

Vermont Housing and Conservation Board  
**GUIDELINES**  
**SUBDIVISION OF CONSERVED FARMS**

Since 1987, the Vermont Housing and Conservation Board and partner organizations have been conserving farmland, with primary goals of both protecting the agricultural and soils resources, and keeping it in active and economically viable operation. These guidelines are intended to govern how VHCB and the entities with which it co-holds farm easements make decisions regarding the subdivision and separate conveyance of conserved farmland. While preventing fragmentation of Vermont's working landscape is a larger goal of VHCB's Conservation mission, allowing limited subdivision and separate conveyances of conserved farmland parcels can also create new opportunities for viable agricultural businesses, and enhance protection of ecological resources and recreational opportunities. These guidelines are intended to provide a framework for decisions regarding possible subdivisions of conserved farmland into separate parcels.

## **POLICY**

Most VHCB- farm easements contain a paragraph under the section entitled "Restricted Uses of Protected Property" which states, that "The protected property shall not be subdivided or conveyed in separate parcels without the prior written permission of the Holders." More recently, farm projects with federal funding through the Natural Resources Conservation Service (NRCS) Agricultural Conservation Easement Program Ag Lands Easement (ACEP-ALE) include more specific language regarding subdivisions. Requests for subdivisions of conserved farms will be evaluated both by the specific language in that easement, (which may require approval by another entity, such as the NRCS, and may be more restrictive), as well as by the following criteria, as applicable:

- The requested subdivision is consistent (or not inconsistent) with the purposes of the conservation easement;
- After the subdivision, the farmland will remain in active agricultural production (or the two resulting parcels will, if applicable);
- Resource values will be enhanced – or at least not diminished;
- The seller will receive no impermissible private benefit as a result of the subdivision, as determined by the land trust primary steward
- The requested subdivision will clarify uncertain property boundaries, or is a minor boundary adjustment with no or de minimis resource impact.

Using the criteria above, the Holders may approve requests for subdivision under one or more of the following categories as applicable:

### **I. Subdivisions for Boundary Adjustments**

Requests for subdivisions as necessary for boundary adjustments and boundary dispute settlements. These may be approved if the loss of the subdivided land will not significantly impact or reduce the viability of the conserved farmland.

### **II. Subdivisions for Regulatory Compliance**

Subdivisions needed to address compliance with local or state land use regulations may be considered not inconsistent with conservation easement purposes if they don't unduly impact the protected resources.

### **III. Conditional Subdivision of Housing**

When the easement includes a reserved housing right, and local zoning or a lender requires a subdivision in order to exercise it, a subdivision may be approved with the requirement that the house cannot be conveyed separately from the protected property.

### **IV. Subdivisions to Enhance Conservation Purposes**

Some subdivisions may enhance conservation purposes, by creating more access for a new agricultural operation, or by allowing an entity particularly suited to steward a historic, ecological or recreational resource to obtain ownership. Examples of these types of subdivision include:

- A. Creating multiple farm units.** After the subdivision, each parcel can stand alone as a viable farm unit, or will be conveyed into the ownership of another conserved farm unit.
- B. Enhancing other resource values (natural resource, recreational, historic).** Subdivision will allow the conveyance of land with a particular resource value (ecological, recreational, archaeological) to an entity better able to manage and steward the resource, and will not impact the viability of the conserved farmland.

### **Stewardship Endowment**

Landowners will likely be required to pay an additional stewardship endowment as a condition of subdivision approval, to cover the added costs that will be incurred.