

1 TO THE HOUSE OF REPRESENTATIVES:

2 Representatives Durfee of Shaftsbury, Bartholomew of Hartland, Bos-Lun
3 of Westminster, Brigham of St. Albans Town, Burt of Cabot, Lipsky of
4 Stowe, Nelson of Derby, and O’Brien of Tunbridge recommend that the House
5 concur in the Senate proposal of amendment with further proposal of
6 amendment thereto by striking out all after the enacting clause and inserting in
7 lieu thereof the following:

8 Sec. 1. FINDINGS AND INTENT; MUNICIPAL REGULATION OF
9 AGRICULTURE

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

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

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

18 (3) To avoid the unintended consequences of the decision in *In re 8 Taft*
19 *Street DRB & NOV Appeals*, 2025 VT 27, it is necessary for the General
20 Assembly to clarify and restate that municipalities under ordinance or bylaw

1 shall not regulate farming or the construction of farm structures as set forth in
2 24 V.S.A. § 4413(d).

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

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

13 (b) For purposes of Sec. 2 of this act, it is the intent of the General
14 Assembly to overturn the holding in *In re 8 Taft Street DRB & NOV Appeals,*
15 2025 VT 27, and to clarify that municipalities lack authority to regulate
16 farming or the construction of farm structures as set forth in 24 V.S.A.
17 § 4413(d).

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

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

20 (A) ~~required agricultural practices, including the construction of farm~~
21 ~~structures, as those practices are defined by the Secretary of Agriculture, Food~~

1 ~~and Markets;~~ Farming that meets the minimum threshold criteria in the
2 Required Agricultural Practices Rule (RAPs Rule) and is therefore required to
3 comply with the RAPs Rule, except:

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

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

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

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

17 (II) Municipalities may set a performance standard related to
18 swine waste pursuant to section 4414 of this title to reasonably regulate swine
19 waste in downtowns or village centers if the waste is causing a significant
20 adverse impact to the community, and the municipality has determined that the
21 Secretary of Agriculture, Food and Markets is unable to provide redress

1 through application of the RAPs Rule. A performance standard shall not have
2 the effect of prohibiting swine or swine waste in a municipality.

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

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

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

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

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

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

1 (2) As used in this section:

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

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

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

11 ~~(B)~~(D) “Forestry operations” has the same meaning as in 10 V.S.A.
12 § 2602.

13 (E) “Village center” means an area designated pursuant to chapter
14 76A or chapter 139 of this title.

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 * * *

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

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

14 Section 3. Required Agricultural Practices Activities and Applicability

15 3.1

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(e)~~(5) is Is raising, feeding, or managing ~~other~~ livestock types,
5 combinations, and numbers, ~~or managing crops or engaging in other~~
6 agricultural practices on a farm that is at least 1.0 contiguous acre and less than
7 4.0 contiguous acres in size that the Secretary has determined, after the
8 opportunity for a hearing, to be causing adverse water quality impacts and in a
9 municipality where no ordinances are in place to manage the activities causing
10 the water quality impacts; or and has sufficient land base for appropriate
11 nutrient and waste management. The Secretary has the discretion to determine,
12 after consultation with the appropriate municipal authority, if the land base is
13 adequate to properly manage the number and type of livestock while
14 evaluating whether compliance with the Required Agricultural Practices is
15 reasonable or impractical.

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

1 ~~(7) is~~ Is managed by a farmer filing with the Internal Revenue Service a
2 1040(F) income tax statement in at least one of the past two years;~~or.~~

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

6 3.2 The agricultural practices on farms ~~meeting~~ that meet the minimum
7 threshold criteria set forth in Section 3.1 that are governed by this rule and are
8 not subject to municipal zoning bylaws include:

9 (a) the confinement, feeding, fencing, and watering of livestock;

10 (b) the storage and handling of agricultural wastes principally produced on
11 the farm;

12 (c) the collection of maple sap principally produced from trees on the farm
13 and/or production of maple syrup from sap principally produced on the farm;

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

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

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

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

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

5 (i) the on-site storage, preparation, and sale of agricultural products
6 principally produced on the farm from raw agricultural commodities
7 principally produced on the farm;

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

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

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

13 (a) The Land Access and Opportunity Board shall convene a stakeholder
14 group to examine options to address conflicts between landowners that involve
15 agricultural livestock activities in densely populated villages, towns, or cities
16 in Vermont and how to address municipal regulation of agriculture to better
17 protect farmland and support homesteaders and farmers and their role in food
18 security. At a minimum, the stakeholder group shall include membership-
19 based agricultural organizations, the Vermont League of Cities and Towns,
20 Vermont Farm to Plate, and individuals with expertise in local or regional
21 planning, as well as zoning administration.

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

11 (c) On or before January 31, 2027, the Land Access and Opportunity Board
12 shall submit a report to the House Committees on Agriculture, Food
13 Resiliency, and Forestry and on Environment and the Senate Committees on
14 Agriculture and on Natural Resources and Energy. The report shall summarize
15 findings, considerations, and any recommendations of the stakeholder group
16 and offer a recommendation for the Secretary of Agriculture, Food and
17 Markets on solutions, including recommended statutory changes or
18 rulemaking, that would best support municipalities in their efforts to increase
19 food security when significant landowner conflicts arise regarding livestock.

20 Sec. 6. EFFECTIVE DATE

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

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(Committee vote: _____)

Representative _____

FOR THE COMMITTEE