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To: House Agriculture and Forestry Committee
From: Alex Weinhagen, VPA Legislative Liaison
Date: January 17, 2018
Re: Accessory On-farm Businesses – testimony for 1/18/18

Thank you for inviting testimony from the Vermont Planners Association on the accessory on-farm business draft legislation. I plan to provide testimony in person on January 18. See below for three suggestions I'll be making to improve the draft language – specifically draft 5.1 dated 1/16/2018 (ADA – 02:45pm).

The Vermont Planners Association is a non-profit advocacy and educational organization of planners and related professionals. We are dedicated to the advancement of community planning in Vermont at the local, regional, and state levels, to foster vibrant communities and a healthy environment. More information is available on our website at www.vermontplanners.org. Our membership is diverse, including municipal planners, regional planning commission staff, private planning consultants, state planning professionals, etc. We also work to coordinate VPA's advocacy and education with other groups involved in planning policy such as VAPDA (VT Association of Planning & Development Agencies), VLCT, and the Agency of Commerce and Community Development.

Page 3, Lines 1-4: Delete. Eliminate private events as a category of accessory on-farm business. Consistent with our position from last year, this type of use is very different from the other on-farm businesses envisioned in the bill. Unlike the others, this use has no connection to the farm operation or any qualifying products. Such event space (e.g., weddings, conferences, concerts, etc.) is really a commercial use with the potential for more significant impacts that many municipalities already plan for and regulate.

Page 4, Lines 12-13: Revise - strike the word "existing". Such accessory on-farm businesses need not be restricted to existing structures. With limits on the types of uses, proper site plan review, and conformance with performance standards (all part of the bill language), construction of new buildings for an accessory on-farm business should pose no issues. Limiting it to existing buildings is not practical in any case, because a new building could simply be built as an agricultural structure prior to applying for the accessory on-farm business.

Page 4, Lines 14-18: Minor revisions. As currently drafted, a municipality would have to amend their bylaws to require site plan review and conformance with their performance standards. These provisions should be revised so that municipal bylaw changes aren't necessary – i.e., change the term “may” to “shall”. Change the first sentence to read, “Activities of an accessory on-farm business that are not exempt under section 4413 of this title shall be subject to site plan review, if site plan review is part of the municipality’s bylaws, pursuant to section 4416 of this title.” Change the second sentence to read, "An accessory on-farm business

shall be subject to the same performance standards otherwise adopted in the bylaw for similar commercial uses pursuant to subdivision 4414(5) of this title." It is better for the default in statute to include the application of the community's performance standards (e.g., noise, odor, smoke emissions, etc.). Remember that section E of the bill allows municipalities to be less restrictive - i.e., if a municipality wanted lesser performance standards applied, it could revise its bylaws accordingly.