

# Vermont League of Cities and Towns

## Municipal Authority & Agriculture



Josh Hanford  
Director of Intergovernmental Relations  
[Jhanford@vlct.org](mailto:Jhanford@vlct.org)

Samantha Sheehan  
Municipal Policy and Advocacy Specialist  
[ssheehan@vlct.org](mailto:ssheehan@vlct.org)

# VLCT: "Exempt agricultural activity from municipal regulation, except for in Act 250 exempted areas."

- Total estimated land area eligible for Tier 1a or 1b is less than 2.1% statewide, per county ranges from .5% (NEK) to 11% (Chittenden)
- Regional plans will be approved by the LURB and adopted on a rolling basis through December 31, 2026 (three are currently in pre-application period)
- Tier 1 eligible areas are already zoned for high density per HOME Act state preemptions

## Why does this matter?

- HOME Act established regional and municipal housing targets to achieve 30,000 units of new housing statewide by 2030.
- Reduces conflict between farms & neighbors in dense growth areas.
- Tier 1a & Tier 1b areas represent existing residential & mixed-use commercial districts served by municipal water and sewers, along major state transportation corridors.
- To have an approved Tier 1 area a municipality must first meet stringent statutory criteria & demonstrate a community-driven plan for growth that aligns with state and regional goals for housing.
- In these small growth centers, municipalities must have the broad regulatory power necessary to realize the type of development their community needs, envisions, and allows for in local ordinance.

## Points of Agreement:

### Need to Clarify Municipal Regulatory Role

1. Right to grow food (plants and hens) for all property owners, renters, businesses, non-profits, regardless whether the premise is a commercial farm.
2. Exempt commercial farming from municipal bylaw regulation in Tier 2, Tier 3, and in municipalities that have not opted for Tier 1a or Tier 1b (98% of state land area).
3. Municipal bylaw may not functionally ban farming anywhere.
4. For livestock on homes and homestead municipal bylaw and ordinance **must** apply.

## Draft 5.1: VLCT Suggested Changes

- Strike: (i) A municipality shall not regulate noise, smell, lighting, and hours of operation.
  - Simplify (I) Traffic & (I) Siting
- Strike from (B): However, a parcel where farming has taken place prior to July 1, 2 2026, or that has been conserved for agricultural purposes, or farm structures built prior to July 1, 2026, shall be exempt from municipal regulation.
  - Exemption for existing farms should apply to existing agricultural activity and structures, not to the parcel.
- Move (16) "right to grow" plants and hens to 4413, include min. number of poultry (4-6)

# VLCT Suggested Changes

## Municipal Regulation and Farming Study:

- Consider gaps in state's regulatory framework for small farms with livestock
- Consider strategies for municipal planning and zoning to promote agricultural practices and protect prime ag soils from non-compatible land uses in balance with density and development goals
- Should include input from municipal planner, regional planner, citizen planner, and zoning/permitting officials

January 2026

# Questions???



Josh Hanford  
Director, Intergovernmental Affairs  
[jhanford@vlct.org](mailto:jhanford@vlct.org)

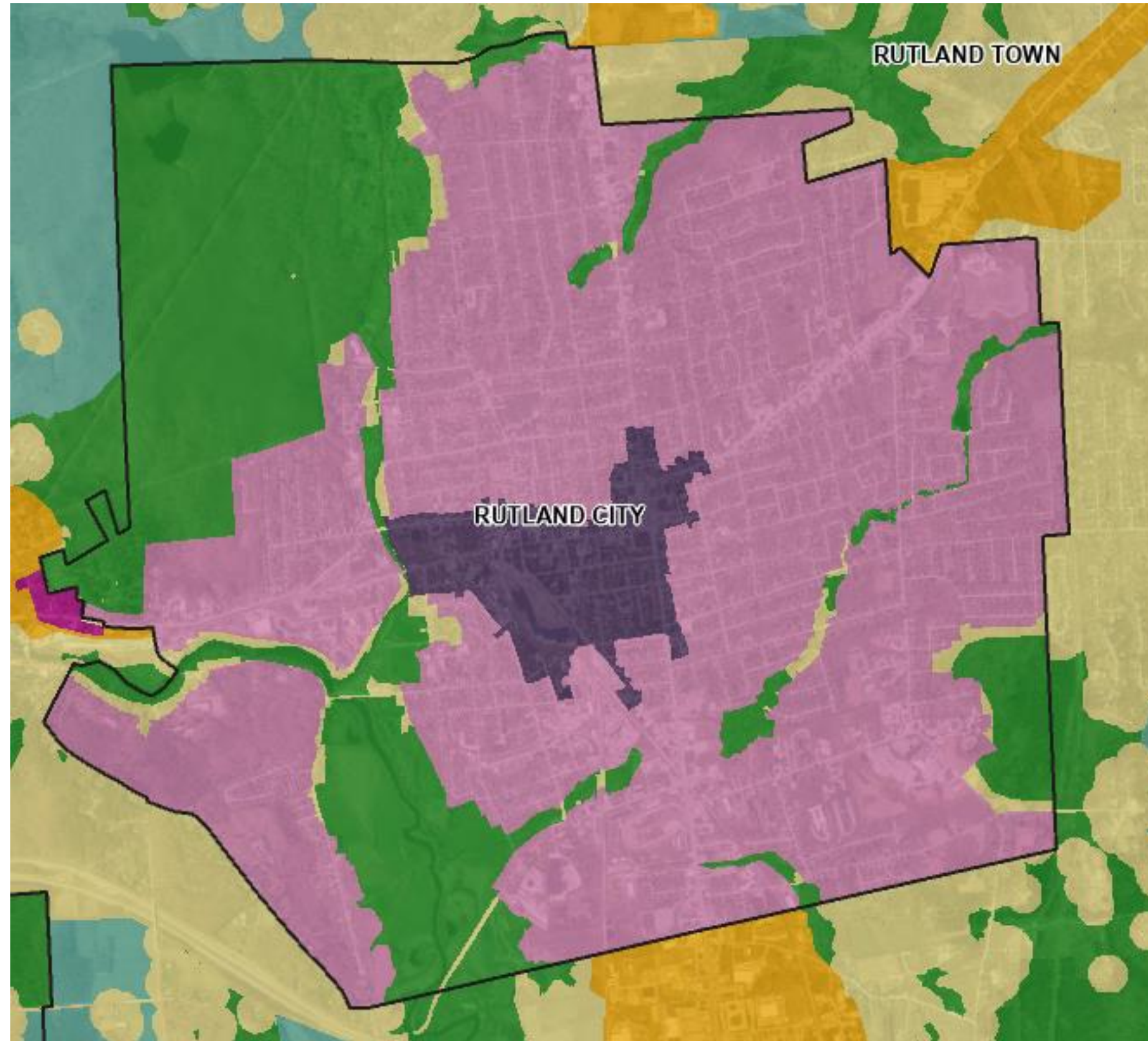
Samantha Sheehan  
Municipal Policy and Advocacy Specialist  
[ssheehan@vlct.org](mailto:ssheehan@vlct.org)

# Draft Regional Future Land Use Mapping Example: Rutland

- Eligible for Act 250 exemption in Tier 1a or 1b if other statutory criteria are satisfied

## Future Land Use Areas

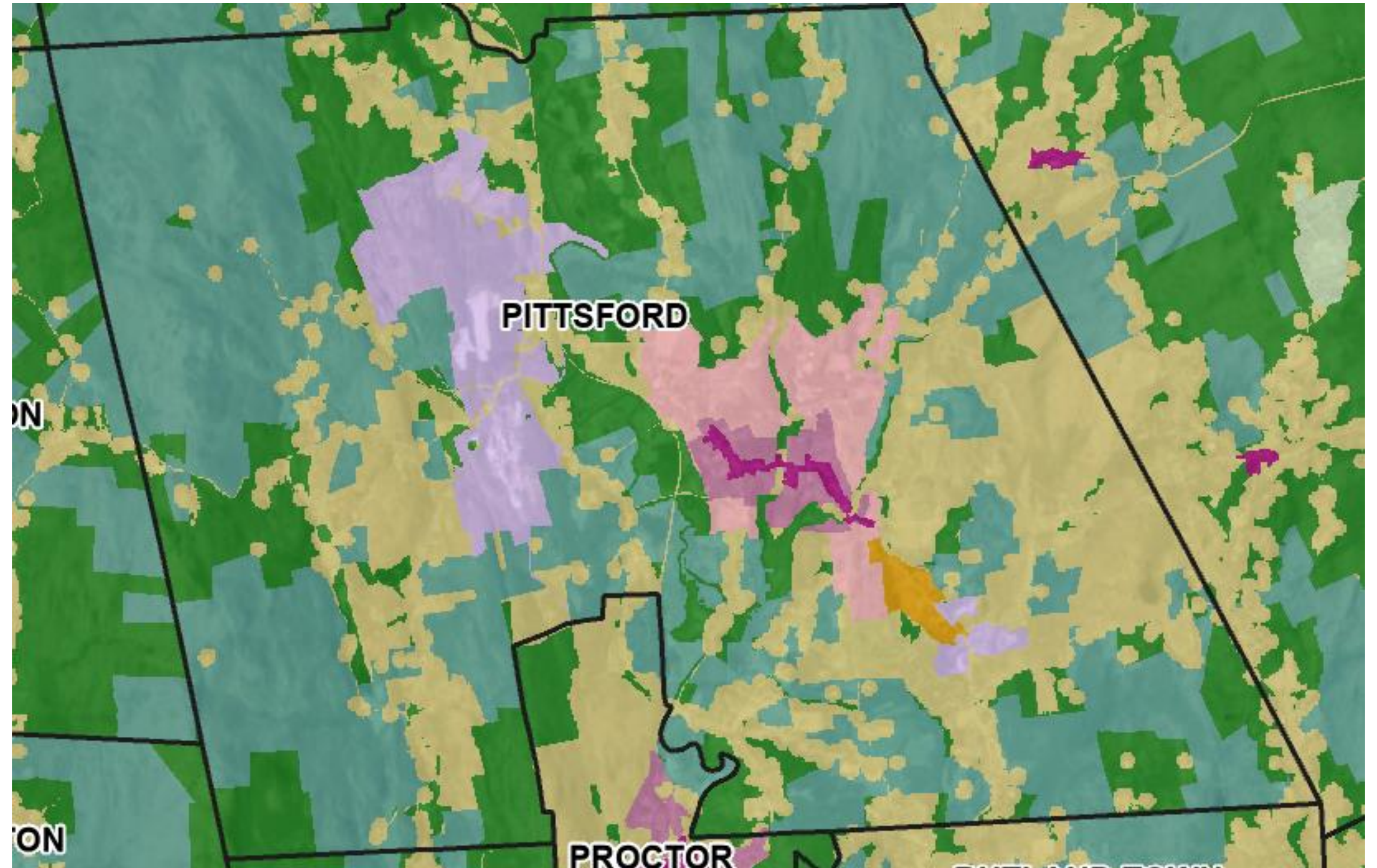
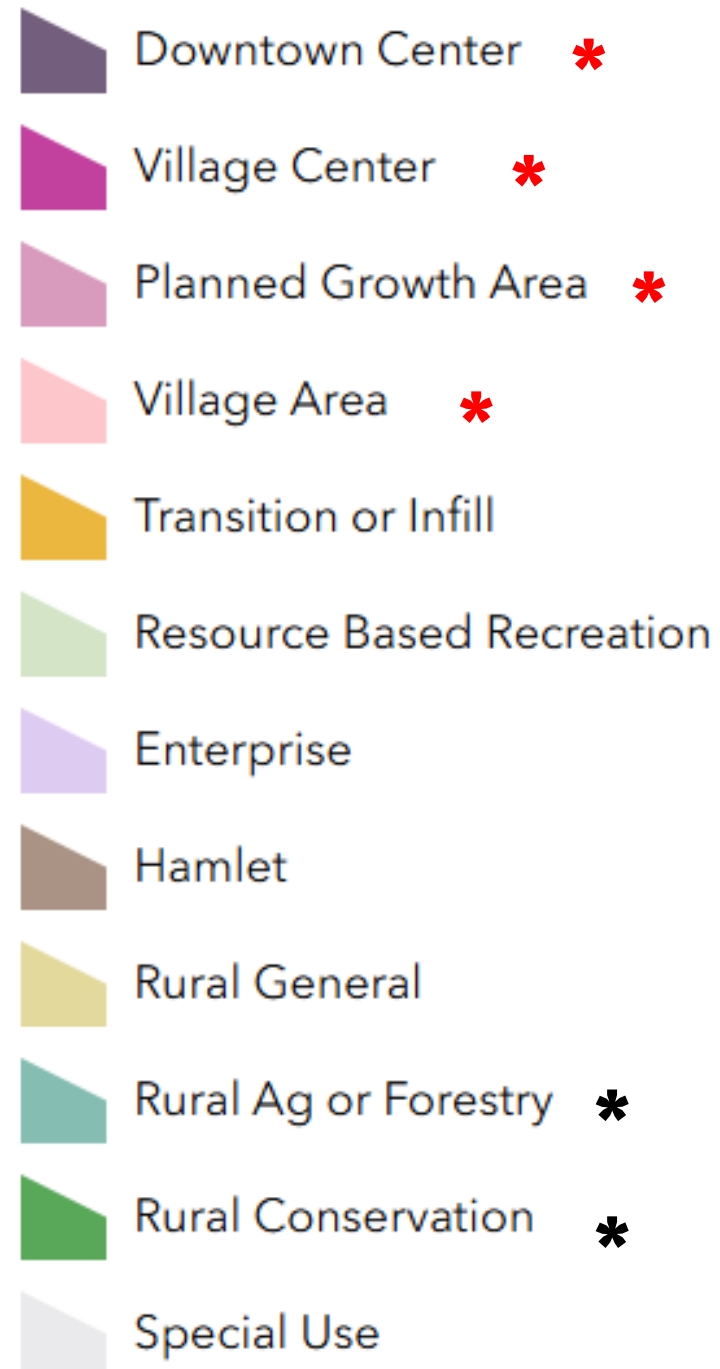
- Downtown Center \*
- Village Center \*
- Planned Growth Area \*
- Village Area \*
- Transition or Infill
- Resource Based Recreation
- Enterprise
- Hamlet
- Rural General
- Rural Ag or Forestry \*
- Rural Conservation \*
- Special Use



# Draft Regional Future Land Use Mapping Example: Pittsford

- Eligible for Act 250 exemption in Tier 1a or 1b if other statutory criteria are satisfied

## Future Land Use Areas



# Links and Resources, Municipal Planning & Zoning

- [Municipal Charters](#)
- [Title 24 Chapter 117: Municipal Planning and Development](#)
- [Municipal Plans and Bylaws Database](#)
- [TROC Town Plan Adoption and Manual](#)
- [Essentials of Local Land Use Planning and Regulation Handbook](#)
- [10 Acre Towns List](#)
- [10 Acre Town Check List](#) (required zoning bylaws)



# Links and Resources, Act 181

- [Future land use map viewer](#)
- [Regional Planning Commission Application Guidelines, LURB](#)
- [Tier 1a guidelines](#)
- [Tier 3 draft rule 2.1](#)
- [Tier 3 map viewer](#)
- [VLCT webinar, Road Rule & Tier 3 \(recorded\)](#)
- [Key Takeaways from Act 181, VLCT 10/2024](#)
- [Act 181 Implementation, LURB - 01/2026](#)
- [Act 181 FLU area descriptions, CCRPC](#)
- [FLU Methodology and Process, RPCs](#)
- [Summary of Act 181 & HOME Act Housing Targets, 3 pager, CCRPC](#)



# Who creates and administers municipal regulatory systems?

1. Advisory Body: Often, the municipal plan and new bylaw processes begin with a citizen advisory committee such as the Planning Commission. Some communities have additional advisory bodies such as Electric or Energy Commissions or Housing Committees.
2. Legislative Body: The City Council, Selectboard, Board of Alderman, or Board of Trustees. The legislative function involves not only drafting and approval of the municipal plan, bylaws, and ordinance but also conducting public hearings. Actions of the legislative body are governed by numerous laws that ensure public access and transparency including Ethics Law, Public Records Law, and Open Meeting Law.
3. Appropriate Municipal Panel: A citizen layboard that serves a quasi-judicial role to interpret local law and serve as the local appellate body, such as the Design and Review Board or Zoning Board.
1. Administrator: Typically, a municipal staff person responsible for permitting, enforcement, inspection, and educating and assisting applicants. Most often this would be a Zoning Administrator, but could be a permit specialist, technician, or compliance officer.



# Writing the Rules

Zoning Bylaws may be created to enforce the municipal plan within the authorities prescribed by state law.

- The Municipal Plan: is developed through a citizen led process, adopted by the legislative body, shared with statutory parties, and then must be approved by the RPC and DHCD. Each action of a local body and subsequent amendments require a public hearing. The Plan must contain 12 elements required by state law.
- Zoning and Bylaw: Many state preemptions exist to limit bylaw authority. Some charters require additional process. For substantial zoning changes additional outreach, long drafting and periods of deliberation, research, feasibility study, assessing infrastructure capacity, joint hearings, etc. are typical
- At a minimum, to adopt or amend a bylaw the appropriate municipal panel must:
  - Publish a public report, consistent with municipal plan
  - Hold a public hearing
  - 15-day notice period and statutory notices

