

Vermont Housing and Conservation Board's Policy Supporting Land Eligibility

This document provides excerpts from Vermont Housing and Conservation Board's (VHCB) "Conservation of Agricultural Lands" policy and state enabling law. The policy describes additional funding priorities to achieve the program's goal of keeping conserved farmland in production and affordable to future farmers. This policy is consistent with the purposes of ACEP-ALE and supports the use of "Land that Furthers a State or Local Policy" as the land eligibility criteria.

Vermont Housing & Conservation Board POLICY FUNDING CONSERVATION OF AGRICULTURAL LAND

September 2020

PROJECT SELECTION AND CONFIGURATION

Minimum eligibility criteria for statewide farm projects:

In order to qualify for VHCB agricultural funds, the land to be conserved must meet the following criteria:

1. Soil quality is the most important VHCB criterion. The farm or farmland must have soils that facilitate economically viable agricultural production. In general this means a predominance of prime and/or statewide soils. If the farm or farmland contains woodland, the majority of the woodland soils and topography should be well suited to economically viable timber or maple sugar production. **VHCB may consider projects with poorly rated soils only if they meet an additional funding priority as described on page 5 of this policy.**

Because, in addition to state funds, VHCB also often uses federal funding to protect farmland, most projects must also meet NRCS criteria regarding minimum percentages of prime and statewide soils. (continued on page 5)

ADDITIONAL FUNDING PRIORITIES

1. **Dual Goal projects:** Because the Board is charged with achieving the dual goals of creating affordable housing and preserving the state's agricultural land, funding priority will be given to projects that combine the conservation of farmland with the development of affordable housing. These dual goals do not necessarily have to be on the same site.

2. **Projects that achieve other conservation goals:** Farmland conservation projects that achieve one or more of VHCB's other goals of preserving natural areas, working forestland, historic and/or archeological sites, protecting surface waters, and providing or maintaining recreational opportunities may attain a higher relative ranking for funding. (See VHCB Process Guidelines for Applying To Sell Development Rights on Farmland.)

3. **Projects that facilitate transfers to new farm owner/operators:** VHCB seeks to support existing and emerging farm businesses, and to strengthen farm viability, by facilitating the planned transfer of an operation from one generation or owner to the next, and/or by facilitating the purchase of farmland by a new farmer. The Board will give priority to projects that facilitate simultaneous transfers to new owners, including considering farm projects with less than 50% rated agricultural soils. Prospective new owners without an existing operation must have a business plan acceptable to VHCB staff and at least three years of relevant experience.

If the farmland to be acquired does not meet NRCS criteria under the soils category, VHCB may seek federal funding under the provision in the federal statute that the project will further a state or local goal consistent with the federal Agricultural Conservation Easement Program. The state goal, as articulated in VHCB's enabling statute, is to support farm, forest, and related enterprises and keep conserved farmland in production and affordable to future generations of farmers (by facilitating a transfer through the sale of development rights) (10 VSA Chapter 15).

VHCB Policies: <https://www.vhcb.org/our-programs/conservation/conservation-policies>

Conversion of Agricultural Land: <https://www.vhcb.org/sites/default/files/policy/conservation/VHCB-Conservation-of%20-Ag-Lands-9-2020.pdf>

Vermont State Law: 10 VSA Chapter 15

Title 10 : Conservation and Development

Chapter 15 : Vermont Housing and Conservation Trust Fund

§ 302. Policy, findings, and purpose

(a) The dual goals of creating affordable housing for Vermonters, and conserving and protecting Vermont's agricultural land, forestland, historic properties, important natural areas, and recreational lands are of primary importance to the economic vitality and quality of life of the State.

(b) In the best interests of all of its citizens and in order to improve the quality of life for Vermonters and to maintain for the benefit of future generations the essential characteristics of the Vermont countryside, and to support farm, forest, and related enterprises, Vermont should encourage and assist in creating affordable housing and in preserving the State's agricultural land, forestland, historic properties, important natural areas and recreational lands, and in keeping conserved agricultural land in production and affordable for future generations of farmers.

(c) It is the purpose of this chapter to create the Vermont Housing and Conservation Trust Fund to be administered by the Vermont Housing and Conservation Board to further the policies established by subsections (a) and (b) of this section.

(Added 1987, No. 88, § 1, eff. June 11, 1987; amended 2011, No. 118 (Adj. Sess.), § 1; 2011, No. 142 (Adj. Sess.), § 3, eff. May 15, 2012.)

10 VSA Chapter 15: <https://legislature.vermont.gov/statutes/chapter/10/015>