

1 H.941

2 Introduced by Committee on Agriculture, Food Resiliency, and Forestry

3 Date:

4 Subject: Municipal and county government; municipalities; municipal and
5 regional planning and development; municipal regulation of
6 agriculture

7 Statement of purpose of bill as introduced: This bill proposes to prohibit
8 municipal regulation of agricultural activities that are subject to the Required
9 Agricultural Practices Rule and the construction of farm structures, except for
10 farming or farm structures in Tier 1A areas. For farming and farm structures
11 in Tier 1A areas, this bill would permit limited municipal regulation. This bill
12 also would permit limited municipal regulation of growing certain plants. This
13 bill also would require the Secretary of Agriculture, Food and Markets to
14 study and report on the municipal regulation of farm activity as it relates to the
15 agricultural economy.

16 An act relating to municipal regulation of agriculture

17 It is hereby enacted by the General Assembly of the State of Vermont:

18 ~~Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF~~
19 ~~AGRICULTURE~~

1 ~~(a) The General Assembly finds that since the enactment of 2004 Acts and~~
2 ~~Resolves No. 115, it has been both the intent of the General Assembly and the~~
3 ~~controlling law that a municipality shall not regulate farming, including the~~
4 ~~construction of farm structures.~~

5 ~~(b) It is the intent of the General Assembly to clarify that municipalities~~
6 ~~lack authority to regulate farming or the construction of farm structures as set~~
7 ~~forth in 24 V.S.A. § 4413, with the exception of farming and the construction~~
8 ~~of farm structures within Tier 1A areas established in accordance with 10~~
9 ~~V.S.A. § 6034.~~

10 Sec. 2. 24 V.S.A. § 4413 is amended to read:

11 § 4413. LIMITATIONS ON MUNICIPAL BYLAWS

12 * * *

13 (d)(1) A bylaw under this chapter shall not regulate:

14 (A) ~~required agricultural practices, including the construction of farm~~
15 ~~structures, as those practices are defined by the Secretary of Agriculture, Food~~
16 ~~and Markets farming that meets the minimum threshold criteria in the~~
17 ~~Required Agricultural Practices Rule and is therefore required to comply with~~
18 ~~the Required Agricultural Practices Rule, except as set forth in section 4412 of~~
19 ~~this title;~~

20 (B) ~~construction of a farm structure as authorized under the Required~~
21 ~~Agricultural Practices Rule, except as set forth in section 4412 of this title,~~

1 ~~(C) accepted silvicultural practices, as defined by the Commissioner~~
2 of Forests, Parks and Recreation, including practices that are in compliance
3 with the Acceptable Management Practices for Maintaining Water Quality on
4 Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks
5 and Recreation, or

6 ~~(C)~~(D) forestry operations.

7 (2) As used in this section:

8 (A) "Farm structure" means a building, enclosure, or fence for
9 housing livestock, raising horticultural or agronomic plants, or carrying out
10 other practices associated with accepted agricultural or farming practices,
11 including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes
12 a dwelling for human habitation.

13 (B) "Forestry operations" has the same meaning as in 10 V.S.A.
14 § 2602.

15 * * *

16 Sec. 3. 24 V.S.A. § 4412 is amended to read:

17 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

18 Notwithstanding any existing bylaw, the following land development
19 provisions shall apply in every municipality:

20 * * *

21 ~~(15) Farming in Tier 1A areas.~~

1 ~~(A) No bylaw shall have the effect of prohibiting farming or the~~
2 construction of farm structures in a Tier 1A area. However, farming in Tier
3 1A area may be regulated only as follows:

4 (i) A municipality shall not regulate noise, smell, lighting, and
5 hours of operation.

6 (ii) A municipality may regulate:

7 (I) ingress and egress of vehicular traffic and ensuring
8 pedestrian safety, including regulating parking, signage, pavement markings,
9 functional enclosure of livestock adjacent to roads; and

10 (II) siting and setback requirements for new infrastructure,
11 including farm structures, in a manner that does not create public safety
12 concerns, including fire safety concerns to neighboring buildings.

13 (B) Eligibility. For a farm to be eligible for the benefit of this
14 subdivision (15), it shall be farming that meets the minimum threshold criteria
15 in the Required Agricultural Practices Rule and is therefore required to comply
16 with the Required Agricultural Practices Rule and the construction of farm
17 structures. However, a parcel where farming is taking place as of July 1, 2026,
18 that has been conserved for agricultural purposes, or farm structures built prior
19 to July 1, 2026, shall be exempt from municipal regulation.

20 ~~(C) As used in this section.~~

1 ~~(i) "Farm structure" means a building, enclosure, or fence for~~
2 ~~housing livestock, raising horticultural or agronomic plants, or carrying out~~
3 ~~other practices associated with accepted agricultural or farming practices,~~
4 ~~including a silo, but excludes a dwelling for human habitation.~~

5 ~~(ii) "Food" means articles or agricultural commodities for human~~
6 ~~or animal consumption.~~

7 ~~(iii) "Poultry" has the same meaning as in 6 V.S.A. § 1459(4).~~

8 ~~(16) No bylaw shall have the effect of prohibiting cultivation or other~~
9 ~~use of land for growing plants for food for personal use, donation, or sale,~~
10 ~~including orchard crops, viticultural crops, and for maple sap; or the raising,~~
11 ~~feeding, or management of poultry, excluding roosters, for personal use,~~
12 ~~donation, or sale.~~

13 Sec. 4. MUNICIPAL REGULATION AND FARMING STUDY; REPORT

14 ~~(a) The Secretary of Agriculture, Food and Markets shall convene a~~
15 ~~stakeholder group to study and report on how to address municipal regulation~~
16 ~~of agriculture to better support farmers and their role in the agricultural~~
17 ~~economy. The group shall examine current and prospective municipal~~
18 ~~regulations of agriculture to identify how the regulations are currently working~~
19 ~~and whether there are shortcomings or challenges. The group also shall~~
20 ~~address how municipal regulations have affected or could affect existing~~
21 ~~farms, statewide and regional food security, farm succession, and the~~

1 ~~establishment of new farming operations, including whether municipal~~
2 ~~regulations have significantly restricted or functionally prohibited or could~~
3 ~~significantly restrict or functionally prohibit farming. The group shall~~
4 ~~examine whether municipalities should be prohibited or restricted from~~
5 ~~regulating the raising, feeding, or managing of livestock, including providing a~~
6 ~~model ordinance that would permit the necessary functions in raising, feeding,~~
7 ~~or managing livestock.~~

8 ~~(b) On or before December 15, 2026, the Agency of Agriculture shall~~
9 ~~submit a report to the House Committees on Agriculture, Food Resiliency, and~~
10 ~~Forestry and on Environment and the Senate Committees on Agriculture and~~
11 ~~on Natural Resources and Energy with its findings and recommendations.~~

12 Sec. 5. EFFECTIVE DATE

13 ~~This act shall take effect on passage.~~

*Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF
AGRICULTURE*

*(a) The General Assembly finds that since the enactment of 2004 Acts and
Resolves No. 115, it has been both the intent of the General Assembly and the
controlling law that a municipality shall not regulate farming, including the
construction of farm structures.*

*(b) It is the intent of the General Assembly to clarify that municipalities
lack authority to regulate farming or the construction of farm structures as set*

~~forth in 24 V.S.A. § 4413, with the exception of farming and the construction of farm structures in accordance with 24 V.S.A. § 4412.~~

~~Sec. 2. 24 V.S.A. § 4413 is amended to read:~~

~~§ 4413. LIMITATIONS ON MUNICIPAL BYLAWS~~

~~* * *~~

~~(d)(1) A bylaw under this chapter shall not regulate:~~

~~(A) required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets farming that meets the minimum threshold criteria in the Required Agricultural Practices Rule and is therefore required to comply with the Required Agricultural Practices Rule, except as described in section 4412(16) of this title;~~

~~(B) construction of a farm structure as defined by the Required Agricultural Practices Rule, except as described in section 4412(16) of this title;~~

~~(C) the cultivation or other use of land for growing plants for food for personal use, donation, or sale, including orchard crops, viticultural crops, and for maple sap. As used in this subdivision, "food" means articles or agricultural commodities for human or animal consumption;~~

~~(D) the cultivation of ornamental plants as defined in 6 V.S.A. § 1101,~~

~~(E) accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation, or~~

~~(C)(F) forestry operations.~~

~~(2) As used in this section:~~

~~(A) “Farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with accepted agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. § 6001(22) has the same meaning as defined in the Required Agricultural Practices Rule, but excludes a dwelling for human habitation.~~

~~(B) “Forestry operations” has the same meaning as in 10 V.S.A. § 2602.~~

~~(C) “Farming” has the same meaning as in 10 V.S.A. § 6001(22).~~

~~***~~

~~Sec. 3. 24 V.S.A. § 4412 is amended to read:~~

~~§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS~~

~~Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality.~~

(15) No bylaw shall have the effect of prohibiting the raising, feeding, or management of poultry, excluding roosters, for personal use, donation, or sale. As used in this section, "poultry" has the same meaning as in 6 V.S.A. § 1459(4).

(16) A bylaw may regulate the following for a farm or farm structure subject to the Required Agricultural Practices Rule on a parcel less than 0.75 acres that was not operating as of July 1, 2026 and is not on conserved land:

(A) Ingress and egress of vehicular traffic and ensuring pedestrian safety, including regulating parking, signage, pavement markings, functional enclosure of livestock adjacent to road; and

(B) Siting and setbacks requirements.

Sec. 4. MUNICIPAL REGULATION OF FARMING STUDY; REPORT

(a) The Secretary of Agriculture, Food and Markets shall convene a stakeholder group to examine options to address conflicts between landowners that involve agricultural livestock activities in densely populated villages, towns, or cities in Vermont. At a minimum, the stakeholder group shall include membership-based agricultural organizations, the Vermont League of Cities and Towns, Vermont Farm to Plate, and individuals with expertise in local or regional planning, as well as zoning administration.

~~(b) The stakeholder group shall consider options to address conflicts including establishing or expanding the Required Agricultural Practices Rule to regulate livestock, particularly addressing stocking densities on parcels of less than 10 acres; utilizing ordinances to address livestock; protecting the right to grow food for personal consumption, including livestock; and creating rules like the Cannabis Control Board rule to enforce against an operation based on health, safety, or the integrity of the broader industry.~~

~~(c) On or before January 31, 2027, the Secretary shall submit a report 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 that summarizes findings, considerations, and any recommendations of the stakeholder group and offers a recommendation from the Secretary on solutions, including recommended statutory changes or rulemaking, that would best support municipalities when significant landowner conflicts arise regarding livestock.~~

Sec. 5. EFFECTIVE DATE

~~This act shall take effect on July 1, 2026.~~

*Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF
AGRICULTURE*

~~(a) For purposes of Sec. 2 of this act, the General Assembly finds that:~~

~~(1) Since at least the enactment of 2004 Acts and Resolves No. 115, it has been both the intent of the General Assembly and the controlling law that a municipality shall not regulate farming, including the construction of farm structures.~~

~~(2) The Vermont Supreme Court's decision in *In re 8 Taft Street DRB & NOV Appeals*, 2025 VT 27, reversed application of at least the past 20 years of law to hold that municipalities may regulate farming by municipal bylaw.~~

~~(3) To avoid the unintended consequences of the decision in *In re 8 Taft Street DRB & NOV Appeals*, 2025 VT 27, it is necessary for the General Assembly to clarify and restate that municipalities under ordinance or bylaw shall not regulate farming or the construction of farm structures as set forth in 24 V.S.A. § 4413(d).~~

~~(4) In addition, municipalities shall not regulate by bylaw the growing of plants and the raising of a small backyard poultry flock, excluding roosters, and may reasonably regulate swine waste in designated downtowns or village centers.~~

~~(5) Farming livestock requires an adequate land base and that raising livestock on small parcels in densely populated areas may create unique concerns. As a result, municipalities may regulate livestock on farms that do not have at least 1.0 contiguous acre of land. Other farming activities subject~~

~~to regulation by the Required Agricultural Practices Rule on farms with less than 1.0 contiguous acre remain exempt from municipal zoning.~~

~~(b) For purposes of Sec. 2 of this act, it is the intent of the General Assembly to overturn the holding in *In re 8 Taft Street DRB & NOV Appeals*, 2025 VT 27, and to clarify that municipalities lack authority to regulate farming or the construction of farm structures as set forth in 24 V.S.A. § 4413(d).~~

~~Sec. 2. 24 V.S.A. § 4413(d) is amended to read:~~

~~(d)(1) A bylaw under this chapter shall not regulate:~~

~~(A) required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets; Farming that meets the minimum threshold criteria in the Required Agricultural Practices Rule (RAPs Rule) and is therefore required to comply with the RAPs Rule, except:~~

~~(i) notwithstanding subdivision (C) of this subdivision (1), that the raising, feeding, or managing of livestock on a farm with less than 1.0 contiguous acre is subject to applicable municipal zoning bylaws, including when a person is engaged in other farming activities that are subject to the RAPs Rule;~~

~~(ii) notwithstanding subdivision (C) of this subdivision (1), that the raising, feeding, or managing of livestock on a farm with at least 1.0~~

~~contiguous acres and less than 4.0 contiguous acres shall have a sufficient land base for appropriate nutrient and waste management as determined by the Secretary of Agriculture, Food, and Markets to be exempt from regulation by municipal zoning bylaws; and~~

~~(iii) for swine waste in downtowns or village centers as follows:~~

~~(I) Municipalities shall not prohibit swine or swine waste, or regulate swine waste-related farm structures on a farm subject to the RAPs Rule.~~

~~(II) Municipalities may set a performance standard related to swine waste pursuant to section 4414 of this title to reasonably regulate swine waste in downtowns or village centers if the waste is causing a significant adverse impact to the community, and the municipality has determined that the Secretary of Agriculture, Food and Markets is unable to provide redress through application of the RAPs Rule. A performance standard shall not have the effect of prohibiting swine or swine waste in a municipality.~~

~~(III) Municipalities shall provide at least 30 days' notice with opportunity to cure to the Secretary and the farm prior to enforcing a performance standard related to swine waste.~~

~~(IV) Notwithstanding any other provisions of law to the contrary, for purposes of this section, swine waste includes animal manure and absorbent bedding of the animal.~~

~~(B) The cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops. Cannabis is separately regulated and is excluded from this exception.~~

~~(C) The raising, feeding, or managing of a small backyard poultry flock, excluding roosters.~~

~~(D) The construction of farm structures, including as defined in the RAPs Rule.~~

~~(B)(E) ~~accepted~~ Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; or,~~

~~(C)(F) ~~forestry~~ Forestry operations.~~

(2) *As used in this section:*

~~(A) “Downtown” means an area designated pursuant to chapter 76A or chapter 139 of this title.~~

~~(B) “Farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with ~~accepted~~ agricultural or farming practices,~~

~~including a silo, as "farming" is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.~~

~~(C) "Farming" has the same meaning as in 10 V.S.A. § 6001(22) or the Required Agricultural Practices Rule.~~

~~(B)(D) "Forestry operations" has the same meaning as in 10 V.S.A. § 2602.~~

~~(E) "Poultry" has the same meaning as in 6 V.S.A. § 1459(4).~~

~~(F) "Village center" means an area designated pursuant to chapter 76A or chapter 139 of this title.~~

~~***~~

~~Sec. 3. Section 3 of the Agency of Agriculture, Food and Markets, Vermont Required Agricultural Practices Rule for the Agricultural Nonpoint Source Pollution Control Program is amended to read:~~

~~Section 3. Required Agricultural Practices Activities and Applicability~~

~~3.1~~

~~(a) Persons engaged in farming and the agricultural practices as defined in Section 3.2 of this rule and who meet the minimum threshold criteria for applicability of this rule as found in Section 3.1(a)-(g)(c)(1)-(8) must meet all applicable Required Agricultural Practices conditions, restrictions, and operating standards.~~

~~(b) Persons engaged in farming and agricultural practices subject to this rule are not subject to municipal zoning bylaws except that the raising, feeding, or managing livestock on a farm with:~~

~~(1) at least 1.0 acre and less than 4.0 contiguous acres shall meet the requirements of subdivision (c)(5) of this section to be exempt from regulation by municipal zoning bylaws; or~~

~~(2) less than 1.0 contiguous acre is subject to applicable municipal zoning bylaws even when a person is engaged in other farming activities that are subject to this rule.~~

~~(c) Persons engaged in farming who are in compliance with these conditions, restrictions, and operating standards, as applicable, shall be presumed to not have a discharge of agricultural wastes to waters of the State. Compliance Unless otherwise stated, compliance with the Required Agricultural Practices Rule is required if a person meets one of the following requirements:~~

~~(a)(1) is Is required to be permitted or certified by the Secretary, consistent with the requirements of 6 V.S.A. Chapter 215 and this rule; or~~

~~(b)(2) has Has produced an annual gross income from the sale of agricultural products of \$2,000.00 or more in an average year; or~~

~~(e)(3) is Is preparing, tilling, fertilizing, planting, protecting, irrigating, and harvesting crops for sale or for charitable contributions of farm crops that~~

~~are allowable under 26 U.S.C. § 170(e) and that are made to an organization that is unrelated to the owner of the land on a farm that is no less than 4.0 contiguous acres in size; or,~~

~~(d)(4) is raising, feeding, or managing at least the following number of adult livestock on a farm that is no less than 4.0 contiguous acres in size:~~

~~(1)(A) four equines;~~

~~(2)(B) five cattle, cows, or American bison;~~

~~(3)(C) 15 swine;~~

~~(4)(D) 15 goats;~~

~~(5)(E) 15 sheep;~~

~~(6)(F) 15 cervids;~~

~~(7)(G) 50 turkeys;~~

~~(8)(H) 50 geese;~~

~~(9)(I) 100 laying hens;~~

~~(10)(J) 250 broilers, pheasant, Chukar partridge, or Coturnix quail;~~

~~(11)(K) three camelids;~~

~~(12)(L) four ratites;~~

~~(13)(M) 30 rabbits;~~

~~(14)(N) 100 ducks;~~

~~(15)(O) 1,000 pounds of cultured trout, or~~

~~(16)(B) other livestock types, combinations, or numbers as designated by the Secretary based upon or resulting from the impacts upon water quality consistent with this rule; or,~~

~~(e)(5) is Is raising, feeding, or managing other livestock types, combinations, and numbers, or managing crops or engaging in other agricultural practices on a farm that is at least 1.0 contiguous acre and less than 4.0 contiguous acres in size that the Secretary has determined, after the opportunity for a hearing, to be causing adverse water quality impacts and in a municipality where no ordinances are in place to manage the activities causing the water quality impacts; or and has sufficient land base for appropriate nutrient and waste management. The Secretary has the discretion to determine, after consultation with the appropriate municipal authority, if the land base is adequate to properly manage the number and type of livestock while evaluating whether compliance with the Required Agricultural Practices is reasonable or impractical.~~

~~(f)(6) Is raising, feeding, or managing livestock on less than 1.0 contiguous acre or on between 1.0 and 4.0 contiguous acres in a municipality that lacks ordinances or bylaws to regulate livestock, and the Secretary determines, after an opportunity for a hearing, that the livestock are causing significant adverse water quality impacts and the Required Agricultural Practices should apply to protect water quality.~~

~~(g)(7) is Is managed by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; or~~

~~(g)(8) has Has a prospective business or farm management plan, approved by the Secretary, describing how the farm will meet the threshold requirements of this section.~~

3.2 The agricultural practices on farms ~~meeting that meet~~ the minimum threshold criteria set forth in Section 3.1 that are governed by this rule and are not subject to municipal zoning bylaws include:

- ~~(a) the confinement, feeding, fencing, and watering of livestock;~~
- ~~(b) the storage and handling of agricultural wastes principally produced on the farm;~~
- ~~(c) the collection of maple sap principally produced from trees on the farm and/or production of maple syrup from sap principally produced on the farm;~~
- ~~(d) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops;~~
- ~~(e) the ditching and subsurface drainage of farm fields and the construction of farm ponds;~~
- ~~(f) the stabilization of farm fields adjacent to banks of surface water, and the establishment and maintenance of vegetated buffer zones and riparian buffer zones,~~

~~(g) the construction and maintenance of farm structures, farm roads, and associated infrastructure;~~

~~(h) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm;~~

~~(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;~~

~~(j) the on-site storage of agricultural inputs for use on the farm including, but not limited to, lime, fertilizer, pesticides, compost and other soil amendments, and the equipment necessary for operation of the farm; and~~

~~(k) the management of livestock mortalities produced on the farm.~~

Sec. 4. EFFECTIVE DATE

~~This act shall take effect on July 1, 2026.~~

Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF

AGRICULTURE

(a) For purposes of Sec. 2 of this act, the General Assembly finds that:

(1) Since at least the enactment of 2004 Acts and Resolves No. 115, it has been both the intent of the General Assembly and the controlling law that a municipality shall not regulate farming, including the construction of farm structures.

(2) The Vermont Supreme Court's decision in In re 8 Taft Street DRB & NOV Appeals, 2025 VT 27, reversed application of at least the past 20 years of law to hold that municipalities may regulate farming by municipal bylaw.

(3) To avoid the unintended consequences of the decision in In re 8 Taft Street DRB & NOV Appeals, 2025 VT 27, it is necessary for the General Assembly to clarify and restate that municipalities under ordinance or bylaw shall not regulate farming or the construction of farm structures as set forth in 24 V.S.A. § 4413(d).

(4) In addition, municipalities shall not regulate by bylaw the growing of plants; shall have no bylaw that has the effect of prohibiting the raising, feeding, and management of a poultry flock; and may reasonably regulate by bylaw swine waste in designated downtowns or village centers.

(5) Farming livestock requires an adequate land base, and raising livestock on small parcels in densely populated areas may create unique concerns. As a result, municipalities may regulate livestock on farms that do not have at least 1.0 contiguous acre of land. Other farming activities subject to regulation by the Required Agricultural Practices Rule on farms with less than 1.0 contiguous acre remain exempt from municipal zoning.

(b) For purposes of Sec. 2 of this act, it is the intent of the General Assembly to overturn the holding in In re 8 Taft Street DRB & NOV Appeals, 2025 VT 27, and to clarify that municipalities lack authority to regulate

farming or the construction of farm structures as set forth in 24 V.S.A. § 4413(d).

Sec. 2. 24 V.S.A. § 4413(d) is amended to read:

(d)(1) A bylaw under this chapter shall not regulate:

(A) ~~required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets; Farming that meets the minimum threshold criteria in the Required Agricultural Practices Rule (RAPs Rule) and is therefore required to comply with the RAPs Rule, except:~~

(i) that the raising, feeding, or managing of livestock on a farm with less than 1.0 contiguous acre is subject to applicable municipal zoning bylaws, including when a person is engaged in other farming activities that are subject to the RAPs Rule;

(ii) that the raising, feeding, or managing of livestock on a farm with at least 1.0 contiguous acre and less than 4.0 contiguous acres shall have a sufficient land base for appropriate nutrient and waste management as determined by the Secretary of Agriculture, Food and Markets to be exempt from regulation by municipal zoning bylaws; and

(iii) for swine waste in downtowns or village centers as follows:

(I) Municipalities shall not prohibit swine or swine waste, or regulate swine waste-related farm structures on a farm subject to the RAPs Rule.

(II) Municipalities may set a performance standard related to swine waste pursuant to section 4414 of this title to reasonably regulate swine waste in downtowns or village centers if the waste is causing a significant adverse impact to the community, and the municipality has determined that the Secretary of Agriculture, Food and Markets is unable to provide redress through application of the RAPs Rule. A performance standard shall not have the effect of prohibiting swine or swine waste in a municipality.

(III) Municipalities shall provide at least 30 days' notice with opportunity to cure to the Secretary and the farm prior to enforcing a performance standard related to swine waste.

(IV) Notwithstanding any other provisions of law to the contrary, for purposes of this section, swine waste includes animal manure and absorbent bedding of the animal.

(B) The cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, and orchard crops. Cannabis and hemp are excluded from this exception.

(C) The construction of farm structures, including as defined in the RAPs Rule.

~~(B)(D)~~ Accepted Accepted silvicultural practices, as defined by the Commissioner of Forests, Parks and Recreation, including practices that are in compliance with the Acceptable Management Practices for Maintaining Water Quality on Logging Jobs in Vermont, as adopted by the Commissioner of Forests, Parks and Recreation; ~~or.~~

~~(C)(E)~~ forestry Forestry operations.

(2) As used in this section:

(A) “Downtown” means an area designated pursuant to chapter 76A or chapter 139 of this title.

(B) “Farm structure” means a building, enclosure, or fence for housing livestock, raising horticultural or agronomic plants, or carrying out other practices associated with ~~accepted~~ agricultural or farming practices, including a silo, as “farming” is defined in 10 V.S.A. § 6001(22), but excludes a dwelling for human habitation.

(C) “Farming” has the same meaning as in 10 V.S.A. § 6001(22) or the Required Agricultural Practices Rule.

~~(B)(D)~~ “Forestry operations” has the same meaning as in 10 V.S.A. § 2602.

(E) “Village center” means an area designated pursuant to chapter 76A or chapter 139 of this title.

* * *

Sec. 3. 24 V.S.A. § 4412 is amended to read:

§ 4412. *REQUIRED PROVISIONS AND PROHIBITED EFFECTS*

Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:

* * *

(15) No bylaw shall have the effect of prohibiting or assessing a fee for the raising, feeding, or management of a poultry flock, excluding roosters and ratites, for personal use, donation, or sale. At minimum, no bylaw shall have the effect of prohibiting the keeping of fewer than 12 chickens or a number determined by a municipality, whichever number is higher. Municipalities may consider parcel size to establish other limitations on the number of poultry birds. A bylaw may establish a numerical limit of any poultry to be fewer than the minimum number as enumerated in Section 3 of the Required Agricultural Practices Rule, regardless of parcel size. As used in this section, “poultry” has the same meaning as in 6 V.S.A. § 1459(4).

Sec. 4. Section 3 of the Agency of Agriculture, Food and Markets, Vermont Required Agricultural Practices Rule for the Agricultural Nonpoint Source Pollution Control Program is amended to read:

Section 3. Required Agricultural Practices Activities and Applicability

3.1

(a) Persons engaged in farming and the agricultural practices as defined in Section 3.2 of this rule and who meet the minimum threshold criteria for applicability of this rule as found in Section 3.1~~(a)~~–~~(g)~~(c)(1)–(8) must meet all applicable Required Agricultural Practices conditions, restrictions, and operating standards.

(b) Persons engaged in farming and agricultural practices subject to this rule are not subject to municipal zoning bylaws except that the raising, feeding, or managing livestock on a farm with:

(1) at least 1.0 acre and less than 4.0 contiguous acres shall meet the requirements of subdivision (c)(5) of this section to be exempt from regulation by municipal zoning bylaws; or

(2) less than 1.0 contiguous acre is subject to applicable municipal zoning bylaws even when a person is engaged in other farming activities that are subject to this rule.

(c) Persons engaged in farming who are in compliance with these conditions, restrictions, and operating standards, as applicable, shall be presumed to not have a discharge of agricultural wastes to waters of the State. Compliance Unless otherwise stated, compliance with the Required

Agricultural Practices Rule is required if a person meets one of the following requirements:

~~(a)~~(1) is Is required to be permitted or certified by the Secretary, consistent with the requirements of 6 V.S.A. Chapter 215 and this rule; ~~or.~~

~~(b)~~(2) has Has produced an annual gross income from the sale of agricultural products of \$2,000.00 or more in an average year; ~~or.~~

~~(c)~~(3) is Is preparing, tilling, fertilizing, planting, protecting, irrigating, and harvesting crops for sale or for charitable contributions of farm crops that are allowable under 26 U.S.C. § 170(c) and that are made to an organization that is unrelated to the owner of the land on a farm that is no less than 4.0 contiguous acres in size; or.

~~(d)~~(4) is Is raising, feeding, or managing at least the following number of adult livestock on a farm that is no less than 4.0 contiguous acres in size:

~~(1)~~(A) four equines;

~~(2)~~(B) five cattle, cows, or American bison;

~~(3)~~(C) 15 swine;

~~(4)~~(D) 15 goats;

~~(5)~~(E) 15 sheep;

~~(6)~~(F) 15 cervids;

~~(7)~~(G) 50 turkeys;

~~(8)~~(H) 50 geese;

~~(9)(I)~~ 100 laying hens;

~~(10)(J)~~ 250 broilers, pheasant, Chukar partridge, or Coturnix quail;

~~(11)(K)~~ three camelids;

~~(12)(L)~~ four ratites;

~~(13)(M)~~ 30 rabbits;

~~(14)(N)~~ 100 ducks;

~~(15)(O)~~ 1,000 pounds of cultured trout; or

~~(16)(P)~~ other livestock types, combinations, or numbers as designated by the Secretary based upon or resulting from the impacts upon water quality consistent with this rule; ~~or.~~

~~(e)(5) is Is raising, feeding, or managing other livestock types, combinations, and numbers, or managing crops or engaging in other agricultural practices on a farm that is at least 1.0 contiguous acre and less than 4.0 contiguous acres in size that the Secretary has determined, after the opportunity for a hearing, to be causing adverse water quality impacts and in a municipality where no ordinances are in place to manage the activities causing the water quality impacts; or and has sufficient land base for appropriate nutrient and waste management. The Secretary has the discretion to determine, after consultation with the appropriate municipal authority, if the land base is adequate to properly manage the number and type of livestock~~

while evaluating whether compliance with the Required Agricultural Practices is reasonable or impractical.

(f)(6) Is raising, feeding, or managing livestock on less than 1.0 contiguous acre or on between 1.0 and 4.0 contiguous acres in a municipality that lacks ordinances or bylaws to regulate livestock, and the Secretary determines, after an opportunity for a hearing, that the livestock are causing significant adverse water quality impacts and the Required Agricultural Practices should apply to protect water quality.

(7) is Is managed by a farmer filing with the Internal Revenue Service a 1040(F) income tax statement in at least one of the past two years; ~~or.~~

(g)(8) has Has a prospective business or farm management plan, approved by the Secretary, describing how the farm will meet the threshold requirements of this section.

3.2 The agricultural practices on farms ~~meeting that meet~~ the minimum threshold criteria set forth in Section 3.1 that are governed by this rule and are not subject to municipal zoning bylaws include:

- (a) the confinement, feeding, fencing, and watering of livestock;
- (b) the storage and handling of agricultural wastes principally produced on the farm;
- (c) the collection of maple sap principally produced from trees on the farm and/or production of maple syrup from sap principally produced on the farm;

(d) the preparation, tilling, fertilization, planting, protection, irrigation, and harvesting of crops;

(e) the ditching and subsurface drainage of farm fields and the construction of farm ponds;

(f) the stabilization of farm fields adjacent to banks of surface water; and the establishment and maintenance of vegetated buffer zones and riparian buffer zones;

(g) the construction and maintenance of farm structures, farm roads, and associated infrastructure;

(h) the on-site storage, preparation, production, and sale of fuel or power from agricultural products or wastes principally produced on the farm;

(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;

(j) the on-site storage of agricultural inputs for use on the farm including, but not limited to, lime, fertilizer, pesticides, compost and other soil amendments, and the equipment necessary for operation of the farm; and

(k) the management of livestock mortalities produced on the farm.

~~Sec. 5. MUNICIPAL REGULATION OF FARMING STUDY; REPORT~~

~~*(a) The Land Access and Opportunity Board shall convene a stakeholder group to examine options to address conflicts between landowners that*~~

~~*agricultural livestock activities in densely populated villages, towns, or cities in Vermont and how to address municipal regulation of agriculture to better protect farmland and support homesteaders and farmers and their role in food security. At a minimum, the stakeholder group shall include membership-based agricultural organizations, the Vermont League of Cities and Towns, Vermont Farm to Plate, and individuals with expertise in local or regional planning, as well as zoning administration.*~~

~~*(b) The stakeholder group shall consider options to address conflicts, including whether municipal regulations have significantly restricted or functionally prohibited or could significantly restrict or functionally prohibit the raising, feeding, or managing of livestock, including providing a model bylaw that would permit the necessary functions in raising, feeding, or managing livestock. The stakeholder group shall provide recommendations for determining whether the raising, feeding, or managing of livestock has a sufficient land base for appropriate nutrient or waste management and whether the raising, feeding, or management of livestock is causing significant adverse water quality impacts on parcels of less than 4.0 contiguous acres.*~~

~~*(c) On or before January 31, 2027, the Land Access and Opportunity Board shall submit a report 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. The report shall summarize*~~

~~*findings, considerations, and any recommendations of the stakeholder group and offer a recommendation for the Secretary of Agriculture, Food and Markets on solutions, including recommended statutory changes or rulemaking, that would best support municipalities in their efforts to increase food security when significant landowner conflicts arise regarding livestock.*~~

Sec. 65. EFFECTIVE DATE

This act shall take effect on July 1, 2026.