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Regional Planning Commission Comments on H.128 – An Act Relating to Removing Regulatory Barriers for Working Lands Businesses

Submitted to: House Committee on Environment and Energy

Submitted by: Chris Company, Executive Director, Windham Regional Commission on behalf of the VAPDA Government Relations Committee (Charlie Baker, Committee Chair; Catherine Dimitruk, VAPDA Chair)

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I am commenting on behalf of the Vermont Association of Planning and Development Agencies, and will note that I came into planning through my work on sustainable agriculture and agricultural economic development. Prior to my service to the Windham Regional Commission beginning in 2010, I was the founder and executive director of the Baton Rouge Economic and Agricultural Development Alliance, the federal policy coordinator for the National Campaign for Sustainable Agriculture on the 2002 Farm Bill, Director of Agricultural Economic Development as part of my role as Deputy Commissioner of Planning for Orange County, New York, and represented Calvert County, Maryland on the Southern Maryland Agricultural Development Council in my role as Deputy Director of Calvert County Planning and Zoning. I have served on the boards of the Southern Sustainable Agriculture Working Group, the Louisiana Organic Association, the Policy Task Force of the Northeast Sustainable Agriculture Working Group, the National Campaign for Sustainable Agriculture, the Louisiana Sustainable Agriculture Working Group, the Louisiana Vegetable Growers Association, and the Capital Area Resource Conservation and Development Office in Baton Rouge. More recently I have worked with the Vermont Sustainable Jobs Fund in the creation of a Local Planning for Food Access Toolkit and Food Security Plan, and I am serving on a Northeast Sustainable Agriculture Research and Education Program agritourism grant committee.

Farming, agriculture, the business of farming, and the lives of farmers, farm families, and those who work on farms is rapidly changing. I've seen this in the places where I have lived and worked, and cannot emphasize strongly enough how important it is to have policies that enable farmers to keep farming, and for farms to remain as farms. I would welcome the opportunity to explore this with you in more detail, but for now I offer the following.

- We support the intent and provisions of the bill, and recognize its challenges in promoting farm and farmer economic sustainability, establishing regulatory expectations for farmers and their neighbors, and preventing commercial retail establishments from veiled as agricultural enterprises and benefiting from the policy accommodations made for the latter.
- Given the fragility of the agricultural economy, there is good reason to prioritize farm economic viability over potential land use conflict concerns because of the many values that farms provide as is reflected in Vermont policies. The larger policy issue is what can be done to ensure farms remain as farms, and that farmers can stay on the land. Our farmer population is rapidly aging, and profitability, especially in dairy, is challenging to put it lightly. The pressure to sell in order to retire, to stop accruing debt and to pay off debt, and to take advantage of increasing land prices, is growing.
- All Vermonters have a stake in farm economic viability. To be sure farms contribute to the character of Vermont's landscape, but they also contribute to food security, preservation of invaluable agricultural soils, water quality (as an alternative to conversion to residential or commercial use), carbon sequestration and greenhouse gas mitigation, habitat preservation and creation, and critically, a source of income for rural Vermonters. Policy should recognize the unique nature of the business of farming, as well as the nature of communities of farms, and farm communities. This bill is a positive step in that direction.
- Looking back, what we now call accessory on-farm businesses would have historically been the norm for many farms. It was and is not uncommon for a farm to have a farm stand or otherwise produce and sell value-added products directly from the farm. It was also common for other businesses to take root. For example, if a farmer had blacksmithing or wheelwright skills, or employed such a craftsman, those operations could provide an additional source of income. In trying to preclude the creation of non-farm businesses with a farm veneer that may operate to the detriment of rural neighbors, we should not preclude the opportunity for farmers to earn income that keeps a working farm a working farm. It is entirely possible that the farmer or farm family might earn more income from the accessory business than the farm itself, but I would argue the fundamental policy goal is to keep the working farm intact. This bill is a good start, and in the future Vermont may want to revisit additional uses that are compatible with farming and farm communities.
- To this end, however this bill moves through the legislature I suggest it be set up to make it easy to revisit its provisions in the future. Because of the highly dynamic nature of the agriculture and forestry economies and how this translates to farms and forestry in Vermont, it is quite possible that the

legislature may want to revisit what uses are allowed to promote farm and forestry flexibility and viability.

- Given the price of land, unless permanently protected, once a farm goes up for sale it is quite possible that it will be purchased for a use other than farming, though that change may not occur immediately. Ideally, we would examine the extent to which farms that have been sold in recent years are being subdivided. That's beyond this bill but this Committee may want to explore what is becoming of farms that are sold and what it means for possible future conversion of use. If conversion is happening or likely, it has implications across state agricultural, land use, conservation, climate, water quality, transportation, energy, and other policy areas. I am basing this on my own experience as a planner in other states and the historical pattern of sprawl.

Thank you for this opportunity to contribute to your deliberations. I would welcome the opportunity to provide direct testimony should the opportunity arise.