



NATURAL RESOURCES BOARD

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March 10, 2022

To: House Agriculture & Forestry
From: Sabina Haskell, chair, Natural Resources Board
Subject: H.704, Accessory On-Farm Businesses

Chair Partridge and Committee Members,

Following testimony on H.610 today in committee, the Natural Resources Board was asked to provide feedback on H.704, relating to Accessory On-Farm Businesses. While the time-sensitivity of the legislative process does not permit a comprehensive analysis right now, we appreciate the opportunity to comment and offer the initial impressions below.

The Natural Resources Board's role is to administer Act 250 as enacted and from time to time amended by the Legislature. The Board manages the process by which land use permits are issued, enforces Act 250 permits, and participates in permit appeals and other permit-related matters before the Environmental Division of Vermont Superior Court.

We also issue rules and policies related to Act 250, with the goal of improving timeliness, predictability, and consistency in how the law is applied in communities across Vermont.

As you know, Act 250 permit applications are reviewed by one of nine District Environmental Commissions, whose volunteer citizen members are appointed by the Governor. Staff support is provided by eight full-time district environmental coordinators, who are located in five district offices throughout the state. District coordinators also issue jurisdictional opinions on whether an Act 250 permit is required in the first instance.

As a policy matter, the goals of the accessory on-farm businesses in H.704 are laudable in that they seek to create and bolster an economic pathway to maintain Vermont's farms as part of our enduring landscape and protect rural areas of the state.

H.704 seeks to exclude from the definition of "development" subject to Act 250 "the construction of improvements for an accessory on-farm business located on a tract of land primarily devoted to farming, provided that: (I) the proposed improvements are for an accessory on-farm business as defined by 24 V.S.A. § 4412(11); (II) the farming operation is subject to the Required Agricultural Practices; (III) the improvements constructed for the accessory on-farm business do not physically alter more than one acre of land."



This provision would be interpreted by district coordinators in response to requests for jurisdictional opinions regarding whether specific proposals require an Act 250 permit, and by the Environmental Division on appeal.

In recent years, there have been more businesses proposed on farms and there has been some confusion among the general public as to whether and how the concept of an “accessory on-farm business,” intersects with Act 250. H.704 addresses the interplay head-on.

Alison and I will be happy to discuss the bill further in your committee tomorrow morning.

Sabina Haskell
Chair, NRB

