



AGENCY OF AGRICULTURE, FOOD & MARKETS  
116 State Street  
Montpelier, VT 05620-2901  
Agricultural. Vermont.gov

January 28, 2022

Hillview Flower Farm  
Tammy Avonda  
PO Box 4251  
Burlington, VT 05406  
[tammy@avondaair.com](mailto:tammy@avondaair.com)

RE: Review of farm business plan in seeking determination for farm operation and farm structure

Dear Hillview Flower Farm,

The Vermont Agency of Agriculture, Food & Markets (the Agency) renders opinions, based on the Agency's Required Agricultural Practices Regulations (RAPs) as to whether an individual is farming and if the RAPs apply to the operation.

The information provided indicates that Hillview Flower Farm (the Operator) will be located at 2427 Hillview Road Richmond, VT 05477. The plan for this farm operation is described below:

Basic Farm Description:

- Farm location is 2427 Hillview Road, Richmond, VT 05477
- 87 acres owned
- Ownership is an LLC (owned by Tammy Avonda)
- The property has one old farmhouse on the road edge (that has been uninhabited for 25+ years)
- Description: Flower Farm – peonies, dahlia & daffodil

Products and Markets Description

- Will offer a CSA of flower bouquets/ farmstand / and wholesale options.
- CSA: three levels: bi-weekly bouquets
  - Large - \$150.00
  - Medium - \$100.00
  - Small – 75.00
- Farmstand – pick your own bouquet (by the stem) prices dependent on flower stem ranging in price from \$1.00 up to \$10.00 per stem.
- Wholesale to local florist
- Planning on expanding gardens and adding different flower varieties in the future. Will expand CSA offerings once more gardens are established and land is ready.
- Plans for establishing an Accessory On-Farm Business is not in the plan currently.

Regulatory Thresholds

Section 2.14 of the RAPs states “farm” means a parcel or parcels of land owned, leased, or managed by a person and devoted primarily to farming, ... and that meets the threshold criteria as established in Section 3 of the RAPs, provided that the lessee controls the leased lands to the extent they would be considered as part of the lessee's own farm.

The Operator has a prospective business or farm management plan, approved by the Secretary, describing how the farm will meet the threshold requirement described under RAP Section 3.1(b): “has produced an annual gross income from the sale of agricultural products of \$2,000.00 or more in an average year,” [Section 3.1(g)].

Section 2.16 of the RAPs defines “farming”, this operation includes the following provisions of ‘farming’:

- (a) the cultivation or other use of land for growing food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops;

Section 3.2 of the RAPs lists agricultural practices that are governed by these regulations, this operation will include the following practices:

- (i) the on-site storage, preparation, and sale of agricultural products principally produced on the farm from raw agricultural commodities principally produced on the farm;

### Farm Income Statement

- Selling of fresh flowers through farm stand, CSA and wholesale.
- Projected revenue will increase as gardens mature and add more variety of flowers.

<b>Income Statement</b>		
<b>Name</b>		
<b>Time Period</b>		
Financial Statements in U.S. Dollars		
<b>Revenue</b>		
Gross Sales	25000	
Less: Sales Returns and Allowances	500	
<b>Net Sales</b>		24500
<b>Cost of Goods Sold</b>		
Beginning Inventory	2000	
Add: Purchases		
Freight-in		
Direct Labor	1000	
Indirect Expenses	2500	
Inventory Available	0	
Less: Ending Inventory		
<b>Cost of Goods Sold</b>		0
<b>Gross Profit (Loss)</b>		24500
<b>Expenses</b>		
Advertising	1000	
Bank Charges	100	
Contract Labor	4000	
Dues and Subscriptions	250	
Insurance	1500	
Legal and Professional Fees	500	
Licenses and Fees	150	
Miscellaneous	200	
Office Expense	500	
Repairs and Maintenance	1500	
Supplies	500	
Vehicle Expenses	10000	
<b>Total Expenses</b>		20200
<b>Net Operating Income</b>		4300
<b>Other Income</b>		
Gain (Loss) on Sale of Assets		
Interest Income		
<b>Total Other Income</b>		0
<b>Net Income (Loss)</b>		4300

## Farm Structures

Section 2.15 of the RAPs, in part, states a “farm structure” means a structure that is used by a person for farming, including a silo, a building to ... raise horticultural or agronomic plants, or customarily used to carry out the agricultural practices defined in Section 3.2 [of the RAPs].

... A farm structure also must be used by a person who can demonstrate meeting the minimum threshold criteria as found in [the RAPs]”. A structure that involves human habitation or is considered multiuse, including both farming and non-farming activities, would not fall under the definition of a farm structure and would therefore not be regulated by the Agency or the RAPs.

The Operator has proposed the construction of the following farm structures, described as: “a barn to keep tractor, equipment, seed, corms, flowers, coolers.”

This structure, as proposed, has been determined by the Agency to meet the definition of a farm structure. Additionally, the structure as proposed currently meets the locally established municipal setbacks and therefore does not require a variance.

## Summary

Approval of a farm business plan will be based on the information submitted by the farm operation to the Agency and any other information available. A farm operation that receives approval of a farm business plan by the Agency should be aware that:

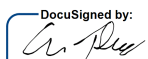
- The Agency may visit to assess the progress made by the farm operation in meeting one or more provisions of Section 3.1, until one or more of these provisions are met.
- If the Agency determines that the information submitted and used to compile a farm determination is no longer accurate or applicable, the Agency may withdraw its approval of the farm business plan, thereby voiding the issued Farm Operation Determination. If this were to occur, the Agency will notify the farm operation and respective municipality, and at that time the operation would then be under municipal jurisdiction and any structures or other operations conducted that were permitted based on the issuance of the Agency’s farm determination, may be required to retroactively comply with applicable municipal or State requirements.

Therefore, it is the Agency’s opinion:

- This operation will meet one or more of the thresholds listed in Section 3.1 of RAPs and is considered a farm operation regulated by the Agency.
- The proposed structures described above, will be used for faming activities falling under Section 3.2(d) and (i); as such, this respective structure meets the definition laid out in Section 2.15 of the RAPs, and has been determined to be a farm structure.

This letter outlines the Agency’s position based on the information provided and may change should the relevant information change. Please be aware that the operation will be required to comply with the Required Agricultural Practices Rule by virtue of this determination by the Agency, and any other regulations applicable to this operation.

Sincerely,

DocuSigned by:  
  
7385F97403E177  
Anson Tebbetts

1/28/2022

Secretary of the Vermont Agency of Agriculture, Food & Markets

CC: Kayla Vaccaro – Zoning Administrator, Richmond, VT (sent via email: [kvaccaro@richmond.gov](mailto:kvaccaro@richmond.gov))

Please also be aware of the following, and contact the appropriate authorities if necessary:

Flood Hazard Area and River Corridor Construction: Construction of farm structures otherwise exempt from municipal regulation are subject to the [Flood Hazard Area and River Corridor Rule](#) administered by the Department of Environmental Conservation, Agency of Natural Resources. Obtaining appropriate permits in advance of construction will ensure compliance with National Flood Insurance Program (NFIP) criteria and enhance flood resilience.

Public Drinking Water Supplies: Nutrients, sediment, organic matter and microorganisms may also impact drinking water supplies derived from surface waters. Agricultural operations should be aware of the locations of surface drinking water source intakes and appropriately manage agricultural activities to reduce potential negative impacts.

Wetlands: Although wetlands are not mentioned in the AAPs, landowners need to be aware of existing rules pertaining to wetlands under state and federal jurisdiction. The Natural Resources Conservation Service, U.S. Army Corps of Engineers, and the Vermont Department of Environmental Conservation coordinate all agriculture/wetland issues in Vermont. It is strongly suggested that landowners contact the U.S. Army Corps of Engineers at 802-872-2893 and the Vermont Department of Environmental Conservation at 802-241-3760 before initiating farm related activities in or near wetlands.

Construction of New Farm Structures: Construction of new farm structures, specifically buildings and other farm related structures that disturb one or more acres of land must obtain authorization from the ANR before commencing with land disturbance or construction activities. Approval will be issued by ANR upon receipt of a Notice of Intent (NOI) which certifies that adequate measures for the control of erosion and sedimentation will be used during land disturbance and construction efforts. Persons needing additional information about the Construction General Permit/NOI concerning one or more acres of land disturbance are advised to contact the Water Quality Division of the Department of Environmental Conservation at 802- 241-3770 or visit the web site at [www.vtwaterquality.org/stormwater](http://www.vtwaterquality.org/stormwater). Authorization by ANR is not needed for construction or land disturbance related to cultivation, irrigation, drainage and fencing.

Vermont Fire and Building Codes: Farm structures, as determined by the Vermont Agency of Agriculture, Food & Markets (the Agency), may be required to comply with all applicable Vermont fire and building code regulations. In no way does a designation as a farm structure by the Agency limit the need for the structure to meet requirements listed under Title 20 of the V.S.A. Chapter 173, including obtaining a construction permit for eligible structures as defined in Chapter 173. For more information please visit: [www.firesafety.vermont.gov](http://www.firesafety.vermont.gov)

Solid and Hazardous Waste Management: Agricultural operations are advised to manage all wastes generated on the farm consistent with all applicable solid waste rules and hazardous waste rules. Information regarding the proper storage and disposal of waste oil, petroleum products and empty containers can be obtained from the Vermont Waste Management Division at 802- 241-3888.

Wastewater Management and Residuals Management: Farm operations generating wastewater indirect discharges or discharges to underground injection wells are advised that permits may be required from the Department of Environmental Conservation Watershed Management Division or Groundwater Protection and Management Division. The management of sewage, biosolids, and septage on a farm must be conducted consistent with the Vermont Solid Waste Management Rules and any Solid Waste Management Facility Certification authorizing these activities. Information regarding these requirements can be

obtained by calling (802) 828-1535.

Water Withdrawal and Irrigation: Farm operations utilizing surface waters for irrigation purposes are advised that water withdrawals above a de minimis rate are required to obtain a permit from the Department of Environmental Conservation consistent with the Procedure for Determining Acceptable Minimum Stream Flows. More information regarding water withdrawals for irrigation purposes and permitting requirements can be obtained by calling the Watershed Management Division at (802) 828-1535.

Alteration of Streams: Stream alteration permits regulate activities that take place in or along streams. The permit program is intended to prevent the creation of flood hazards, protect against damage to aquatic life, and protect the rights of neighboring landowners. The types of activities that are regulated include streambank stabilization, road improvements that encroach on streams, bridge construction or repair, and utility crossings under streambeds. More information regarding stream alteration and permitting requirements can be obtained by calling the River Management Division at (802) 828-1535.

Spill Prevention, Control, and Countermeasure (SPCC): EPA's oil pollution prevention regulation requires facilities that are subject to regulation to prepare and implement a plan to prevent any discharge of oil into navigable waters or adjoining shorelines of the U.S. A farm must prepare a SPCC Plan if it has an aggregate aboveground storage capacity of greater than 1,320 gallons. Only containers of oil with a capacity of 55-gallons or greater are counted toward this aggregate capacity threshold. The plan is referred to as a Spill Prevention, Control, and Countermeasure (SPCC) plan. More information regarding SPCC and permitting requirements can be obtained by calling the Environmental Assistance Office at 1(800) 974- 9559.