



Town of West Rutland

35 Marble Street, West Rutland VT 05777 (802) 438-2204 Fax 438-5133
Zoning Administrator: Phone Ext. 16 Zoning@WestRutlandVT.org

FARM RELATED Exemptions to Zoning Permit requirement...

Section 1103: Exemptions West Rutland Zoning Regulations (Adopted 2022)

These exemptions do not apply in any Special Flood Hazard Area

No zoning permit shall be required for the following activities:

- j. Accepted or Required Agricultural Practices (AAPs, RAPs) by a VT qualified farm operation, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets, in accordance with the Act [§4413(d)].

NOTE! k. Required Notification to the Town: Written notification of the Farm's Intent to construct, including a sketch plan showing structure setback distances from road rights-of-way, property lines, and surface waters shall be submitted to the Zoning Administrator prior to any construction, as required by AAFM RAPs. Such structures shall meet all setback requirements under these regulations, unless specifically waived by the Secretary.

- l. The Zoning Administrator may require a Determination Letter from the Secretary of the Agency of Agriculture, Food, and Markets, prior to issuing review approval to a Notice of Intent to Construct an Ag. structure.

1. Accepted Management Practices (AMPs) for silviculture (forestry) as those practices are defined by the Commissioner of Forests, Parks and Recreation, in accordance with the Act [§ 4413(d)].

Downloadable Documents & Helpful Links

- Accepted Agricultural Practices (AAPs) & Required Agricultural Practices (RAPs) (<http://agriculture.vermont.gov/water-quality/regulations/rap>)
- Municipalities and Farming (/sites/ag/files/pdf/act250/Municipal%20Authority%20under%20Re%20Agricultural%20Practices_Final_1.pdf): FAQ
- Building Procedures for Flood Hazard Area & River Corridor Protection Procedure (<http://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection>)
- Vermont Wetland Rules (<http://www.watershedmanagement.vt.gov/wrprules/wsmd> VWR%20
- Act 250 District Commissions (http://nrb.state.vt.us/lup/commission_members.htm)



AGENCY OF AGRICULTURE, FOOD & MARKETS

116 State Street
Montpelier, VT 05620-2901
agriculture.vermont.gov

Section 2.14 of the RAPs states "farm" means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming, ... and that meets the threshold criteria as established in Section 3 of the RAPs, provided that the lessee controls the leased lands to the extent they would be considered as part of the lessee's own farm. The RAPs apply to your operation because you have produced an annual gross income from the sale of agricultural products of \$2,000.00 or more in an average year. [Section 3.1(b)].

Section 2.16 of the RAPs states "farming" means, in part:

- (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural viticultural, and orchard crops
- (c) operation of greenhouses

Section 3.2 of the RAPs states agricultural practices that are governed by these regulations include, but are not limited to

- (d) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops; (g) the construction and maintenance of farm structures, farm roads, and associated infrastructure

The definition of "Farming"

Section 2.16 of the RAPs states that:

"Farming means:

- (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, viticultural, 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 storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally 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, training, and the management of equines.

"Principally Produced"

Please Note: "Principally produced" means that more than 50% by weight or volume of the agricultural products, which result from the activities stated in (a) through (g) above, and which are stored, prepared or sold at the farm, are grown or produced on the farm.

A determination by the Agency that a building is a farm structure does not relieve a property owner of the the law to notify the town of construction of farm structures. If at any point during farm planning, which require structure to be relocated on the property post Agency determination, an operator must again notify the town of the proposed location, and possibly the Agency if the changes warrant additional consideration, such as common municipal setbacks.

Materials Required for Determination of Applicability of Required Agricultural Practices

Prior to beginning to fill in the online form (<https://vermontworkinglands.wufoo.com/forms/z45knbt0uv>) have the following information prepared:

- The zoning district the property is located in
- Name and contact information for the zoning administrator in the town, if the town has local zoning
- Any letters concerning your operation from adjacent landowners
- For new and beginning operations the Agency suggests that a farm operator work with a technical service guidance in developing a business plan prior to submission for approval by the Secretary.

If you are building a “farm structure”

- Information on the required setbacks in the district where the property is located, and whether the property complies with setbacks as determined by the zoning administrator
- In the case of a request for an alternative setback, the name(s) and address(es) of the nearest affected owner(s)
- A site plan of your property including
 - ☐ Entire parcel boundary
 - ☐ Wetlands, Open Water, and Associated Buffers (indicate Class)
 - ☐ Existing development
 - ☐ Proposed development
 - ☐ Distance of proposed farm structure to all properties
 - ☐ All neighboring land uses
 - ☐ Location of the Special Flood Hazard Area, if applicable
 - ☐ Location of River Corridor, if applicable

A farm structure in a flood hazard or river corridor will undergo additional review by the Floodplain Management the Vermont Department of Environmental Conservation for compliance with its rules (<http://dec.vermont.gov/watershed/rivers/river-corridor-and-floodplain-protection>). Prior to referral the Agency will determine whether the structure is a farm structure as defined in the Required Agricultural Practices

Although the Agency's position on whether proposed structures are “farm structures” may carry some weight, application and enforcement of municipal zoning law and the application of 24 V.S.A. §4413(d) rests with each

TOWN OF West Rutland

NOTICE OF INTENT TO BUILD AN
AGRICULTURAL BUILDING

Name: _____ Map/Lot # _____

Location of property: _____

Type of structure: _____

Size of structure: _____

Setbacks met? Yes / No

If "No", a waiver from the VT Dept of Agriculture is required and must be attached.

Description of how proposed structure meets state definition of farm structure. (See below) _____

Please attach a sketch indicating existing & proposed structures and distance to property lines.

Landowner's signature

Date

Administrative Use Only

Zoning District _____

Date Received _____

Reviewed by _____

Setbacks: Front: _____

Side: _____

Rear: _____

Comments: _____

NO ZONING FEE; REQUIRED RECORDING FEE \$15.00

Farm Structure a structure or structures that are used by a person for agricultural production that meets one or more of the following

(A) Is used in connection with the sale of \$2000 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 Commissioner.