

SUPPORTING ACCESSORY ON- FARM BUSINESSES

Recommended changes to Act 250 to
support accessory on-farm businesses





What does this proposal do?

- Pragmatic approach to encourage rural economic development accessory to a farming operation
 - *Relieves Accessory on-farm businesses of the need for an Act 250 permit or amendment, when specific thresholds are met including:*
 - Located on a parcel primarily dedicated to farming. 10 V.S.A. § 6001(22)
 - Must remain subordinate/accessory to the farming activity (must be an accessory on-farm business)
 - Limit on proposed disturbance area/limit on cumulative impact

Benefits to Vermont communities and environment

- Farming, thriving working lands maintain Vermont's rural landscape
- Solution to additional income opportunities for farm businesses, diversification, year-round income
- Support for viable ag and food businesses to foster resilience
- Viable farming businesses reduce pressure to convert to another land use and fragmentation of farmland.
- Expanded economic development for rural communities
- Stewardship of the working agricultural landscape
- Fosters agricultural literacy/education for youth
- Promotes the Vermont brand and products
- Reduction in permitting redundancy; fosters regulatory certainty
- Complements Act 143
- Many accessory on-farm activities pose no significant impacts under Act 250 criteria and would still be subject to other permitting/regulations.



The proposal is limited to the context of accessory on-farm businesses and Act 250. No change in requirements or applicability of other regulatory programs.

- Fire safety
- Wastewater/ Potable Water
- Wetlands
- Stormwater
- Municipal/site plan review
- Health Department
- On-farm slaughter
- Raw Milk
- Current Use enrollment
- Etc.

Quick Stats:

2012 USDA Census of Agriculture, State Profile: Vermont

- Principal farm operators: 7,338
 - Of these principal operators:
 - Primary occupation is farming: 3,779 (51.5%)
 - Primary occupation **other** than farming: 3,559 (48.5%)

Nearly half (48.5%) of VT principal farming operators have a primary occupation other than farming

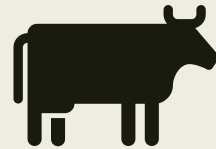
- *Over 1/3 (36.6%) of principal operators spend at least 200 days/yr working off-farm*
- Avg age of principal operator: **57.3** (in 1982, was 49.1)
- VT Agricultural sales highest in New England (2012: \$776 million VT ag sales)
- Average cash farm income per farm: **\$20,772**



Examples: Accessory on-farm activities/ enterprises, subordinate to farming



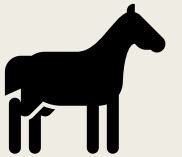
Value-added product processing or storage;
On-farm markets, CSA



Camps, workshops or classes with a direct farming connection



Farm stays, tours, or farm-based dinners showcasing products from farms



Recreational activities like sleigh and tractor rides

Current Definitions/terms

Farming: 10 V.S.A. § 6001(22)

(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 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.

- **Farm** – “... a parcel of land devoted primarily to farming...”. 10 V.S.A. § 6001(31)

- **Principally produced:** Act 250 Rule 2(C)(19) reads:

For purposes of 10 V.S.A. § 6001(22)(E), “principally produced” means that more than 50% (by volume or weight) of the agricultural products, which result from the activities stated in 10 V.S.A. s. 6001(22)(A)-(D) and which are stored, prepared or sold at the farm, are grown or produced at the farm.

- **“Development”** under Act 250 does not include “the construction of improvements for farming purposes below the elevation of 2,500 feet.” 10 V.S.A. § 6001(3)(D)(i).

Definitions from Act 143

- Accessory on farm business (Act 143 definition)

- (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; or

- (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.

- “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.
- “Farm” shares same definition found in RAPs



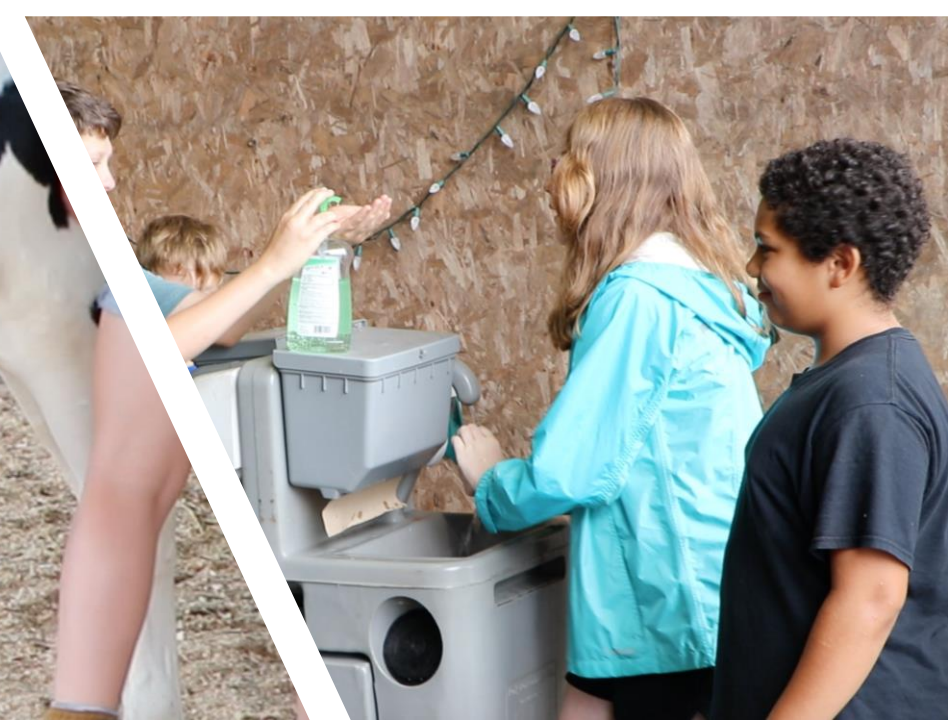
HOW THIS
PLAYS OUT
ON THE
VERMONT
LANDSCAPE



Examples of farms with accessory enterprises

- Liberty Hill Farm, Rochester
 - *Farm stays serving farm-based meals*
- Isham Family Farm, Williston
 - *Hay rides, events*
- Valley Dream Farm, Cambridge
 - *On-farm dining experiences coupled with educational farm tours*
- Agricola, Panton
 - *Farm dinners/lunches, education, farm tours, CSA*
- Fat Sheep Farm, Hartland
 - *Farm stay/cabins*
- Fairmont Farm, East Montpelier
 - *Youth farm camp located on an operating dairy farm*
- Green Mountain Girls Farm, Northfield
 - *Farm stays, events, farm stand*









Value-added products foster resiliency in off-years for fruit (popsicles, sorbet, jams) as do events



Agricultural Literacy/Education








Role of AAFM

- Aligns with role of AAFM outlined in Act 143 with accessory on-farm businesses
 - *The Agency continues to protect water quality by prescribing required agricultural practices to be used by an operation covered by the RAPs*
 - *Provide periodic written notification and training sessions to farms covered by the RAPs 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*

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FARM OPERATOR RESPONSIBILITIES

Apply for necessary permits/approvals

- Operator must provide evidence used in a site plan review process, must obtain all necessary permits / contact Permitting Specialist.
 - *Is it a “farm” covered by RAPS?*
 - *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 ag practices or qualifying products, or is a business that sells qualifying products?*
- Seek jurisdictional opinion from District Coordinator



If the farm applies “agricultural pesticides” ...

- In the same area as the “accessory on-farm business”
 - *Post in accordance with EPA’s “worker protection standard” (Post before you Host)*





Farm stands and CSA

- On-farm farm stands and CSA can sell “qualifying products” that are not produced on their farm. So long as more than 50% of what is sold is still principally produced on the farm, no Act 250 permit or amendment would be needed.
- This does not change raw milk and on farm poultry slaughter rules administered by the Agency.

