

Accessory On-Farm Business: Farmer Survey



SEPTEMBER 2022

74 SURVEY RESPONSES

*SELECTION OF QUOTES AND DATA INCLUDED HERE



Stats

<p>Responses from all counties except Essex</p>	<p>52 farms operate an AOFB or are unsure; mostly value-added products, agritourism</p>	<p>20 farms have AOFB average gross sales between \$10,000-\$99,999</p>	<p>46 farms interested in starting an AOFB or unsure</p>	<p>High interest in starting agritourism, educational programs, value-added, accommodations</p>
<p>Regulations and financing represent greatest barrier to success</p>	<p>50 farms unsure if AOFB is in municipal site plan review</p>	<p>13 farms have approached municipality for a AOFB permit, 9 received a permit or pending</p>	<p>Application process generally not prohibitive (half within 3 months and \$100 or less)</p>	<p>19 farms encountered other permitting questions/challenges</p>

Key Themes

Strong interest in supporting and expanding AOFB as viable part of farm businesses; diverse offerings and types across state

Inequity across town regulations

- **Inconsistency between towns over what constitutes an AOFB and who regulates it in what way**
- **Confusion around qualifying product definition**
- **Frustration that businesses that don't qualify skirting zoning by calling themselves an AOFB**

Lack of relationships between farms and local municipalities

- **Uncertainty over town zoning/regulations**
- **Many unaware of how AOFB interplays with their business or town regulations**

Legislation

- **Act 143 bulky and unclear**
- **Frustration with 50% on-farm product qualification**
- **Frustration with Act 250 applying to farm businesses**

Possible Recommendations

More resources, training, sharing of best practices, and templates for towns and farms

- State to play a stronger role in regulating
- State to provide a point-person to organize town sharing of knowledge
- Clarity around process and definitions so towns can adhere in consistent manner

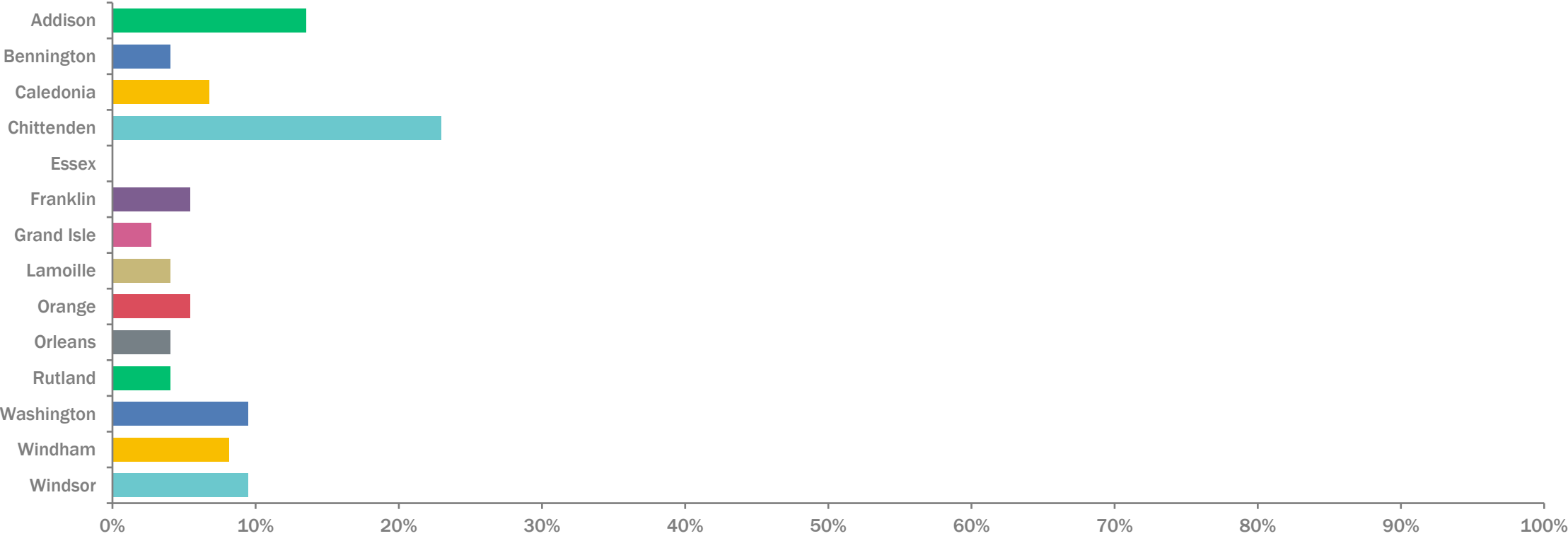
Limit Act 250

Decrease 50% on-farm product threshold

Other

- Ease current use and land trust provisions
- Allow for wind and solar farms
- Change camping and waste rules
- Work with insurance providers to understand liability coverage
- Neighbor disputes

In what county do you farm?



Do you feel your location impacts the operations of your AOFB?

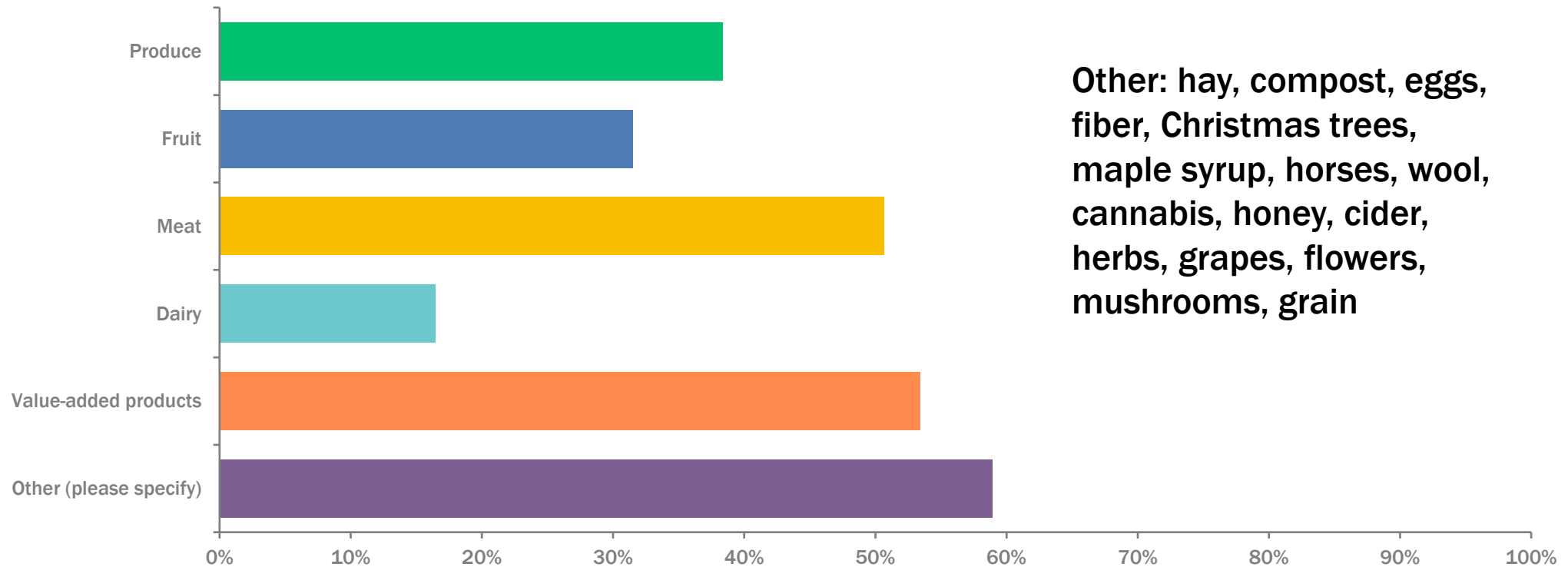
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- “farm friendly town”
- “flexibility with zoning”
- “excellent location” “tourism traffic” “winter attractions” “picturesque location”
- ability to integrate locally-made products by neighbors increases diverse offerings, allows us to connect with locals and visitors, and extend our season so folks can shop for everything they need

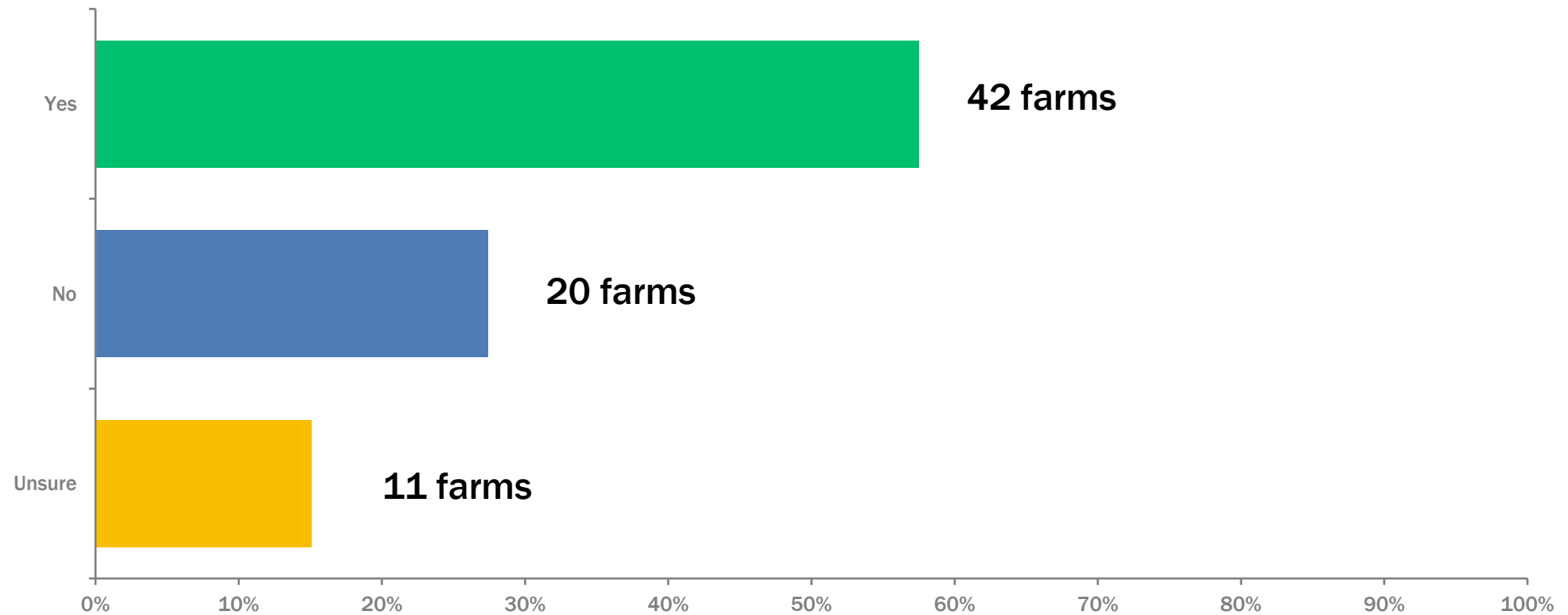
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- “Town highly regulates”
- “I’m concerned...process seems daunting”
- “town zoning makes it difficult”
- “access to field is challenging for cars and those with mobility issues”
- “difficult to have consistent business”
- “false AOFBs are businesses that act as though they are farm based/dependent but really are highly capitalized retail/hospitality enterprises with farms as window dressings”
- Town is “united in their opposition to new uses of AOFB”
- “town is not very agriculturally-focused”

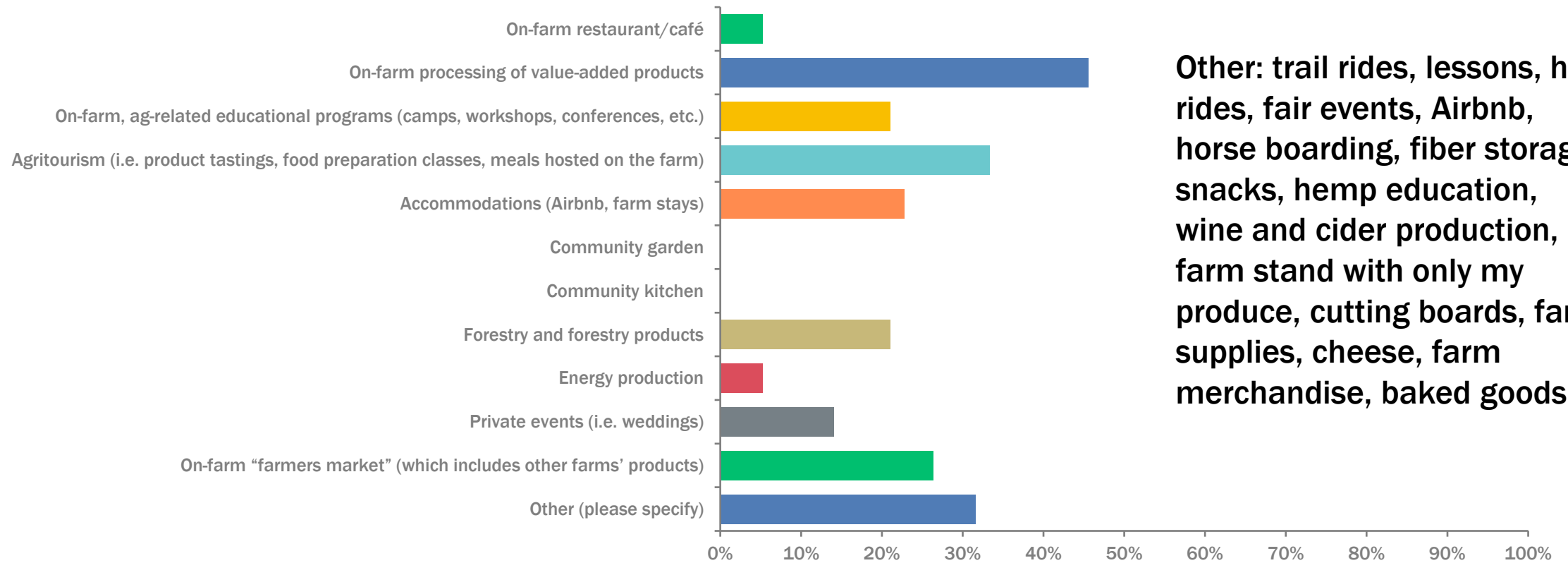
What kind of products do you grow or produce? Check all that apply



Do you currently operate an AOFB?

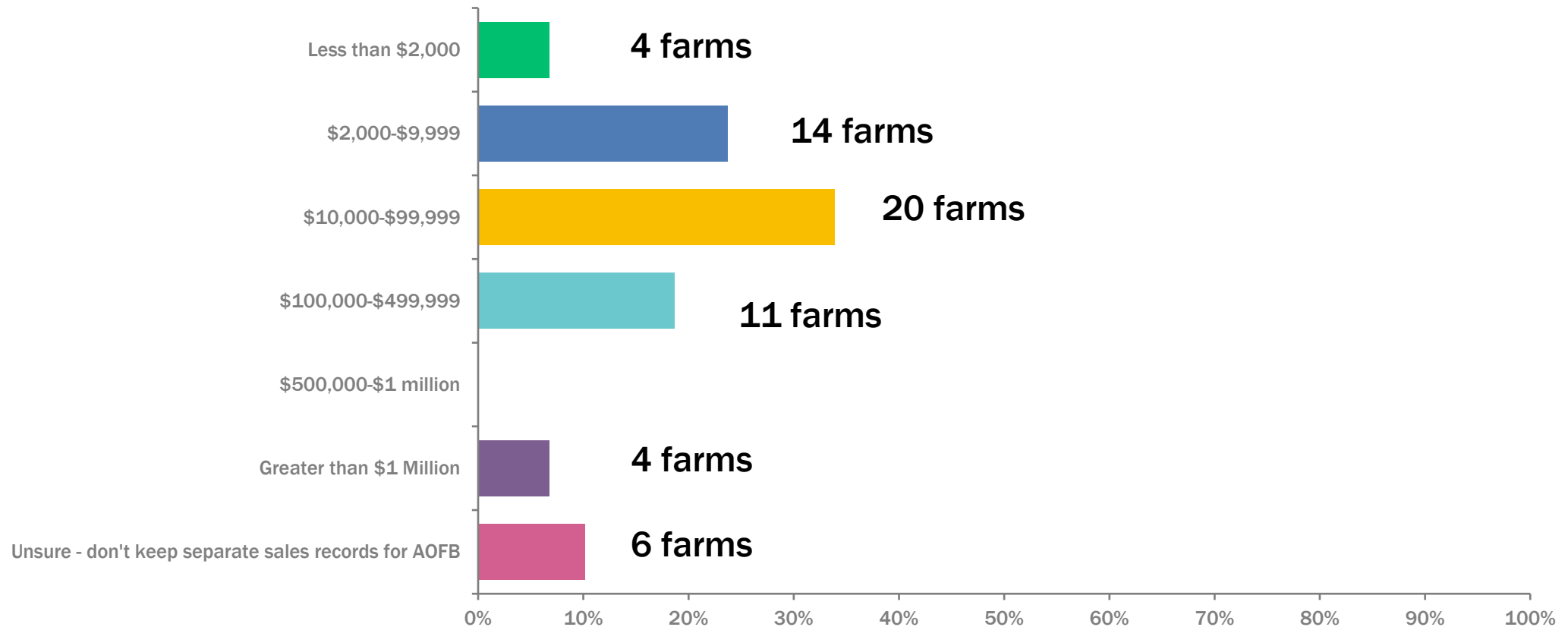


What type of AOFB are you currently operating? Check all that apply.

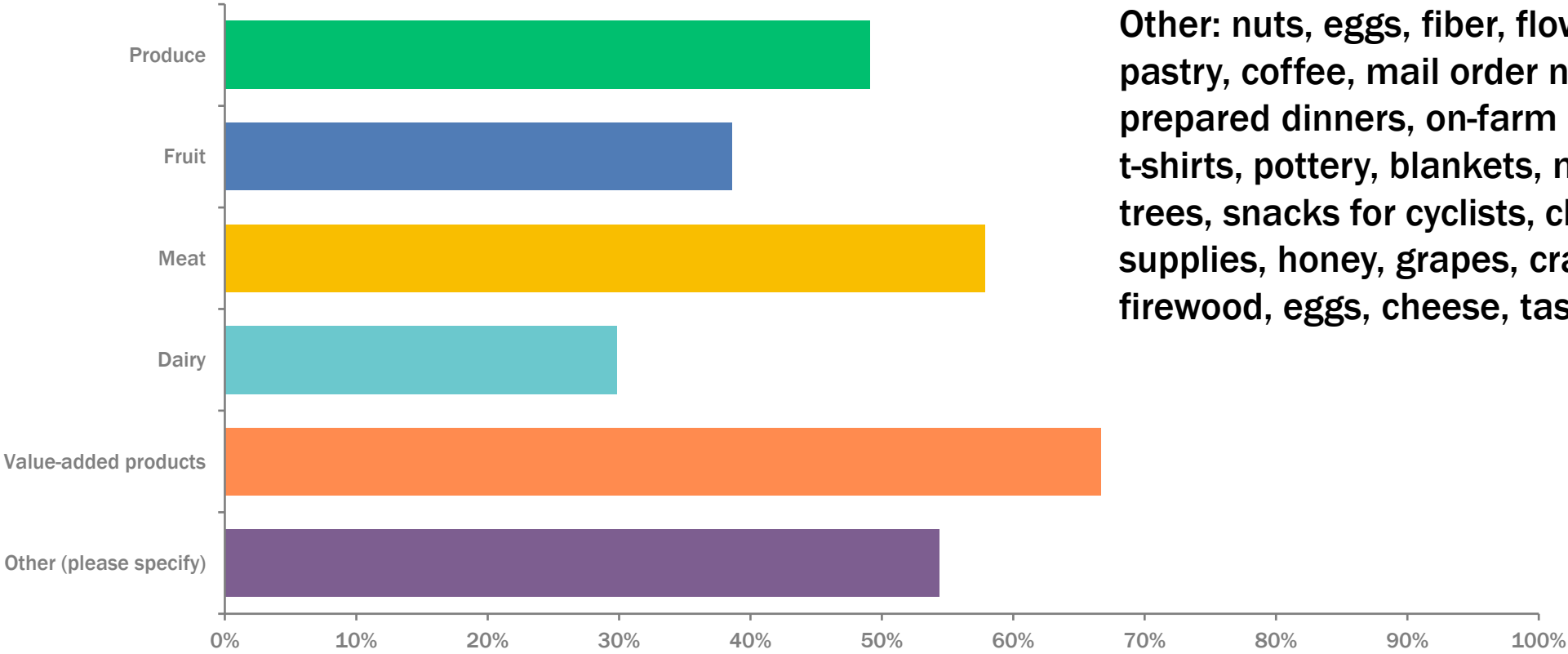


Other: trail rides, lessons, hay rides, fair events, Airbnb, horse boarding, fiber storage, snacks, hemp education, wine and cider production, farm stand with only my produce, cutting boards, farm supplies, cheese, farm merchandise, baked goods

What are your annual gross sales from your current AOFB?



If you are selling products at your AOFB, what products do you currently sell or wish to sell in the future? Check all that apply.

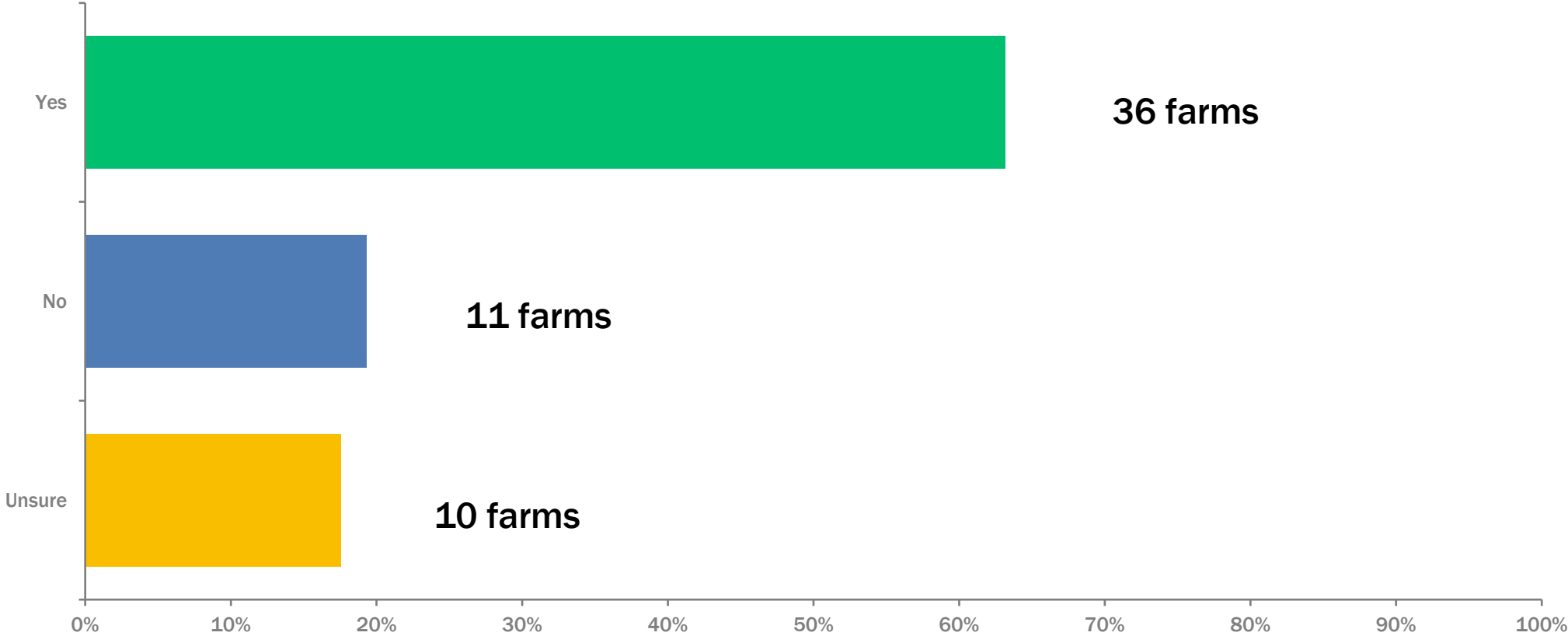


Other: nuts, eggs, fiber, flowers, wool, books, pastry, coffee, mail order not practical, prepared dinners, on-farm dining events, hats, t-shirts, pottery, blankets, maple, Christmas trees, snacks for cyclists, clothing, hay, farm supplies, honey, grapes, craft beer, candles, firewood, eggs, cheese, tasting room

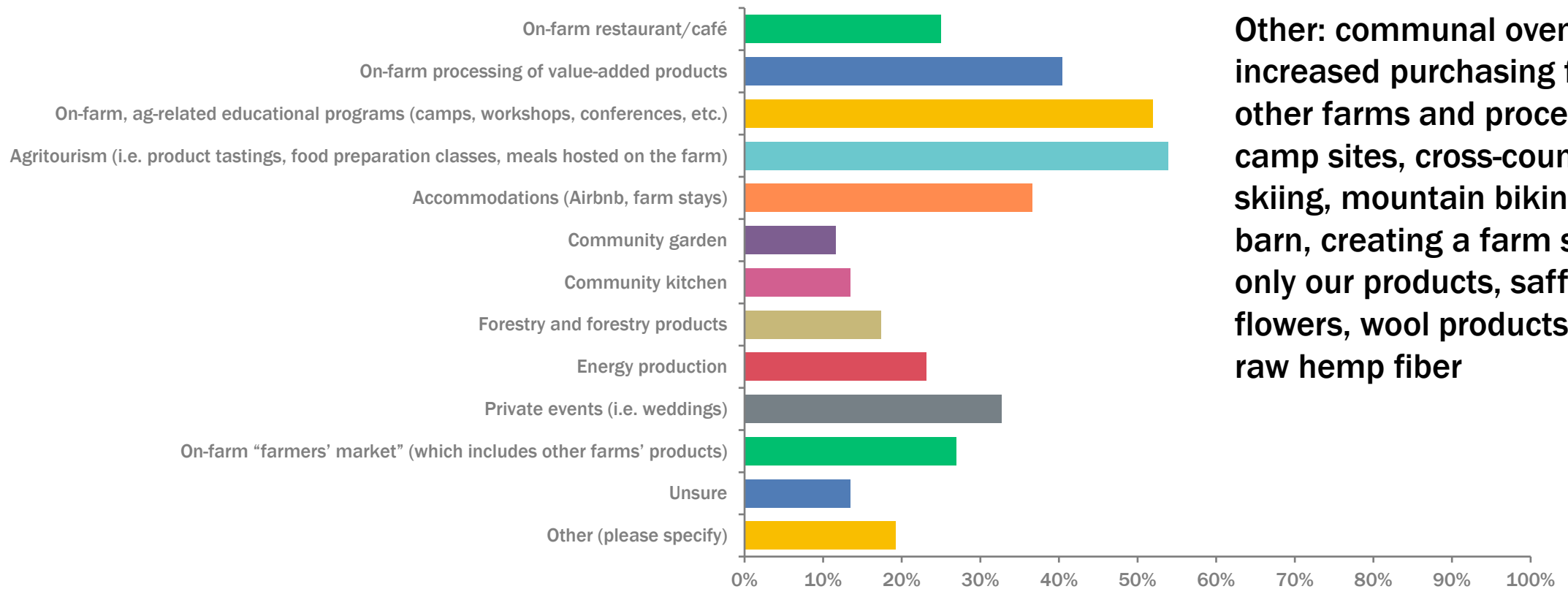
Are there activities or product sales that you would like to incorporate into your business that you're unable to or wouldn't qualify?

- “unable to carry all products our customers request (early business stage and needing infrastructure)”
- Events, agritourism
- Charcuterie, beer and wine, crackers, potato, jams, alcohol
- Restoring buildings
- Weddings
- Commercial kitchen, restaurant, halal/kosher slaughter, non-USDA beef, sheep cheese, finished dairy
- Educational farm books, t-shirts, hats, art
- Add other farmers’ product without affecting total sales, value-added meat products, cannabis, dining events, farm stays, slaughter, home-baked goods, Air BnB without jeopardizing land use designation

Are you interested in starting an AOFB?

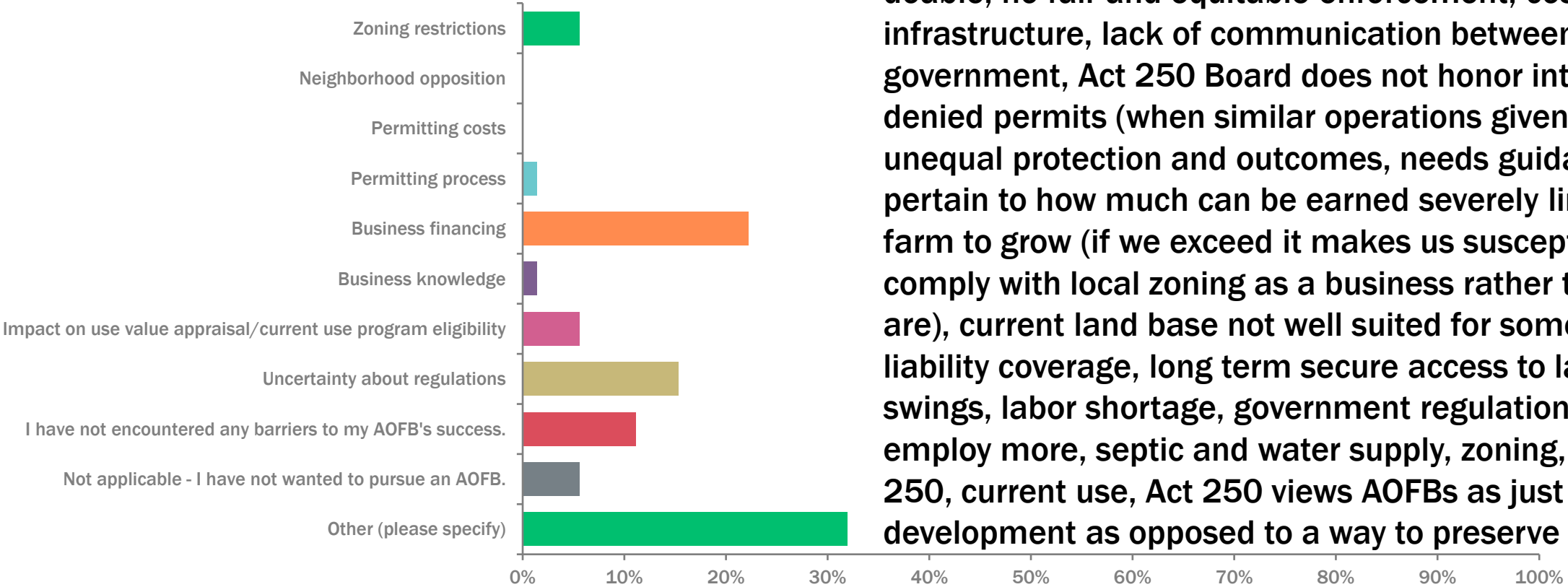


What type of AOFB are you interested in starting? Check all that apply.



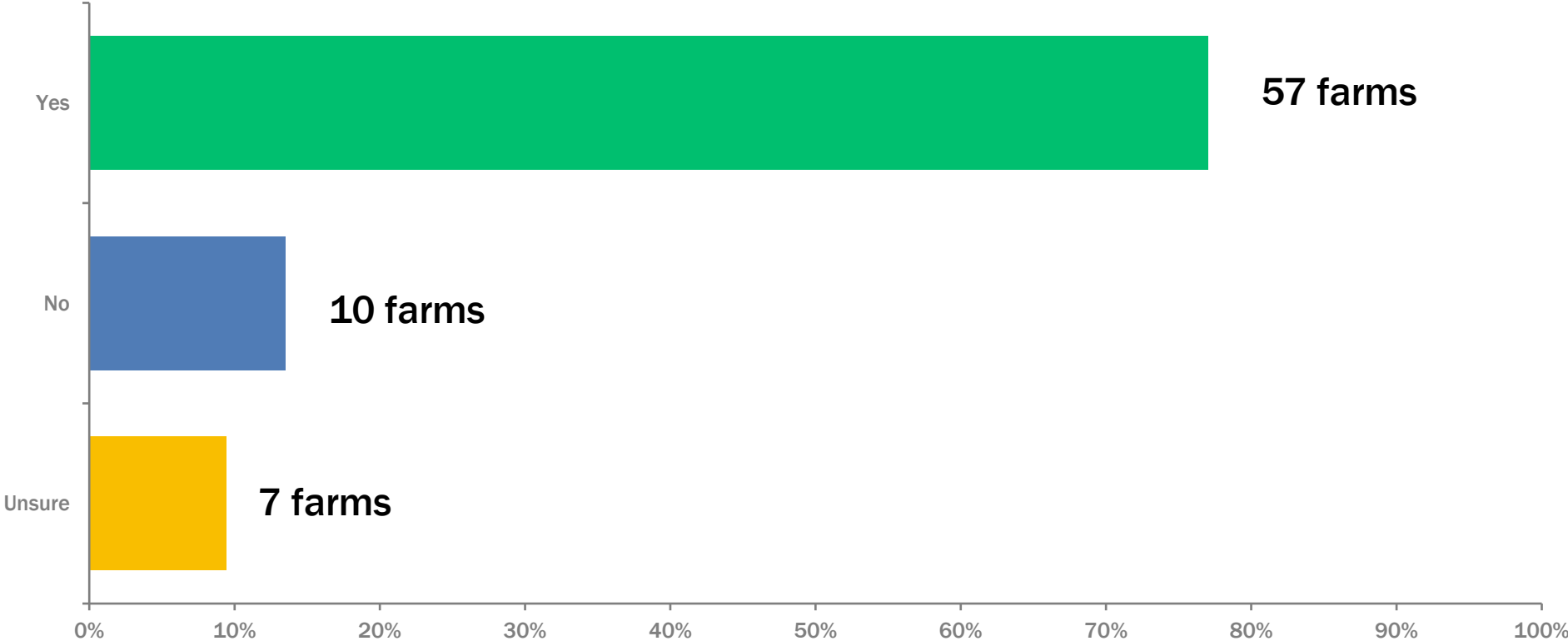
Other: communal oven, fairs, increased purchasing from other farms and processors, camp sites, cross-country skiing, mountain biking, event barn, creating a farm store for only our products, saffron, cut flowers, wool products, mill raw hemp fiber

What has been the greatest barrier to your success in starting/operating an AOFB?

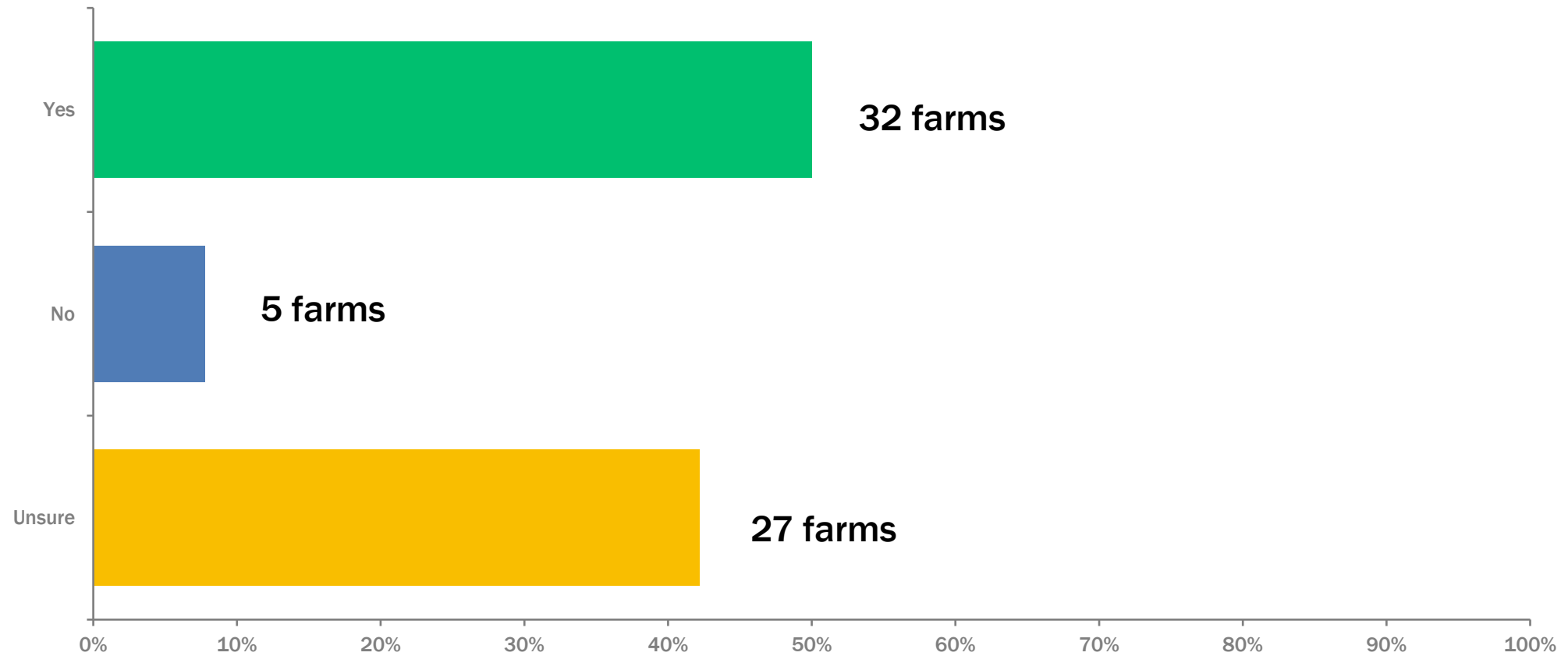


Other: restrictions imposed by VLT, permitting a pain but doable, no fair and equitable enforcement, cost of infrastructure, lack of communication between state government, Act 250 Board does not honor intent of legislation, denied permits (when similar operations given a permit), clear unequal protection and outcomes, needs guidance, rules that pertain to how much can be earned severely limits ability for farm to grow (if we exceed it makes us susceptible to having to comply with local zoning as a business rather than the farm we are), current land base not well suited for some AOFB activity, liability coverage, long term secure access to land, market swings, labor shortage, government regulations, 4th class road, employ more, septic and water supply, zoning, marketing, Act 250, current use, Act 250 views AOFBs as just another form of development as opposed to a way to preserve farmland

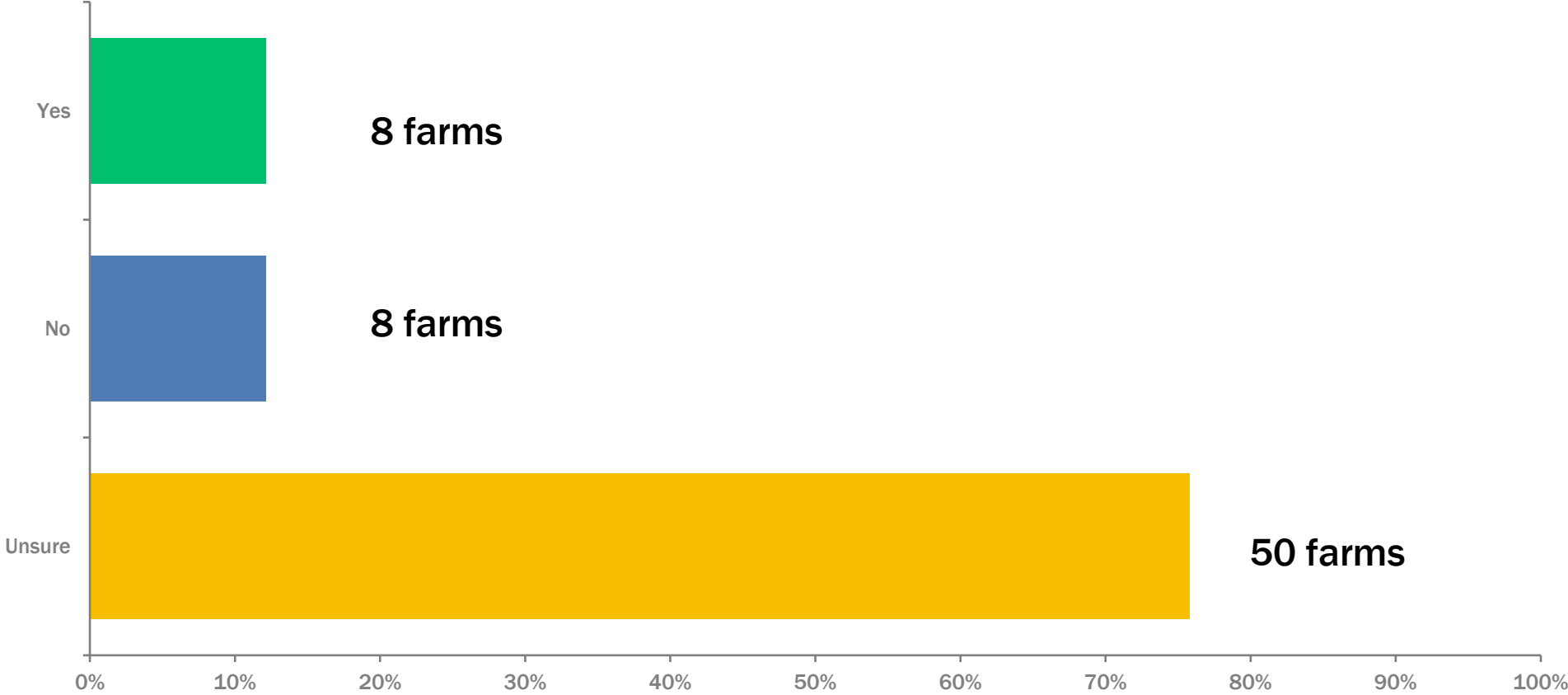
Does your municipality have zoning?



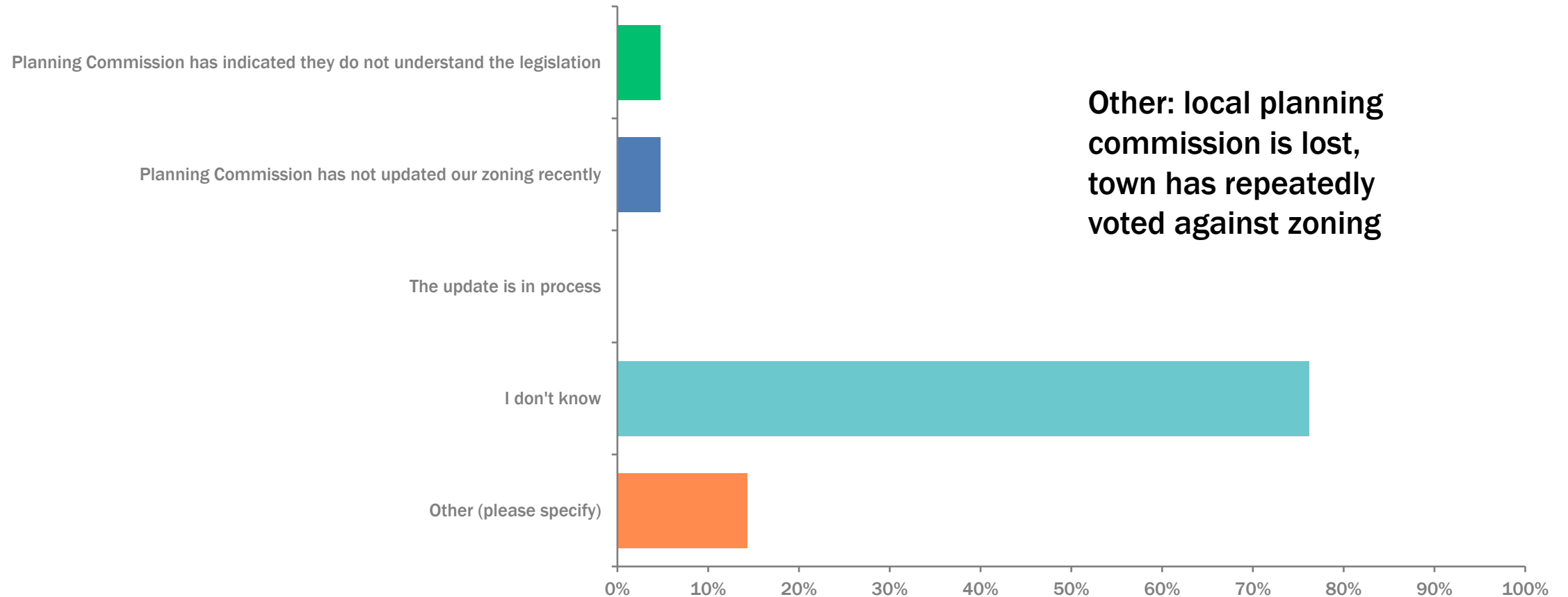
Does the zoning include site plan review?



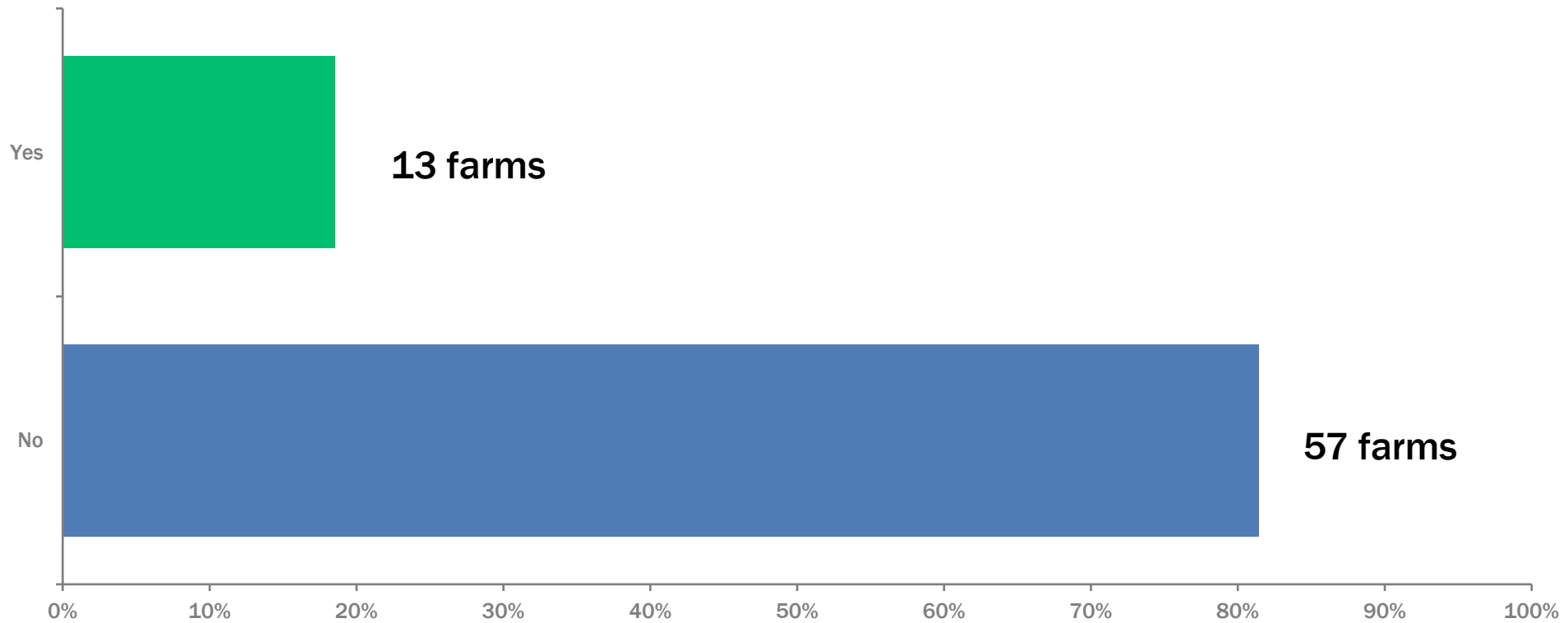
Has your municipality incorporated AOFB/Act 143 into its site plan review?



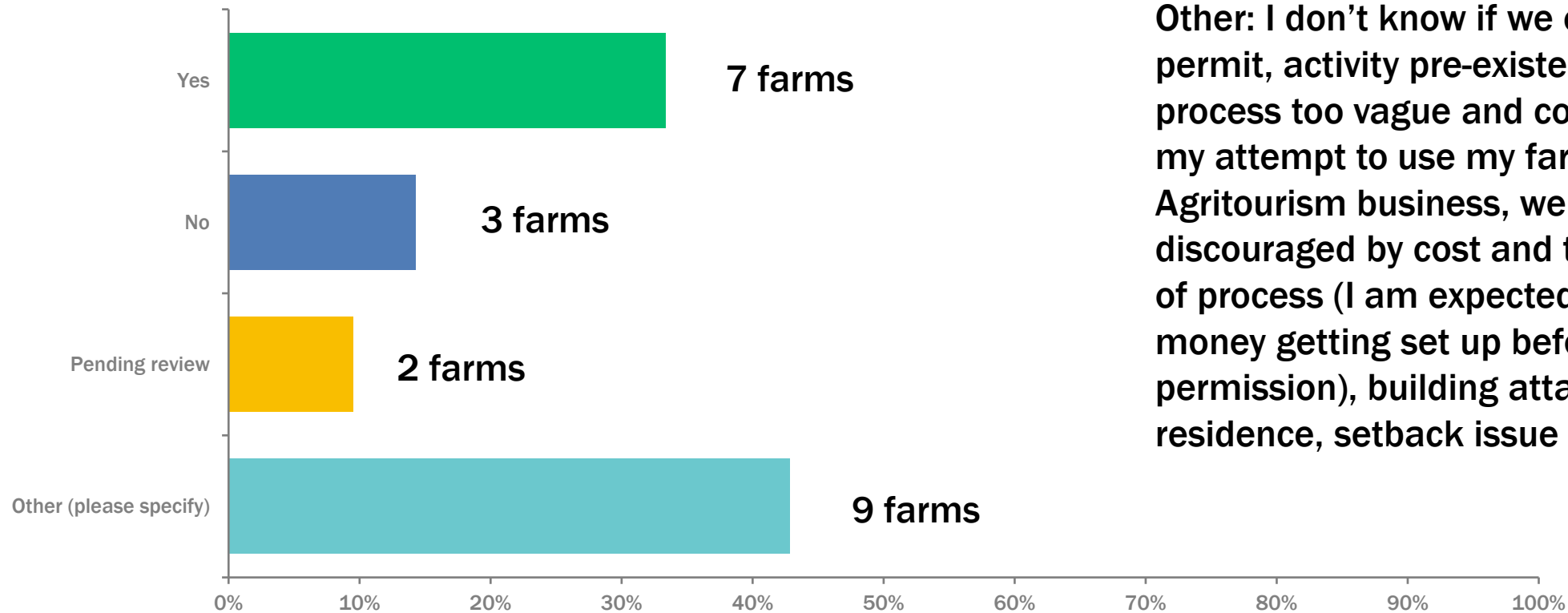
If your municipality doesn't have zoning, has there been an explanation why?



Have you approached your municipality for a permit for an AOFB?

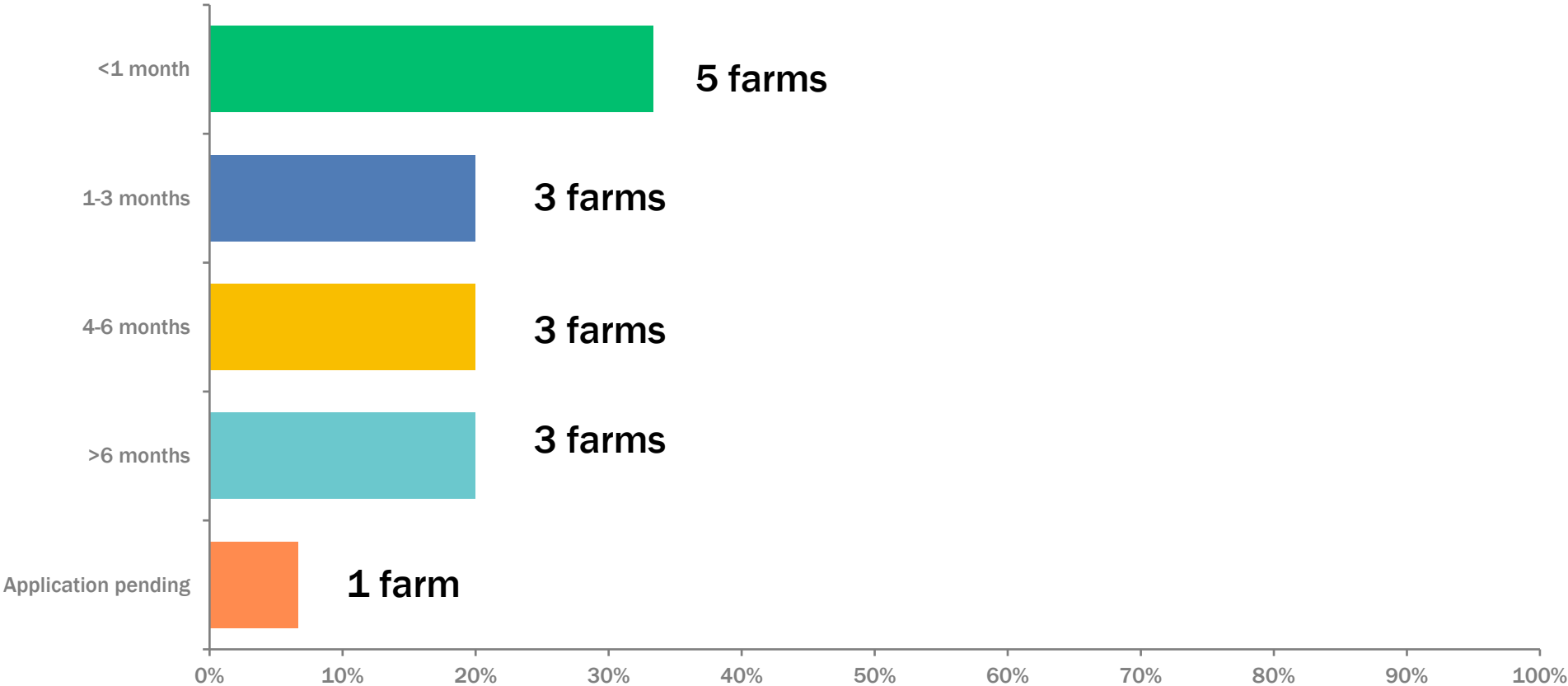


Did you successfully receive the permit?

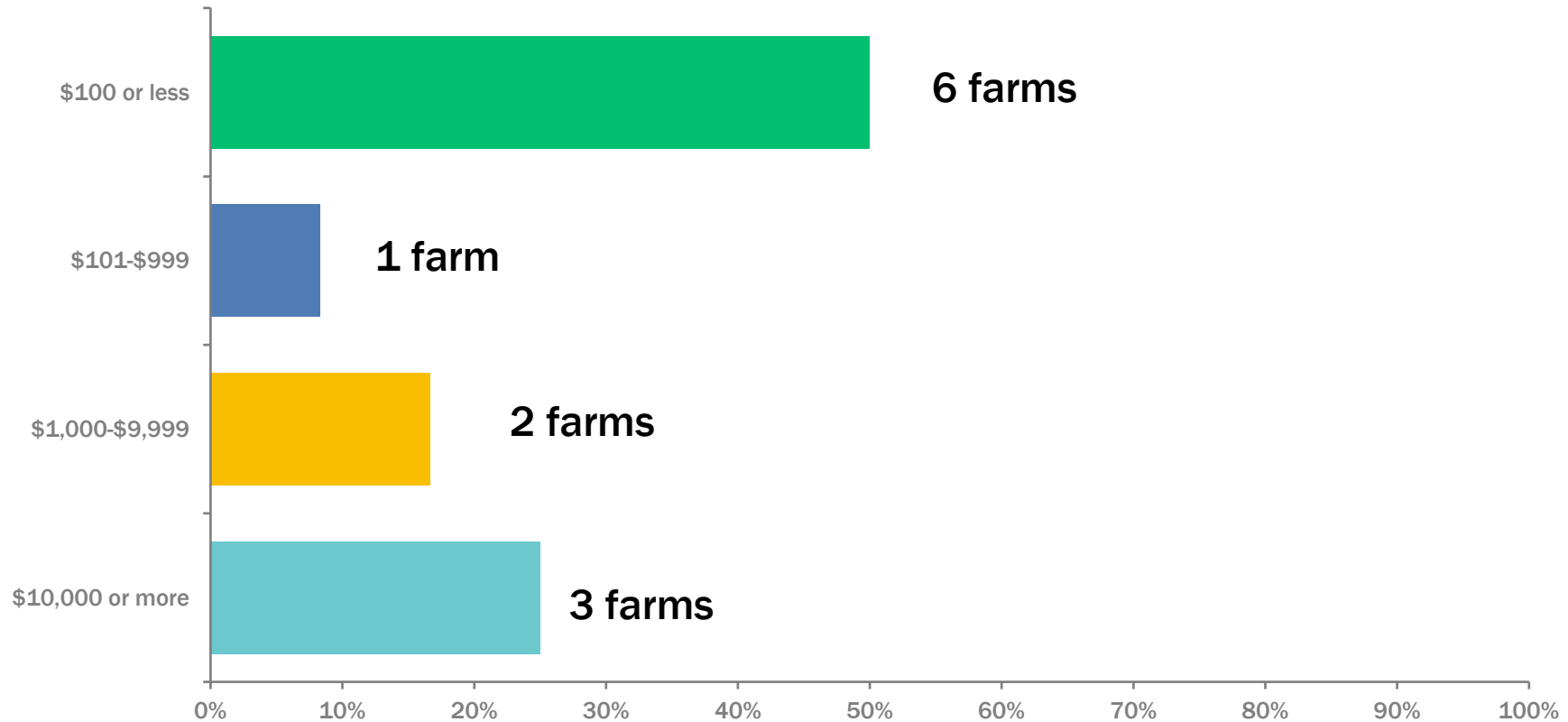


Other: I don't know if we even need a permit, activity pre-existed before zoning, process too vague and confusing, refused my attempt to use my farm as Agritourism business, we got a response, discouraged by cost and total uncertainty of process (I am expected to send the money getting set up before I can ask permission), building attached to residence, setback issue

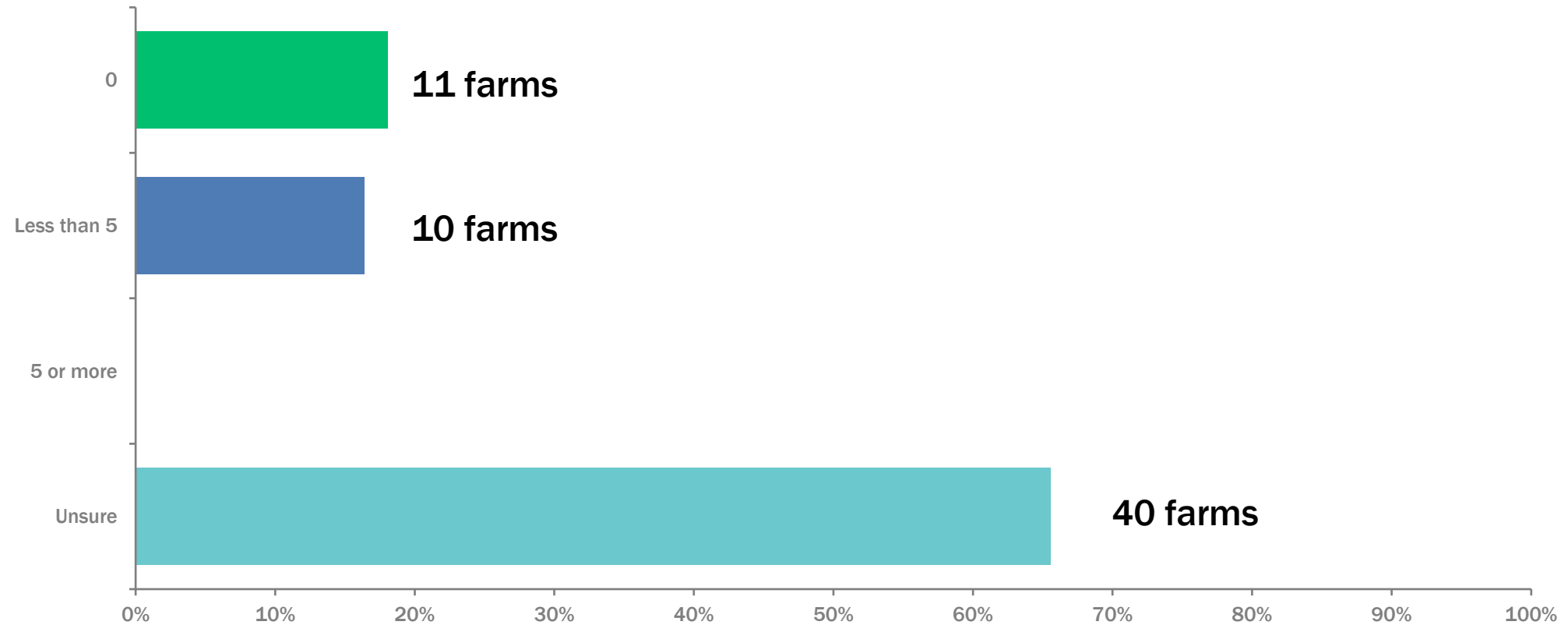
How long did the application process take?



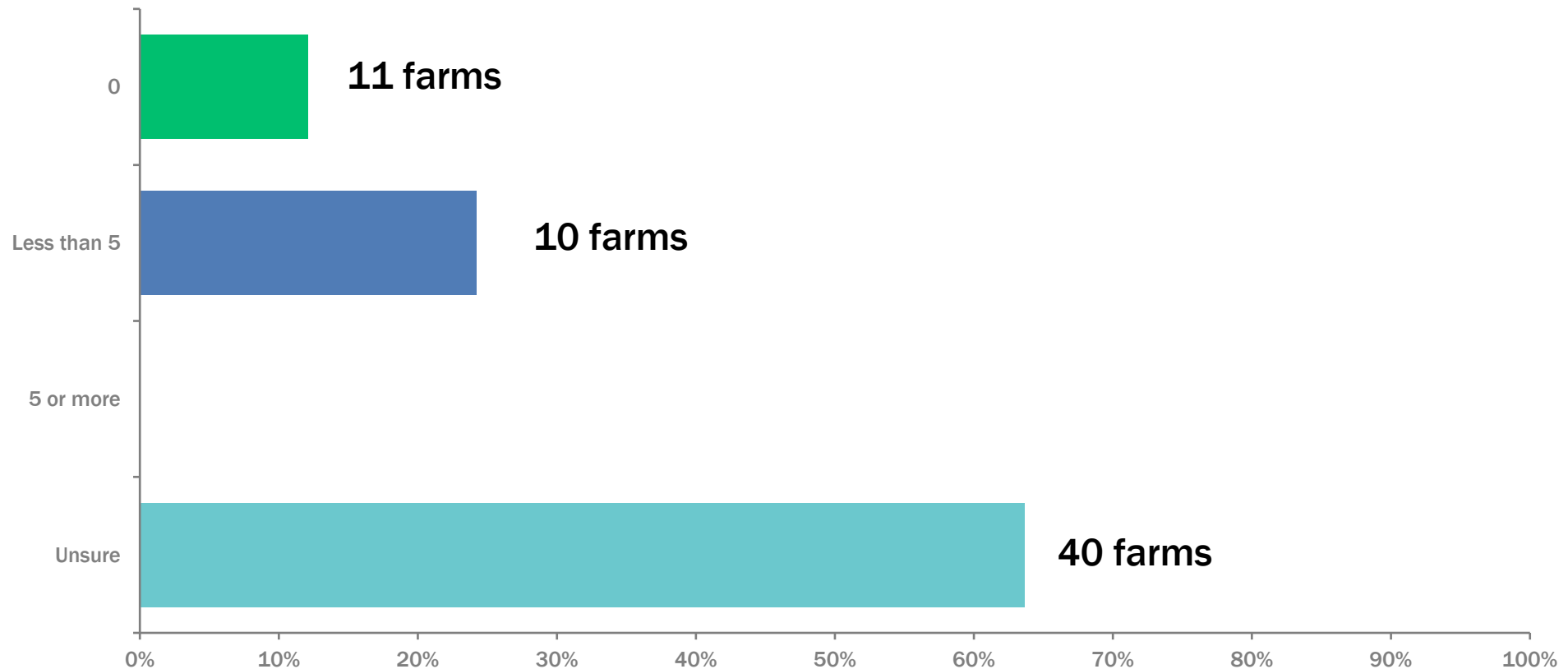
How much did it cost you to prepare the application or participate in the process?



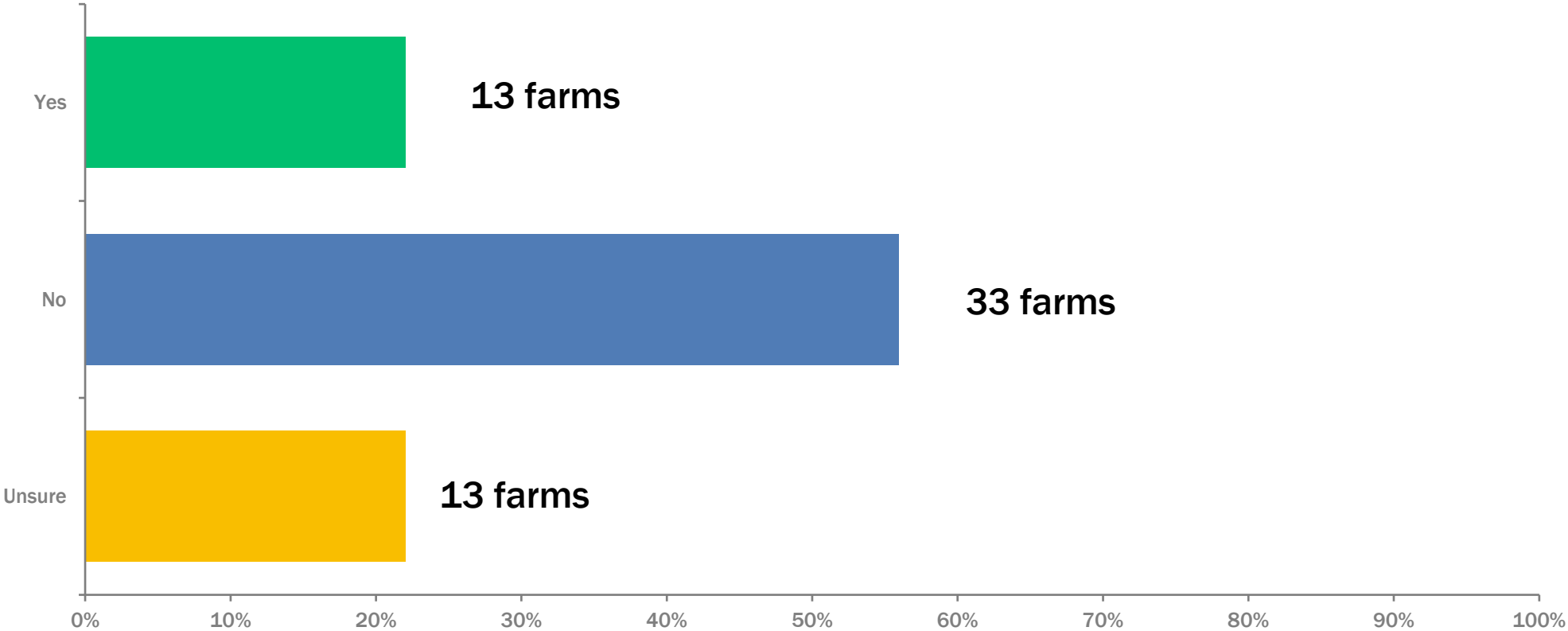
Are you aware of any other farmers in your municipality that have received a permit for an AOFB?



Of those other farmers that have received a permit, how many farmers have actually implemented their AOFB?



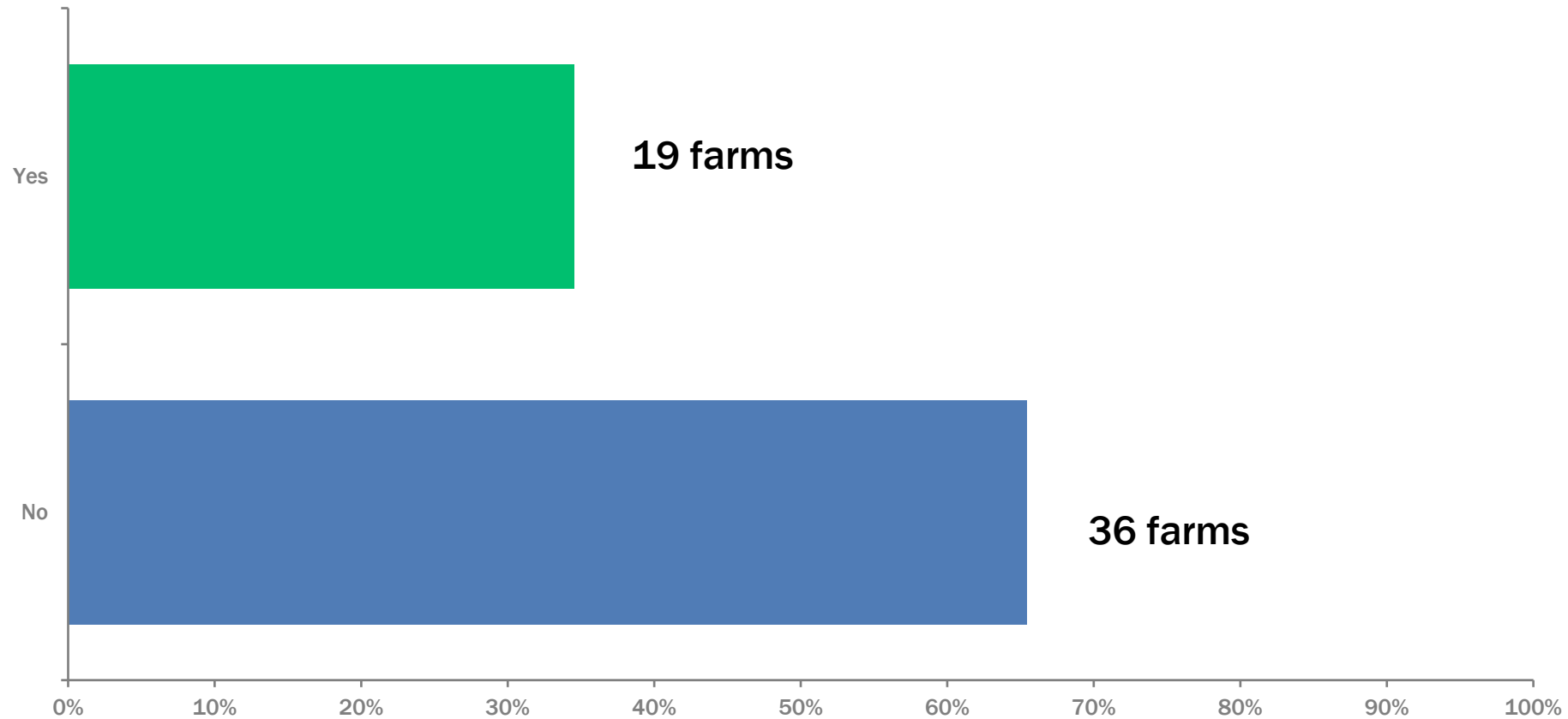
Are you aware of complaints received by your municipality regarding your AOFB or others in town?



Can you describe the complaints you're aware of?

- **City folks complain about noise of farm machinery, neighbors wary of noise, traffic, change, bureaucratic complains, folks complain that we are selling products outside of guidelines because it has not been clearly defined, town officials and neighbors concerned about activities taking place on a local farm despite being zoned rural, neighbors complaining (noise, livestock, traffic, personal grudge), worry about taking away business from other entities, legal action from neighbors**

Have you encountered any other permitting questions or challenges (like Act 250) as it relates to your AOFB?



What other comments or questions, if any, do you have about AOFB and/or how Act 143 is structured?

- “if want to encourage the next generation of farmers, we should be making new farm businesses easier”
- “need more clarity and consistency from State to support individual municipalities and farm businesses who are trying to interpret the law”
- “state overreach, insurance regulations, “Act 250 doesn’t apply to farming, ”“solar farms not allowed on land trust land”
“Act 143 regulation should override all local and other state regulations”
- “need to clarify rules pertaining to commercial building permits...grandfather existing buildings”
- “confusions from all sides of the table”
- Towns are “stubborn gatekeepers” of reasonable events
- “people who clearly aren’t farms...are trying to be included as an AOFB to avoid Act 250”
- “my biggest concern is land use designation”
- “clearer legislation, better communication with farmers
- “change rules on camping and waste...I moved my business to NH as they are much more flexible”
- ‘decisions about whether or not something is considered an AOFB should be made by ag department, not local zoning officials. That is the only way to take the variability out of that pieces.
Adjoined residence and ag building and permits
- State needs a suggested format for how to track the 50% rule (weight, dollar amount?)

Do you have any other comments regarding AOFB or any associated land use permitting at the municipal or State Level?

- 50% revenue rule is...a roadblock...value of farm inputs should be considered...ability to supplement income with resale of a variety of other ag and food products produced locally has been paramount to our growth and ability to maintain consistent customer flow and adequate income to continue farming
- “non-standardized and irregular reporting process...and turnover in municipal zoning positions” a burden
- “leaving town administrators to parse nuance of qualifying and non-qualifying products and whether there can be any allowance for non-qualifying products...create complexity and confusion”
- solar and wind farms should be a priority
- AOFB needs to be exempt from Act 250
- AAFM and ANR should work together to streamline the process
- A lot of folks take the position of “don’t ask, don’t tell”
- “thankful to forward leaning of state to include less than traditional interpretations of farming”
- “conservation groups need to be an ally...rigid interpretations of documents and contracts...doesn’t make sense in today’s farming environment
- “current use program is complex and aggravating”

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- Need good guidance for town zoning reps
- Only open May – October
- “need to be careful about potentially biased and personal complaints from particular community members”
- current use program’s high fees for removing land
- AOFB not widely adopted terminology (state permitting expert, Act 250 office, or Farm Determination letter did not mention this)
- “we should not need permits to sell food to our neighbors and community”
- Issue of portable toilets
- “I’d like to see the percentages for principal products produced on the farm lowered” – as long as products are grown on any VT farm, doesn’t matter what percentage produced on your farm
- Need clarity on which regulatory body has jurisdiction: town, Act 250 or VAAFMM
- “AOFB definition may be too narrow”
- Mixed use buildings unclear
- “Most town are not regulating it...seems unfair”
- “Act 250 needs to be removed from the process on small projects”

How can VAAFMM be more helpful with the implementation of Act 143?

- **Biggest burden is meeting the evolving reporting requirements and needs designated by municipality; provide more structure/guidelines to municipalities for enforcement; detail with even more clarity what qualifying vs non-qualifying products are for municipalities, provide more assurance for farms about process**
- **“VAAFMM should be the leader in permitting AOFB”**
- **“give clearer definitions to qualifying products”**
- **“provide education and advocacy for beginning farmers interested in starting AOFBs”**
- **“ongoing dialogue between farmers and the state”**
- **“this survey is a good idea, thank you.”**
- **“less government and less rules”**
- **“provide educational resources and be available for questions”**
- **“state should supersede towns’ zoning”**

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- **Assist insurance carriers to understand law and how it protects**
- **“clearer legislation”**
- **Camping and farm stays**
- **“be aware that small farmers don’t have deep pockets...don’t make expensive hoops to jump through”**
- **“protect farms from Act 250”**
- **“suggest a way for towns to track...be generous in amount of local products”**
- **“change the law so that Act 250 takes a step back on small projects”**
- **“the trend for new agricultural activity is going to be hybrid businesses like AOFBs”**

Contact Us



agriculture.vermont.gov/development/accessory-farm-businesses



(802) 522-7042



Julia.Scheier@vermont.gov