

Vermont's Accepted Agricultural Practices & Zoning

If you qualify under farming OR farm structure OR agricultural practice and are complying with the water quality Accepted Agricultural Practices (AAP), applicants may be exempt from local zoning (under 24 V.S.A. § 4413(d)). Applicants still have to notify the ZA with a sketch and do their best to comply with zoning setbacks.

Under **10 V.S.A. § 6001(22) farming** means:

- (A) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural and orchard crops; or
- (B) the raising, feeding, or management of livestock, poultry, fish, or bees; or
- (C) the operation of greenhouses; or
- (D) the production of maple syrup; or
- (E) the on-site storage, preparation and sale of agricultural products principally produced on the farm; or
- (F) the on-site production of fuel or power from agricultural products or wastes produced on the farm; or
- (G) the raising, feeding, or management of four or more equines owned or boarded by the farmer, including training, showing, and providing instruction and lessons in riding.



Under the Agency of Agriculture's definition of agricultural practice and livestock found in the accepted agricultural practices, farm structures used in connection with any number of livestock, horses, or fowl would qualify (this opinion is from the Agency of Agriculture's lawyer). Below are the definitions from the AAP. Examples of farm structures could include sheds, compost bins and fences.

2.06 Farm Structure means a structure or structures as defined herein that is used by a person for agricultural production that meets one or more of the following:

- (a) is used in connection with the sale of \$1000 or more of agricultural products in a normal year; or
- (b) is used in connection with the raising, feeding, and management of at least the following number of adult animals: four equines; five cattle or American bison; fifteen swine; fifteen goats; fifteen sheep; fifteen fallow deer; fifteen red deer; fifty turkeys; fifty geese; one-hundred laying hens; two-hundred and fifty broilers, pheasant, Chukar partridge, or Coturnix quail; three camelids; four ratites (ostriches, rheas, and emus); thirty rabbits; one hundred ducks; or one-thousand pounds of cultured trout; or
- (c) is used 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
- (d) is on a farm with a business and farm management plan approved by the Secretary.



2.13 Livestock for purposes of this regulation means: cattle, sheep, goats, equines, fallow deer, red deer, American bison, swine, water buffalo, poultry, pheasant, Chukar partridge, Coturnix quail, camelids, ratites (ostriches, rheas, and emus), and cultured trout propagated by commercial trout farms.

3.2 Agricultural Practices that are governed by these regulations include, but are not limited to, the following:

- (a) The confinement, feeding, fencing, and watering of livestock.
- (b) The storage and handling of livestock wastes and by-products.
- (c) The collection of maple sap and production of maple syrup.
- (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 field streambanks..
- (g) The construction and maintenance of farm structures and farm roads.
- (h) The on-site production of fuel or power from agricultural products or wastes produced on the farm.
- (i) The on-site storage, preparation and sale of agricultural products principally produced on the farm.
- (j) The on-site storage of agricultural inputs including, but not limited to, lime, fertilizer and pesticides.
- (k) The handling of livestock mortalities.

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More information can be found at: <http://www.vermontagriculture.com/ARMES/awq/AAPs.htm>.