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TO: House Agriculture and Forestry Committee
Linda Leehman
FROM: Vermont Planners Association
RE: VPA Comments on suggested amendments to draft DR Req17-0560 An Act relating to Municipal Land Use Regulation of accessory on farm businesses
DATE: 28 February 2017

The Vermont Planners Association has been asked to comment on a suggested amendment to the above draft, reducing the proposed number of private events from twelve to six per year. When we gave verbal testimony on the proposed bill last week we observed that the distinction between 'private' event and a commercial business providing event space was irrelevant from the standpoint of orderly development – the principle underpinning effective land use control. Therefore, the suggested reduction in the number of events has no meaningful effect on the impact of any such activities such as noise, traffic and stormwater etc.

Our interest is to preserve the intent of local land use control, which allows communities to discuss and mitigate potential impacts. These are very basic public health and welfare considerations that are best dealt with at the local level with sensitivity to the unique circumstances of the farm property in relation to surrounding development, and the capacity of the road network. This would be similar to the way statute mandates that municipal land use regulations must provide for home occupations but allows communities to establish reasonable standards and development review processes at the local level.

Effective land use regulation is not about picking winners and losers (which is vulnerable to the claim of being arbitrary and capricious), rather it is to implement clear standards that reflect state and local policy preferences and goals with transparent and predictable administrative procedures that guarantee equal treatment.

We are encouraging the committee to revise the draft language to clearly enable municipalities to apply site plan review standards and processes to accessory on-farm businesses consistent with other similar small businesses. We are willing to make a presentation to the committee to explain site plan review procedures and why this is the best way to achieve our shared goal of promoting the economic vitality of Vermont's farms and working landscapes.