

February 18, 2026

Senator Major,

Thank you for considering ways to revise (once more) accessory on-farm business legislation such as to allow for the construction of improvements for certain AOFB activity. Agency of Agriculture and Markets staff have been advocating for farms to tap into new business opportunities related to the preparation of value added meals and food, offering of educational tours, as well as cooking classes. Unfortunately recent AOFB revisions stopped short of exempting new construction on farms for the purpose of educational and social activities organized around the preparation of qualified farming products. Below please find my thoughts on new revisions and considerations.

There is the longstanding exemption for construction of improvements for *farming* at 10 VSA § 6001(3)(D)(i) and there is a new exemption for construction of improvements for *certain AOFBs* at 10 VSA § 6081(t). Though these exemptions overlap (i.e., both could serve to exempt the same project from permitting), they are separate. **From my perspective, I believe you only need to make a change to AOFB rules and not the very definition of farming**, but I trust that your legislative staff can clarify this perspective.

In the 2024-2025 legislative season there were new exemptions for construction of improvements for *certain AOFBs* at 10 VSA § 6081(t).

We would like to see AOFB language widened a bit in three ways. First, the revised language below would allow for the construction of improvements for AOFBs for educational, recreational, or social events (e.g. cooking classes) that feature agricultural practices or qualifying products as AOFBs are defined in 24 V.S.A. § 4412, without the need for a permit or permit amendment. Second, the revised language below preserves the legislative intent to limit revenue from AOFBs as a function of overall sales of qualifying products, meaning the AOFB cannot outpace or become the primary agricultural business activity on the farm. Third and finally, the proposed language preserves legislative concern over exempting some AOFB activity, namely the construction of improvements for the purpose of overnight farm stays.

From our perspective, we would want to see revenue from accessory farm businesses flourish, and allow for things like cooking classes, or educational or social activities around qualifying farm products. Importantly we believe that AOFB revenue should be accessory to the core farming activity and not eclipse the definition of farming itself. For that reason, we believe that exempting construction of housing, rooms, or other hotel/motel/B&B development for the purpose of farm stays would be a real stretch of allowable development in support of farming.

Below we've made suggestions to the law that would fit the farm purposes, land use balancing act and legislative intents stated above. Thank you for your assistance with these concerns.

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Exemptions for development around AOFB's exists in 10 VSA § 6081(t).

Proposed changes are in RED.

(t) No permit or permit amendment is required for the construction of improvements for an accessory on-farm business for the storage or sale of qualifying products or the other eligible enumerated products as defined in 24 V.S.A. § 4412(11)(A)(i)(I). No permit or permit amendment is required for the construction of improvements for an accessory on-farm business **for the preparation or processing of qualifying products** as defined in 24 V.S.A. § 4412(11)(A)(i)(I), provided that more than 50 percent of the total annual sales of the prepared or processed qualifying products come from products produced on the farm where the business is located. **No permit or permit amendment is required for the construction of improvements for an accessory on-farm business for educational, recreational, or social events that feature agricultural practices or qualifying products, or both, as defined in 24 V.S.A. § 4412(11)(A)(i)(II), provided that more than 50 percent of the total annual sales of the prepared or processed qualifying products come from products produced on the farm where the business is located.** This subsection shall not apply to the construction of improvements related to farm stays as part of an accessory on-farm business as defined in 24 V.S.A. § 4412(11)(A)(i)(III).

Accessory on-farm businesses are defined in 24 V.S.A. § 4412. These are referenced in the revisions above and suggested modifications are made below to 24 V.S.A. § 4412 (11)(A)(i).

(11) Accessory on-farm businesses. No bylaw shall have the effect of prohibiting an accessory on-farm business at the same location as a farm.

(A) Definitions. As used in this subdivision (11):

(i) "Accessory on-farm business" means activity on a farm, the revenues of which may exceed the revenues of the farming operation, and comprises **one or more of the following:**

(I) The storage, preparation, processing, and sale of qualifying products, provided that the qualifying products are produced on a farm; the sale of products that name, describe, or promote the farm or accessory on-farm business, including merchandise or apparel that features the farm or accessory on-farm business; or the sale of bread or baked goods.

(II) Educational, recreational, or social events that feature agricultural practices or qualifying products, or both. Such events may include tours of the farm, tastings and meals featuring qualifying products, and classes or exhibits in the preparation, processing, or harvesting of qualifying products.

(III) Activities may include farm stays. As used in this subdivision (III), "farm stay" means a paid, overnight guest accommodation on a farm for the purpose of participating in educational, recreational, or social activities on the farm that feature agricultural practices or qualifying products, or both. A farm stay includes the option for guests to participate in such activities.