

Name: Bob Clark

Farm name: Fisher Brothers Farm, Shelburne, VT

Like a large percentage of farmers in VT, a key piece of our business is public events on the farm; this is what allows a new farm to get up on its feet both in terms of marketing and generating cash flow for the business. One of the primary challenges for farms in VT is conflict with local zoning ordinances that are out of step with the “locavore”, agritourism trend, so any bill that puts limits on local zoning control of agricultural activity is a bill I support.

Farming in VT is in crisis. Farmers age 65 and older operate nearly a third of the state’s farms (28%). Of these 2,076 senior citizen farmers, Fewer than 1 in 10 have someone under age 45 managing the farm with them. Vermont had 19% fewer young (under age 45) farm operators in 2012 than in 2002 (<https://learn.uvm.edu/foodsystemsblog/2016/04/29/new-england-farm-population-study/>).

This is a direct result of over-regulation at the state and local level; it is making farming overly risky, overly stressful, and uneconomic. If the state of Vermont wants to recover a vibrant, successful farming business sector, it has to minimize local zoning control of farm operations. The state needs to narrowly define a specific set of physical manifestations on farm property for which the local municipality has some regulatory control, and otherwise leave farming business decisions in the hands of the farmers and their customers, with oversight from the Agriculture Department through the Approved and Required Agricultural Practices.

The freedom to create an economically viable business shaped by the specifics of your farm, your community, and your clientele is key to successful farming in Vermont. Each farming operation is a unique business model, and needs to be afforded the widest possible latitude for successful entrepreneurship. As is increasingly the case with other industries, smaller, more agile agriculture businesses are increasingly relevant to and preferred by the consuming public because they have the ability to be responsive to customer needs and desires.

My very real fear of the impact of local control is not unwarranted. By way of example, here are some highlights from our own experience in Shelburne, which, at least in word, is possibly the most supportive municipality in the state when it comes to active agriculture and the working landscape. To my knowledge they are the only municipality with a specific bylaw intended to govern and support integrated agriculture within the township; here are some statements from the Shelburne Town Plan

OBJECTIVES FOR THE RURAL AREA

Identify and establish mechanisms to prevent undue adverse impacts on important scenic and natural resources and features in the Rural Area, including but not limited to productive agricultural and forestry soils.

Strongly encourage land uses in the Rural Area that are resource based (such as forestry, agriculture, and horticulture) and that are comprised of small-scale economic units that conserve the rural landscape.

Where development does occur in the Rural Area, encourage a clustered pattern that preserves the rural character, conserves open land for uses such as agriculture and passive recreation, and is sensitive to the landform and other natural features.

Unfortunately, at every opportunity the state of Vermont and the town of Shelburne have chosen to make starting our farm more difficult, more expensive, and less likely to succeed.

When we decided to re-activate a historic agriculture property, we faced a daunting list of regulatory requirements. We engaged the top wetlands firm in the state – Gilman and Briggs Environmental – the top hydrology firm – Lincoln Applied Geology – and worked for over a year directly with Alan Quackenbush, state wetlands coordinator, and Marty Abair, Senior Project Manager for the Army Corps of Engineers. Everyone involved in our permitting process knew exactly what we were planning to do with the property and signed off on the plan. That did not prevent another wing of the Agency of Natural Resources from harassing us at the 11th hour and ultimately costing us over \$8,000 in legal fees to defend our farm against a specious agency claim.

At the local level, in our first year of operation and only 10 days after opening our doors for business, the town of Shelburne threatened us with a zoning enforcement action because we had not applied for their Integrated Agriculture permit. At the time, only two other agriculture businesses in the town of Shelburne possessed this permit (still the case), with one of the two not having applied for the first five years of operation while suffering no repercussions from the town of Shelburne. Numerous other agriculture operations, including Shelburne Farms and Shelburne Orchards, have operated in Shelburne for decades with no permit, and with no knowledge that the permit even existed or was required.

We immediately responded to the town and requested the following information regarding their permit: what is the specific trigger that necessitates the agriculture permit from the town; why is the need for the permit selectively enforced within the town of Shelburne; what, specifically, is the town trying to prevent with the bylaw/need for the permit? As of the current date, eight months after first posing these questions and seven months after initiating joint work with the Shelburne Planning Commission to revise their Integrated Agriculture bylaw, we still have no specific answers from the town and no re-write or workable adjustment of the bylaw.

In 2016, our first year in full operation, the town proposed raising our property tax assessment by 50%, despite having no residence on the property, not even a single toilet on site, and no profits to the business.

The town would not allow us to tie into the municipal waterline, located just across the street, so we were forced to drill a well at a cost of \$10,000.

The town would not allow us to tie into the municipal sewer line, so we were forced to build a septic mound at a cost of \$30,000, even though the sewer main is on the other side of our street and easily accessed.

The town will not allow us to subdivide one building lot on our 75 acre parcel (which is already approved as a single building lot) so as to protect our principal residence from liability from the farm business and cut the cost of financing by 50% to 75%. Meanwhile, a few hundred yards down the road to the south, the town has approved 91 housing units tied into municipal water and sewer on 30 acres, while a few hundred yards to the north, they've approved 14 houses on 70 acres. If this is being supportive, I hope I never experience the town's ill will.

To close, I think there is a large constituency receiving minimal representation as you review the proposed legislation, and I encourage the committee to consider the interests of this group. Yes, there are a couple dozen town managers that would like more control. Yes, there are fifty farm neighbors who have complained about some aspect of the neighboring farm's business. Who you are not hearing from is the ten's of thousands of Vermont citizens and Vermont tourists who want access to farms, special events on the farms, and the farm's integrated products. They want to be on the farm. They want their children to go to summer camp on the farm. For a number of reasons – some factual, some emotional – the “locavore”, or “buy local” food movement, is alive and well in Vermont. In fact, Vermont is ranked #1 among the 50 states for the fourth year in a row for “commitment to local foods” and food sources, according to Strolling of the Heifers - <http://www.strollingoftheheifers.com> - a non-profit group dedicated to “connecting people with healthy local food, and with the farmers and food producers who bring it to them”. The citizens want it, and they want as much of it as possible.

There is enough uncertainty in entrepreneurship, and particularly agricultural entrepreneurship, without adding the wet blanket of excessive, frequently duplicative, and always costly regulation. Whenever possible, farmers need consistency and, most importantly, predictability. We can't control the weather, we can't control the insect population or deer migration, and we can't control the tastes and desires of our customers. But we can, with your help, control the business and regulatory environment within which Vermont farmers are expected to operate and to succeed.