COMMON TROUBLE SPOTS

1. Defining Agriculture
2. Farm Stands
3. Signage
4. Farmer/Non-Farmer Neighbor Issues
5. Compatible Commercial Enterprises on Farms
6. Livestock Regulations
Defining Agriculture – State Guidance

• What IS Agriculture? Try 1-1q

• CGS 7-131v requires State definition when considering zoning impacts

• Don’t distinguish between “commercial” and “non-commercial” farming

• Livestock defined by 22-278

• Poultry defined by 22-326(s)(5)

• Right to Farm (19a-341) ⭐
  and Wetlands permission (22a-40)

• Generally Accepted Agricultural Practices (19a-341) not defined but under authority of Commissioner
Start with first principles

- PoCD – Is Agriculture IMPORTANT to your Town?
- How does Town express this?
- Is there someone to talk to?
- Is this routine grumbling or actual nuisance?
- Communication
- Best Practices
- Patience
1. **Buy local.** It's healthier for us, better for the environment, and we are lucky to have it. Buy local products at the grocery store—if you don't see it, ask for it. Stop at local roadside stands and farmers markets. When you buy local, you support farm families and preserve the character and the food supply of Connecticut's Last Green Valley. Remember we can't have farms without farmers. To find out more about where to buy local go to www.buyctgrown.com.

2. **Give a thumb's up for farm traffic.** If you want to see tractors move fast, go to one or more of the many Connecticut Agricultural Fairs (find out more at www.ctfairs.org). If you get behind a tractor on the road, understand that they are not meant for speed or distance. Be patient. Wait for them to pull over or pass with extreme caution. They are part of a serious business that we need here in the Last Green Valley to maintain our culture. Give the farmer a thumbs up to show your support.

3. **Know that our responsible farmers use Best Practices.** The State requires farms to be trained, licensed and current in proper pesticide use and storage. Farmers are decreasing use of pesticides whenever possible because it's expensive, labor intensive to apply and overuse is not healthy for crops and their land. Also, the typical homeowner uses far more chemicals to keep his or her house clean and lawn green and free of weeds than the average farmer uses for cropland.

4. **Be neighborly.** Farmers work seven days a week, dawn to dusk, sometimes later. If you're planning a backyard event in the middle of the growing season, talk with your farmer neighbor and negotiate a compromise. Most farmers have families too and are very understanding and accommodating.

5. **Understand that farming is a business.** While farmers are responsible for being good neighbors, they must also be farmers. Noise, dust, and smells are part of successful farm operations.

6. **Take a deep breath.** Savor The Last Green Valley's fresh, clean air. You will sometimes smell manure, silage, and other odors—that's part of farming. Many of us around here have gotten used to it and even like it. Think of it as ear de farm. It was here before all of us.

7. **Communicate.** Meet and talk with the farmer before and after you have a problem, remembering that it's in both your interests to be good neighbors. When you work out a solution, stay in touch with each other. If the conflict cannot be resolved, please contact the Connecticut Department of Agriculture (www.ct.gov/daasg) or your town's Agriculture Commission.

8. **Learn more about farmland issues.** Check out the American Farmland Trust Web site (www.farmland.org) for information about the future of farming. Speak up to your legislators and community and show your commitment to the preservation of our rural character. Farms provide a stable tax base at very low cost. Study after study shows that for each dollar a farm is taxed, it requires a fraction of that in town services. Not only do farms preserve the visual character of our towns, but they also keep our taxes down.

9. **Vote for farms.** To keep our farms, we need votes and dollars. Local boards and commissions regularly debate issues that directly affect farming and farmland. Support initiatives to preserve working farmland such as establishing a municipal fund to purchase farmland and tax incentives to encourage farming.

10. **Volunteer.** Volunteers with varied skills are always needed to support organizations in protecting our region's character. Find out if your town has an Agriculture Commission. If it does, Go to www.CTPlaningsforAgriculture.com for information about how to start one. Connecticut Agriculture in the Classroom (www.agclassroom.org) is a great way to increase agricultural education in classrooms. Work with your Board of Education to plant a school garden. Find a local community garden and help out. Talk with your municipal leaders and let them know that your value the farmers in your town.
Farmstands, Signage, Compatible Commercial Uses: Some Examples
Farmstands, Signage, Compatible Commercial Uses: Some Examples
Farmstands

Related Commercial Enterprises

Compatible Uses

Signage

An innovative, sensible, and unified approach

http://www.dem.ri.gov/programs/bpoladm/suswshed/pdfs/farmfor.pdf
Farmstands, Signage, Compatible Commercial Uses: Ramping It Up
Livestock Regulations – Guidance and Recommendations

Presented by John Guszkowski
CME Associates, Eastern CT RC&D Council, AGvocate Program
Why This? Why Now?

This guide is intended to provide direction to municipalities in drafting land use regulations related to livestock. Currently local officials have little guidance around livestock owned for either commercial or non-commercial...
American Farmland Trust
Eastern Connecticut Resource Conservation & Development Council
Connecticut Department of Agriculture
Connecticut Department of Energy and Environmental Protection
Connecticut Farm Bureau Association
University of Connecticut Cooperative Extension

Tim Brady, Fairfield County Farm Bureau
Wayne Budney, New London County Farm Bureau
Jana Butts, Windham Region Council of Governments
Phil Chester, Town of Lebanon
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Jennifer Kaufman, Agvocate Program
Kip Kolesinskas, American Farmland Trust
Joyce Meader, University of Connecticut Cooperative Extension
Richard Meinert, University of Connecticut Cooperative Extension
Jennifer Nadeau, University of Connecticut Department of Animal Science
Joan Nichols, Connecticut Farm Bureau Association
Richard Roberts, Halloran & Sage, LLP
Bruce Sherman, CT Department of Agriculture
Adam Turner, Town of Colchester
Joe Wettemann, CT Department of Energy and Environmental Protection

Paula Stahl, University of Connecticut
Ben Bowell and Leah Mayor of American Farmland Trust
Jiff Martin of University of Connecticut Cooperative Extension.
What It’s NOT

- Diversity of Agricultural Operations
- Diversity of Livestock
- Diversity of Municipalities
- Diversity of Neighborhoods
- Diversity of Jurisdiction

NO “one size fits all” regulations
What’s the Situation?

- 2,046 Farms in Connecticut (42%) had sales from livestock, dairy, poultry, etc. (USDA 2007)

- 150,000 acres (37%) of agricultural land devoted to livestock

- Milk and eggs are largest components of over $150,000,000 in sales

- Over 43,000 horses in Connecticut

- Small farms on the rise

- “Backyard Chicken” movement

- Development, Farm Diversification, Transition increasing conflicts
What’s the Situation?

Municipal Restrictions on Livestock Farming

The incursion of non-agricultural development into traditionally agricultural areas has led many towns to introduce restrictions on livestock ownership.

Some have adopted local regulations that:

- limit the number of animals per acre,
- require minimum acreage to own an animal,
- establish buffer requirements,
- prohibit certain classes of livestock,
- impose special permit requirements on livestock farming,
- seek to regulate animal husbandry, and/or
- create blanket prohibitions on any agriculture activity in dense residential zones.
Plan First, Regulate Second

www.ctplanningforagriculture.com
Some More Specific Questions

Animal Density – it’s about management and site suitability, not a simple number

Site Suitability

Land parcel characteristics that contribute to site suitability include the degree of slope, location, and surface water runoff. Farming—including the grazing of animals—is allowed “as of right” under Connecticut’s Inland Wetlands and Watercourses Act (CGS § 22a–40).

Slope: Sites with steep slopes should be avoided or improved to avoid heavy surface water runoff, soil erosion, sedimentation or hazardous conditions for keeping of animals. Areas with a steep slope may be used for certain agricultural production activities, such as grazing, if properly maintained so that soils are not exposed and buffers are used to filter and trap nutrients before they enter surface waters.

Location: Animals should be kept in a location that does not negatively impact an on-site sewage disposal system or water supplies

Surface Water Runoff: Surface water runoff systems should be designed to avoid contamination of water supplies and should comply with CT Department of Energy and Environmental Protection water quality standards.

Regulatory focus should be on SETBACKS and BUFFERS
Setbacks and Buffers

For new residences:

Possible language for regulations:
Agricultural Buffer for New Residences: A 100-foot agricultural buffer is required where a new residence is proposed adjacent to agricultural land. The agricultural buffer shall be considered part of the open space. The planting of trees and shrubbery may be required as part of an agricultural buffer.

For new livestock buildings:

Possible language for regulations:
Any building used for the housing and shelter of livestock shall be no less than 100 feet from any property line.

For swine:

The Connecticut Public Health Code (Section 19-13-B23(a)) requires setbacks for pigs. However, such setbacks are measured from adjacent dwellings, not from property lines. The Code states that a pigsty (enclosure for raising pigs) must be 300 feet from any adjacent dwelling. A gestation and farrowing barn on a property which has been in continuous use as a farm for at least 50 years may continue provided it is 200 feet from any adjacent dwelling (CGS § 19a-341a).

For fencing, pasturing, or general movement of animals:

CAUTION
DO NOT ATTEMPT THIS WITH YOUR REGULATIONS
Manure Management

• Too difficult to craft and enforce local regulations

• Towns should opt for Resources over Regulations

• Promote Best Practices

Assistance to Livestock Operators on Manure Management

CT Department of Agriculture
• Financial assistance to implement nutrient management plans through the Environmental Assistance Program (EAP)
• Opinion on “generally accepted agricultural practices” on a case-by-case basis
• Technical assistance and guidance for composting

CT Department of Energy and Environmental Protection
• Planning guidance through the “Manual of Best Management Practices for Agriculture”
• Review and approval of manure management plans developed by the Natural Resources Conservation Service and partners for producers participating in cost share programs such as the Environmental Quality Incentives Program (EQIP)
• Review and approval of manure management plans developed for producers who are required to have such a plan on a case-by-case basis

University of Connecticut Cooperative Extension
• Technical assistance on best management practices for nutrient management, odor and fly control, and water quality

USDA Natural Resources Conservation Service
• Financial assistance to help develop conservation plans and design, inspect, and install the necessary conservation practices and management plans
• Technical assistance to develop farm conservation plans and design conservation practices
• Development of Comprehensive Nutrient Management Plans (CNMPs) in partnership with CT DEEP, CT Department of Agriculture, and University of Connecticut Cooperative Extension

Connecticut Conservation Districts
• Technical assistance to assess the farm and assist in the development of the conservation plan and Comprehensive Nutrient Management Plan.
Good Ideas for Small & Urban Farms

Backyard chickens

4.3.a. Hens [from New Haven, Connecticut]
1) No more than six (6) hens may be kept on any property located in resident zoning districts as a non-commercial accessory use.
2) The use shall be confined to a fenced enclosure of no more than 200 square feet in area, located in a rear yard. The fenced enclosure shall be at least 25 feet from any street line, at least 15 feet from any residential dwelling and at least five feet from any property line. In the instance that more than one distance requirement shall apply, the greater distance requirements shall apply.
3) Any portion of the enclosure located closer than ten feet to a property boundary or directly visible from a street line at any distance shall be screened by either a fence or a landscaped buffer of at least four feet in height.
4) A building shall be required for the hens. Any building used for this purpose shall be located at least ten feet from any lot line. All such buildings shall be constructed and all food products kept so as to prevent offensive odors and the presence of pests and predators.
5) No rooster shall be kept on any property.
6) The keeping of hens shall be conducted in a manner consistent with and in compliance with the Health Code of the City of New Haven.

Chickens, Rabbits, and other Similar Animals

4.3.c. Chickens, Rabbits and Similar Animals [from Cleveland, Ohio]
Section 347.02 Restrictions on the Keeping of Farm Animals and Bees
(a) Purpose. The regulations of this section are established to permit the keeping of farm animals and bees in a manner that prevents nuisances to occupants of nearby properties and prevents conditions that are unsanitary or unsafe.
(b) Poultry, Pigeons, Rabbits and Similar Animals. The keeping of poultry, pigeons, rabbits and similar animals, and enclosures for the keeping of such animals, shall be governed by the following regulations.
(1) In Residential Districts. In Residential Districts, the following regulations shall apply.
   A. Number. No more than six (6) such animals may be kept on a parcel of land that is 4,800 square feet or less in area. One additional such animal may be kept for each additional five hundred (500) square feet of parcel area in excess of 4,800 square feet.
   B. Setbacks. The enclosures or coops housing such animals may not be located in front yard or side street yard areas and shall not be located within eighteen (18) inches of a property line nor within five (5) feet of a dwelling on another parcel nor within five (5) feet of the permitted placement of a dwelling on an adjoining vacant parcel. No animals shall be kept in required front yard areas.
Good Ideas for Small & Urban Farms

Bees

4.3.b. Bees [from Seattle, Washington]
A. It shall be the duty of any person, firm or corporation having honey bees, Apis mellifera on its property to maintain each colony in the following conditions:
1. Colonies shall be maintained in movable-frame hives.
2. Adequate space shall be maintained in the hive to prevent overcrowding and swarming.
3. Colonies shall be re-queued following any swarming or aggressive behavior.
B. All colonies shall be registered with the Director of Agriculture pursuant to RCW 15.60.030 prior to April 1st of each year.

Ducks and Goats
(food producing animals)

4.3.d. Ducks and Goats [from Denver, Colorado]
The Food Producing Animals (FPAs) Ordinance (CB11-0151) allows for up to 6 chickens or ducks (or any combination of such fowl), plus 2 dwarf goats to be raised on a property.

Animal Control Regulations
1) A one-time $20 ‘restricted livestock or fowl license’ is required.
2) ‘Dwarf goat’ means Nigerian Dwarf or African Pygmy breed of goat only
3) No intact male goats older than 6 weeks (intact means not neutered), no roosters, no drakes (male ducks)
4) Must have 16 square feet of permeable ground for each chicken or duck (‘permeable’ means dirt, grass, mulch – water can pass through, NOT concrete, decks, patios, balconies, garage floor, etc.)
5) Must have 130 square feet of permeable ground for each dwarf goat.
6) There must be adequate shelter from weather and from predators
7) There must be adequate fencing in the yard to prevent animals’ escape

Zoning Regulations for Keeping FPAs
1) All shelter structures must be separated from residence(s) on abutting zone lots by a minimum of 15 feet
2) If there is more than 1 residence on a zone lot (e.g., 2 units in a duplex structure), the shelter must be separated from the residence that is not the animal-keeper’s residence by a minimum of 15 feet
3) Animals must be kept on the rear 50% of the lot
4) Slaughtering of animals is prohibited
5) Moveable shelters, not permanently attached to the ground are allowed without a zoning permit, but still subject to the minimum 15 foot separation. Shelters that are permanently attached to the ground will require a zoning permit and may require a building permit if over 120 square feet in area or greater than 10 feet in height. Permanent shelters must comply with applicable zoning standards for a detached accessory structure building form.
The Useful Kind of Appendix

Directory of Experts!

Excerpts from Connecticut General Statutes!

Excerpts from Public Health Code!