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TO: House Committee on Agriculture, Food Resiliency, and Forestry

FROM: Steven Collier, AAFM GC

RE: Proposed Language to restore municipal zoning exemption for farming

DATE: January 15, 2026

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### **24 V.S.A. § 4413. Limitations on Municipal Bylaws**

#### ***§ 4413. Limitations on municipal bylaws***

...

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

*(A) the cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, silvicultural, and orchard crops;*

*(B) the raising, feeding, or management of a small backyard poultry flock, excluding roosters;*

*(AC) 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 required agricultural practices, including the construction of farm structures, as those practices are defined by the Secretary of Agriculture, Food and Markets; or*

*(D) the construction of farm structures, including as defined in the Required Agricultural Practices Rule;*

*(BE) 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*

*(EF) forestry operations.*

(2) As used in this section:

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

(AB) "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.

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

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

(3) A person shall notify a municipality of the intent to build a farm structure and shall abide by setbacks approved by the Secretary of Agriculture, Food and Markets. No municipal permit for a farm structure shall be required.

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**CVR 20-010-008; Required Agricultural Practices Rule, § 3.1, 3.2**

*3.1 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) must meet all applicable Required Agricultural Practices conditions, restrictions, and operating standards, and are not subject to municipal zoning bylaws. 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 with the Required Agricultural Practices Rule is required if a person:*

*(a) 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) has produced an annual gross income from the sale of agricultural products of \$25,000.00 or more in an average year; or*

*(c) is preparing, tilling, fertilizing, planting, protecting, irrigating, and harvesting crops for sale or donation on a farm that is no less than 4.0 contiguous acres in size; or*

(d) 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) four equines;
- (2) five cattle, cows, or American bison;
- (3) 15 swine;
- (4) 15 goats;
- (5) 15 sheep;
- (6) 15 cervids;
- (7) 50 turkeys;
- (8) 50 geese;
- (9) 100 laying hens;
- (10) 250 broilers, pheasant, Chukar partridge, or *Coturnix* quail;
- (11) three camelids;
- (12) four ratites;
- (13) 30 rabbits;
- (14) 100 ducks;
- (15) 1,000 pounds of cultured trout; or

(16) 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) is raising, feeding, or managing ~~other livestock types, combinations, and numbers, or managing crops or engaging in other agricultural practices on at least less than~~ 1.0 and less than 4.0 contiguous acres ~~in size that 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; or~~

(f) 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 has determined, after ~~an~~ the opportunity for a hearing, that the livestock are to be causing significant adverse water quality impacts and the Required Agricultural Practices should apply to protection in a municipality where no ordinances are in place to manage the activities causing the water quality impacts; or

(f) 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) 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 that meeting 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.*