

Agency of Agriculture, Food & Markets
116 State Street
Montpelier, VT 05620

[phone] 802-828-2431
[fax] 802-828-2361

The Vermont Agency of Agriculture, Food & Markets respectfully submits the following comments on the [TRORC Draft 2026 Regional Plan's Chapter 3: 'Land Use'](#).

Rural General

In the Draft 2026 Plan's section for 'Rural General Areas' (page 3-12), the Agency appreciates that the goals acknowledge that, "Agriculture continues to form an important visual, economic, and cultural part of the landscape" and that, "Rural lands provide a place for people's homes and small businesses." The Agency respectfully suggests that the first goal statement be broadened to recognize the regional food access and resilience benefits of thriving local agriculture, and to note that agriculture and its on-farm enterprises can take place at a diverse array of scales and land use contexts.

Under this section, the Agency appreciates Policy 6 which states, "Projects on lots with over 5 acres of prime or statewide agricultural soils utilize compact development design to configure lots and locate new development away from productive fields." This policy could also be broadened to encourage compact development design that focuses on retaining agricultural potential when feasible on lots that include any recent or current agricultural use soils, since soils proven to produce food or forage are valuable regardless of soil rating or acreage.

Rural Agriculture and Forestry

Under the 'Rural Agriculture and Forestry' section of the Land Use chapter, an area which includes 59% of the region's soils of Prime or Statewide importance (page 3-14), the draft plan's goals are stated as, "Agriculture continues to form an important visual, economic, and cultural part of the landscape" and, "Working forest lands sustainably provide forest products." Similar to the above comment for Rural General Areas, the goal statement as it relates to agriculture is strong but could be broadened to, analogous to the working forest lands goal statement, recognize the way in which the region's agricultural lands can sustainably provide food products that foster regional food access and system resilience



and decrease reliance on food grown farther afield and the associated emissions from food shipment and transportation. This could help foster alignment with the goals of the [Vermont Agriculture and Food System Strategic Plan.](#); including but not limited to the goal that, “Vermont’s agricultural land remains in productive agricultural use, access to that land is more affordable and equitable, and land-use planning decisions maintain and promote a strong and viable food system.”

Specific Feedback on Policy 8 of Rural Agriculture and Forestry

The Agency appreciates the opportunity to share a specific comment about draft Policy 8 of the Rural Agriculture and Forestry section of the draft’s Land Use chapter, on page 3-15. Policy 8 as drafted states:

“Accessory on-farm businesses (AOFBs) regulated under Act 250 in the Rural Agriculture and Forestry Areas shall not host more than twenty social events (concerts, weddings, etc.) a year, generate daily truck traffic, or be principal retail.”

Accessory on-farm businesses (AOFB) are increasingly critical to farm viability and long-term success at a time when we are seeing annual loss of farmland in Vermont and the broader region. AOFB can foster economic, land use, and environmental benefits since successful farms are more likely to remain in active agricultural use and are less susceptible to development pressure. AOFBs are associated with farms subject to the Agency’s Required Agricultural Practices, and in many cases the success of the farm is inextricably intertwined with the success of the AOFB.

Agriculture in Vermont needs the space to diversify, thrive, and grow, and agritourism and direct farm-to consumer sales are promising paths to viability and success. Land use on farms is already subject to Agency regulations, and potentially subject to municipal and LURB regulation as well. (Many other State entities may also be involved, depending on the activity.) The Agency respectfully comments that, AOFBs are supposed to be allowed and have consistent opportunities throughout the State. While municipalities can provide site plan and performance standards review, municipalities cannot enact bylaws that specifically seek to limit AOFB operations that have “...the effect of prohibiting an accessory on-farm business at the same location as a farm.” Act 143 of 2018; 24 V.S.A. s. 4412 (11). Farming—and AOFBs—can also take place within, or outside of, agriculturally zoned areas, and can take place on small, medium, or large parcels. Policy 8 (page 3-15),



while surely well-intentioned, is misplaced in this context of the draft and the Agency respectfully suggests striking this policy statement or amending it to promote AOFBs from the draft plan.

Two specific concerns regarding Policy 8 include:

The draft's proposed prohibition on AOFB in the rural agriculture and forestry areas generating 'daily truck traffic' is not clearly defined and could cause confusion around or vagueness in the regulatory context. It also appears to exceed the intended scope of authority over AOFBs. Farms, regardless of whether engaging in accessory activities, typically include trucks of various kinds (either owned by the farm or by operators servicing the farm) that may be part of both farming or on-farm enterprise, and/or AOFB activities; and

The draft's proposed limitation on the number of events and on AOFBs that are 'principal retail' is also misplaced in this context and in light of Act 143. It also appears to exceed the intended scope of authority over AOFBs. First, 'Principal retail' is vaguely defined, which could lead to regulatory uncertainty; for example, is 'principal' defined by cost of goods sold, farm store receipts, weight or volume of products, or number of transactions or on-farm customers? Importantly, retail could include sale of farm products at a variety of scales or contexts, and many community members may appreciate or seek out the retail or agritourism-based experience of buying locally produced farm-based products, including products aggregated from other nearby farms; and appreciate supporting AOFB by directly visiting the farm, learning about agriculture, and building agricultural and ecological literacy through engagement with the working landscape. We believe the legislature has been working to limit—not expand—the regulation of AOFBs, and do not think the proposals to limit their activities fully consider that standard or recognize their importance to Vermont agriculture.

Thank you for taking the time to consider these comments. The Agency appreciates the thoroughness and attention to detail of the draft plan, its focus on agriculture, and the opportunity to comment.

