

Adopted on February 5, 2026

This compromise proposal submitted by a board coalition of Agriculture and Food Systems Stakeholders seeks to:

1. Respond to the House Committee on Agriculture, Food Resiliency and Forestry Draft Language dr req 26-0772 – draft 1.1 from February 2nd. Suggesting to remove “farm structures” as the areas of compromise, as VLCT did not indicate in testimony that zoning requirements specific to farm structures were their interest. Keeping the inspiration from VLCT that a reasonable degree of regulatory oversight within Tier 1A areas is desired - without regulating or impeding farming or the right to grow food.
2. Clearly enumerate the specific zoning subjects that towns can apply in Tier 1A areas to farming and food cultivating practices. This proposal draws inspiration from the coalition discussion of this subject from the meeting on February 3rd and strives to interpret the priorities of the VLCT as proposed in testimony and ongoing negotiations.
3. Clearly state that neither the right to grow food nor the farming exemption from municipal zoning may be “impeded” upon by zoning regulations in Tier 1A.
4. Draw inspiration from Rhode Island to clarify legislative intent and encourage towns to utilize their municipal zoning powers to protect farmland from development and to make more balanced long-term planning decisions with regards to land use for housing and agricultural land use. *Rhode Island Zoning Enabling Act (RIGL § 45-24), in conjunction with the Comprehensive Planning and Land Use Regulation Act (RIGL § 45-22.2). Rhode Island Zoning Enabling Act (RIGL § 45-24): This act provides the legal authority for cities and towns to adopt zoning ordinances, including the establishment of zoning districts that can protect agricultural land. Comprehensive Planning and Land Use Regulation Act (RIGL § 45-22.2): This requires municipalities to develop comprehensive plans that guide land use and zoning, which must include elements to preserve agricultural and forest land.* Drawing inspiration here as well from the Land Access and Opportunity Board’s recommendations on this issue.
5. Add suggested edits from S.323 and the coalition to the findings section.

Action Log:

- First draft shared with Ag and Food Systems Coalition: **February 4, 6pm.**
- First request of edits by: **Tuesday 2/10 coalition mtg 1pm**
- Coalition consensus vote on: **February 5, 2pm**

_____ Draft Language _____

An act relating to municipal regulation of agriculture and the Right to Grow Food
It is hereby enacted by the General Assembly of the State of Vermont:

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 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 misconstrued the intent of the General Assembly and reversed application of the past 20 years of law to hold that municipalities may regulate farming by municipal bylaw.

(3) To avoid the unchecked and 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).

(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).

(c) Whereas the Right to Farm Law, Act 61 of 2025, found that "agricultural production is a major contributor to the State's economy; that agricultural lands constitute unique and irreplaceable resources of statewide importance; that the continuation of existing and the initiation of new agricultural activities preserve the landscape and environmental resources of the State, contribute to the increase of tourism, and further the economic welfare and self-sufficiency of the people of the State; and that the encouragement, development, improvement, and preservation of agriculture will result in a general benefit to the health and welfare of the people of the State."

(d) Whereas neither Act 250, not the Current Use Program, nor Act 181 of 2024, nor the Right to Farm Law, nor Conservation Easements currently effectively prevent or reverse the continued trend of a loss of farmland and farms.

(e) Whereas 73% of communities in Vermont inhabit less than 2,000 citizens and are unlikely to apply for Tier 1A development areas designated for concentrated development free from Act 250 permitting requirements.

(f) Whereas walkable access to land, gardening, and local farms contributes to Vermonters' quality of life and public health.

(g) Whereas farms in town and urban centers, community gardens and open spaces are important community assets that mitigate risks of compacted development creating Environmental Justice Populations due to a lack of equitable land access and opportunities for land use.

(f) Whereas growing food became an important means for Americans during World War II to grow 'victory gardens' at private residences and on public lands to reduce pressure on the food supply chain and the ability to provide food in local communities.

(g) Whereas, in the 1960s and '70s, racist zoning policies called 'red-lining,' contributed to the abandonment of racially diverse urban neighborhoods by design, including the location of major supermarkets, these injustices and the influx in violence in BIPOC communities was resisted by communities of color through the establishment of urban gardens and farming to provide healthy, fresh, and nutritious food to communities.

(h) Whereas, the COVID-19 pandemic exposed the fragility of the global food supply chain and raised awareness around the impotence and resilience of local food production and urban agriculture.

(i) Whereas, Vermont does not currently protect the Right to Grow Food in statute.

(j) Whereas, the success of building a more resilient food system relies on incentives for anyone to engage in growing, selling, or donating food and being able to know the set of regulations relevant to their operation so that Vermont seeks to avoid a framework based on a town-to-town regulatory patchwork that further complicates the ability to become a food producer on any level.

(k) The Vermont Legislature finds that farming, and the Right to Grow Food shall be protected by law and that towns need more incentives to protect the public interest in agricultural land use.

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 and is therefore required to comply with the Required Agricultural Practices Rule;

(B) construction of a farm structure as authorized under the Required Agricultural Practices Rule. A municipality shall not regulate by bylaw the construction, repair, or improvement of farm structures. ~~, except for construction of a farm structure within a Tier 1A area established in accordance with 10 V.S.A. § 6034;~~

(C) the right to grow food, which includes:

(i) the cultivation or other use of land for growing plants for food, including for maple sap and orchard crops; and

(ii) raising, feeding, or managing livestock, excluding roosters, in compliance with the Required Agricultural Practices Rule, provided the land base is sufficient for appropriate nutrient and waste management as determined by the Secretary of Agriculture, Food and Markets and the raising, feeding, or managing of livestock is otherwise in compliance with the Required Agricultural Practices Rule;

(iii) the right to grow food includes the ability to sell food in compliance with the laws and regulations as applicable.

~~(B)~~(D) 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

~~(G)~~(E) Forestry operations.

(2) Developments that are exempt from municipal zoning according to 24 V.S.A. § 4413(d)(1) within a Tier 1A areas established in accordance with 10 V.S.A. § 6034 may be subject to the following enumerated land use regulations through zoning ordinances. However, no municipal land use regulation shall substantially burden, make it impossible or unreasonably difficult to exercise farming, the construction of farm structures, the right to grow food, accepted silvicultural practices or forestry operations. The allowed enumerated land use regulations may not treat these protected land uses worse than non-protected land uses under 24 V.S.A. § 4413(d)(1). The enumerated land use regulations for land uses protected under 24 V.S.A. § 4413(d)(1) are:

(i) Requirements to ensure the safe ingress and egress of vehicular traffic and pedestrian safety. This includes functional enclosure of livestock adjacent to roads; sufficient parking, appropriate signage, pavement markings, and, if required, trained personnel to manage vehicle movement on and immediately surrounding the premises;

(ii) Siting and setbacks of newly created infrastructure, including farm structures, in a manner that does not create public safety concerns. This includes fire safety concerns to neighboring buildings and buildings that are open to the public need to be developed in compliance with the Vermont Fire & Building Safety Code.

(3) A bylaw under this chapter shall promote the preservation and use of open space, the exercise of the right to grow food, and the production of agricultural, forest, silviculture, and timber. Furthermore, municipalities are tasked to utilize their governmental powers more broadly to ensure equitable access to the right to grow food especially within Tier 1A areas established in accordance with 10 V.S.A. § 6034 to avoid the creation of Environmental Justice populations as defined in 3 V.S.A. § 6002(4) through planning decisions and development due to a lack of land access and opportunity within densely populated areas.

~~(2)~~(4) 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), but excludes a dwelling for human habitation.

(B) "Farming" has the same meaning as in 10 V.S.A. § 6001(22).

~~(B)~~(C) "Forestry operations" has the same meaning as in 10 V.S.A. 17 § 2602.

(D) "Livestock" has the same meaning as in 10 V.S.A. § 6001(32).

(E) "Food" means articles or agricultural commodities for human or animal consumption.

(F) "Agricultural commodity" means any food in its raw or natural state, including all fruits or vegetables that are washed, colored, or otherwise treated in their unpeeled natural form.

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Sec. 3. RULEMAKING

On or before July 1, 2027, the Secretary of Agriculture, Food and Markets shall adopt rules to implement Sec. 2, 24 V.S.A. § 4413(d)(1)(D), of this act to determine whether, for purposes of raising, feeding, or managing livestock, a parcel's land base is sufficient for nutrient and waste management. The Secretary shall also create a process for owners or municipalities to petition the Agency of Agriculture, Food and Markets to determine whether a parcel's land base is sufficient for nutrient and waste management for raising, feeding, or managing livestock.

Sec. 4. EFFECTIVE DATE

This act shall take effect on July 1, 2026.