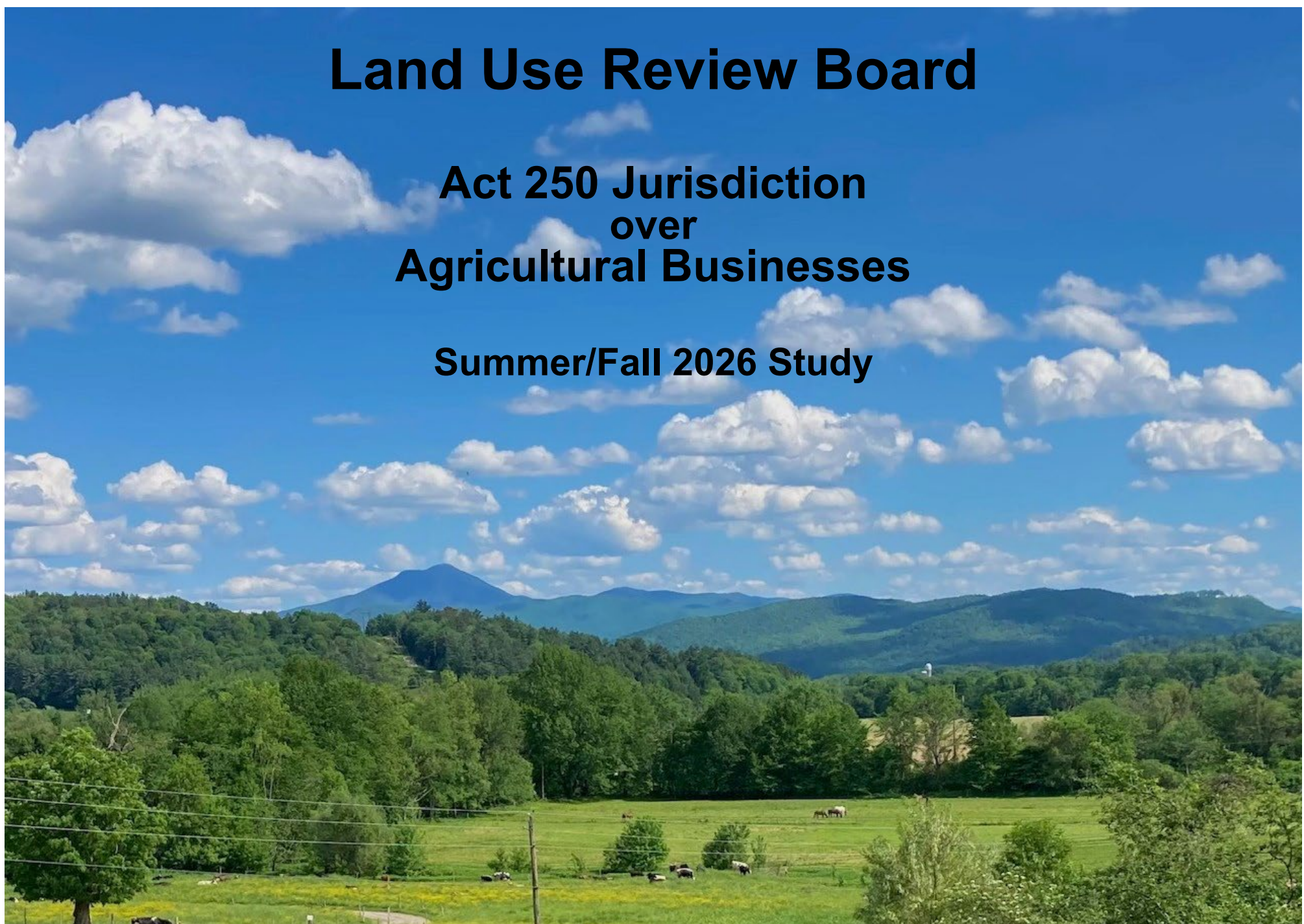


Land Use Review Board

Act 250 Jurisdiction over Agricultural Businesses

Summer/Fall 2026 Study



Act 152 of 2026

Sec. 11. LAND USE REVIEW BOARD REPORTS

(a) The Land Use Review Board shall deliver reports that collect the data and analyze:

(1) whether and how Act 250 jurisdiction over commercial activities on farms should be revised, including accessory on-farm businesses on or before November 15, 2026;

* * *

(b) The Board shall engage relevant stakeholders as part of the development of this report.

(c) The report shall be submitted to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and the Senate Committees on Agriculture and on Natural Resources and Energy.

Act 152 of 2026

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(t)(1) 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).

(2) 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.

Qualifying Products: 24 VSA 4412(11)(A)(iv)

(iv) “Qualifying product” means a product that is:

(I) an agricultural, horticultural, viticultural, or dairy commodity, or maple syrup;

(II) livestock or cultured fish or a product thereof;

(III) a product of poultry, bees, an orchard, or fiber crops;

(IV) a commodity otherwise grown or raised on a farm; or

(V) a product manufactured on one or more farms from commodities wholly grown or raised on one or more farms.

Enumerated Products: 24 VSA 4412(11)(A)(i)(I)

(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.

Act 152 of 2026

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(t)(3) No permit or permit amendment is required for the construction of improvements for an accessory on-farm business of 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). Types of events may include concerts and farm stays with five or fewer dwelling units. To qualify for this exemption, the accessory on-farm business shall not:

- (A) have noise exceed 70 dB at the property boundaries; and
- (B) have events that continue past 10:00 p.m.

(t)(4) For purposes of this subsection, “feature agricultural practices or qualifying products” means that a host farm’s agricultural practices or its qualifying products are a substantial component of any educational, recreational, or social event the accessory on-farm business hosts.

Event AOFBs in 24 V.S.A. 4412(11)(A)(i)(II):

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

1. Educational, recreational or social events, which **may** include:
 - Tours of the farm
 - Farm stays (see definition)
 - Tastings and meals featuring qualifying products
 - Classes or exhibits in the preparation, processing or harvesting of qualifying products
2. Featuring agricultural practices or qualifying products, or both

Event AOFBs in 24 V.S.A. 4412(11)(A)(i)(II):

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

- Needed clarity:
 - What qualifies an activity as an event versus an ongoing operation?
 - What is the difference between providing meals and operating a restaurant?
 - What qualifies as “featuring”?

2023 Report:

Clarify definitions of “principally produced,” “qualifying products,” “farming” and “accessory on-farm businesses.”

Options:

- A. Align the divergent standards in Title 24, Title 10, and the Required Agricultural Practices, which focus on either “total annual sales” of “qualifying products” or the “weight or volume” of agricultural products to determine whether they are “principally produced.”
- B. Allow for AOFBs to sell more qualifying products “obtained from another farm.”
- C. Expand the definition of “qualifying products.”
- D. Increase AAFM educational outreach.

2023 Report:

More precisely define what types of businesses qualify as AOFBs

Options:

- A. Distinguish between “educational” and “recreational, or social events.”
- B. Specify whether restaurants and/or wedding venues constitute accessory on-farm businesses, and/or establish appropriate limitations.
- C. Define AOFBs on a use basis.

2023 Report:

Treatment of AOFBs in Act 250

Options:

- A. Maintain the status quo under Title 10.
- B. Exempt AOFBs under defined circumstances.
- C. Exempt all AOFBs from Act 250 jurisdiction.

Data Collection & Analysis for 2026 Report

- 2022 AOFB Study (which included a survey)
- Review of Existing JOs and Permits (since Act 181)
- Other?



Land Use Review Board

AOFB Board contacts:
Brooke.Dingledine@vermont.gov
and
Kirsten.Sultan@vermont.gov