/Municipal Setback

1) Submit the request with the required information

<https://agriculture.vermont.gov/form/farm-determination-form>

- Required setbacks not being met
- Closest alternative

2) Public Notice/Comment period – 7 business days

3) AAFM Variance Review Committee

Meets 1st Tuesday of every month

4) Landowner & Town ZA notified of decision

Questions & Contact

Contact

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Online Resources

AAFM Water Quality -

<https://agriculture.vermont.gov/water-quality>

RAPs -

<https://agriculture.vermont.gov/water-quality/regulations>