

To: Representative Amy Sheldon, Chair, and the Commission on Act 250
From: Stephanie A. Smith, Vermont Agency of Agriculture, Food & Markets
Re: Preservation of the rural landscape and working lands businesses
Date: December 13, 2017

Maintaining Vermont's iconic landscape is not possible by only protecting natural resources. Protection of this landscape is dependent on complementary policies that both protect farmland and support and preserve farm viability. Increasingly, farm viability includes a diversity of businesses taking place on the farm. These businesses provide supplementary income to an operation allowing farmland to remain in agriculture use and open, and can prevent conversion to another land use and fragmentation of the resource.

Many farms operate value added processing and agritourism types of businesses not only to supplement their income, but also to take advantage of other co-benefits that support the farm and could be considered as providing a public benefit. These include

- educating the public about working lands practices and products,
- renovating and re-purposing historic and functionally obsolete farm buildings that are frequently part of the fabric of our landscape,
- providing local food in rural areas and direct marketing opportunities, and
- fostering greater support for the working landscape through relationship building.

What types of businesses occur on farms (could happen individually or in combination)

- Value added product processing or leasing infrastructure to another farmer for processing and storage
- Community Supported Agriculture, farm stands, and on-farm markets-including aggregating products from other producers
- Events on the farm in existing infrastructure or in temporary facilities, both by the farm operator or leasing to private individuals or other third-party entities for events
- Farm-stays
- On-farm day camps, or classes in agricultural production, processing, fiber and culinary arts, etc.
- Farm tours
- Recreational activities – x country skiing and sleigh rides

The Agency asks the Commission to evaluate whether the Act 250 program is effective in protecting the Vermont landscape when it treats all development similarly, and is there another system to address small scale and working lands types of development in rural areas that supports the preservation of the landscape and economic viability of businesses reliant on that landscape.

In conducting this evaluation, the Commission could

- examine potential for location based jurisdiction and selective applicability of criteria on working lands businesses outside the state's designated centers
- research opportunities for consolidating and/or reducing regulatory duplication across different regulating entities
- consider whether the program addresses cumulative impacts of taking land out of production
- look at jurisdictional thresholds for small scale development, or adaptive reuse of existing infrastructure
- target public outreach to farm operators and entrepreneurial diversified on-farm business owners to understand the challenges they face in the current economic climate

To assist in the Commission's research the Agency offers the following information and resources to outline the types of business taking place both on and off farms in rural areas. and is available to provide additional information or answer any questions.

Examples of diversified operations (taken from testimony provided to House Agriculture and Forestry Committee during 2017 session)

Fairmont Farms, East Montpelier- Weddings are a new venture for Fairmont Farm, a way to share the beauty of their land and also a way to supplement their milk income. They milk 1,400 registered Holsteins across three farm locations and educate the public by hosting farm tours from the local pre-school to the Japanese Cheese Association.

Liberty Hill Farm, Rochester- has been welcoming guest since 1984. Billed as "A Vermont Farm Stay Destination for All Seasons" their Greek revival home has 7 guest rooms and shares the joys and challenges of life on their dairy farm. Guests are treated to a delicious dining experience in the form of home-made family-style meals made with seasonal fresh ingredients.

Isham Family Farm, Williston -As an all season agritourism business the farm offers recreation for the entire family with: pick your own berries and pumpkins, hay rides, cut your own Christmas tree, corn and sunflower maze, calves to pet and more. It also produces and sells maple syrup and has a wedding barn.

Valley Dream Farm, Cambridge- Offer an On Farm Dining experience from June 21 through October 18 that begins with an educational one hour tour of their certified organic farm. Family style dinners follow using seasonal certified organic vegetables and other Vermont products. The farm has a farm stand, offers CSA shares, nursery items and wedding flowers.

Memo from Peter Young and John Hasen, Natural Resources Board, to Rep. Carolyn W. Partridge, Chair, (then)House Agriculture Committee, dated June 19, 2009 addressing a series of questions about Act 250 and "farming" (attached).

Vermont Environmental Board, RE: Scott Farm Inc., Declaratory Ruling #413, dated January 16, 2003. Petition for a Declaratory Ruling filed by Scott Farm, Inc. to the Environmental Board from a Jurisdictional Opinion asserting jurisdiction pursuant to 10 V.S.A. Ch. 151 (Act 250) over certain construction activities on a farm in the Town of Dummerston, Vermont. Specifically, this

case asks whether Scott Farm's proposal to operate a culinary school at its farm property is exempt from Act 250 under the farming provisions of 10 V.S.A. §§6001(3) and (22).

- “Because of the limited nature of Scott Farm's proposal and its integral relationship with Scott Farm's agricultural activities, the Board finds that the farming exemption applies, and the proposal is not subject to Act 250 jurisdiction.”

Georgia Mountain Maples, LLC, Land Use Permit Amendment, #4C1163-2 dated March 30, 2015. Utilization of an existing maple sugaring building as an 80-seat banquet hall.

James R. McCullough, [Jurisdictional Opinion 3-191](#), dated February 2, 2017. Does renting a barn on 100 acres, out to others for events, such as weddings, require an Act 250 permit?

- “An Act 250 permit is not required because there are no constructed improvements for commercial purpose, you are merely offering your existing barn and premises to others for a fee for only seven events per year.”

Anne and Dick Harris, Cambridge. Project review sheet for proposed renovations to an existing barn for events and use of house as rental

- Constructed improvements, including exit lighting and ADA approved access to barn require Act 250 review and permit
- [Project review sheet](#), Dated May 27, 2015
- [Project review sheet](#), dated August 12, 2015 and Letter from Anne and Dick Harris, dated August 15, 2017

[Agricultural Economic Development, Local Land Use Planning and its Effects on Diversified On-Farm Enterprises, dated February 17, 2015.](#) Vermont Agency of Agriculture, Food & Markets