

CONTEXT

Vermont Homesteaders, Farmers, and Advocacy Organizations: Please consider adding your name / organization / town to this letter. Sign on before March 13th to significantly increase our chance of success in time for the ongoing legislative process! Here are our concerns:

- A 2025 Vermont Supreme Court ruling shifted agricultural oversight from the state to municipalities, creating uncertainty for farmers and new regulatory burdens for towns.
- Without legislative clarification, Vermont risks a patchwork of local rules governing where food can be grown, what livestock may be raised, and whether small producers can sell their products.
- **Small-scale farms and homesteaders — especially those under 4 acres or earning modest income — are most vulnerable to increased local regulation.**
- Municipal officials are often not equipped with agricultural expertise to assess livestock density, nutrient management, or land suitability, creating unnecessary administrative strain and legal risk.
- Zoning administrators, development review boards, and selectboards could face increased neighbor disputes, appeals, enforcement costs, and risks for exclusionary zoning impacts.
- Agricultural oversight belongs with the Vermont Agency of Agriculture, Food, and Markets, where technical expertise and statewide consistency already exist.
- Without restoring the municipal exemption for farming and farm structures, towns could push agriculture out of specific areas not designated in Regional Plans for future agricultural use.
- Codifying a strong Right to Grow Food - including plants, fungi, poultry, and the right to sell - for the first time in Vermont law would be a compromise and a win for all Vermonters. It would protect existing town ordinances for now and require a study committee to develop model zoning ordinances for regulating livestock without functionally prohibiting it. This relieves towns of unintended regulatory burdens, and ensures fairness across Vermont.

This Sign-On letter endorses a compromise proposal that was developed by our coalition consisting of Rural Vermont, the Vermont Farm Bureau, NOFA-VT, Agri Mark, Cabot, the Vermont Dairy Producers Alliance, the Connecticut River Farmer Watershed Alliance, the Vermont Sustainable Jobs Fund/Farm to Plate Network, the Land Access and Opportunity Board, the Vermont Association of Conservation Districts as well as the American Farmland Trust. It was developed in consultation with the Vermont Agency of Agriculture, Food, and

Markets and the Vermont League of Cities and Towns. This proposal includes recommendations for resolving key areas of concern, suggesting to:

- 1. Limit zoning authority of towns over farming that meets the minimum threshold criteria in the Required Agricultural Practices Rule (RAPs) to the most densely developed areas that will be fully exempt from Act 250, called Tier 1A areas. A limited number of towns are currently applying to have Tier 1A areas, namely Burlington, South Burlington and Rutland City.**
- 2. Create a Right to Grow Food that protects for those not meeting the minimum threshold criteria in the RAPs: the right to grow plants, fungi, poultry (excluding roosters and other livestock), for personal use, donation, or sale. This would be the first time in Vermont state law that town zoning could not functionally prohibit the growing of plants or raising of poultry for personal use, donation, or sale.**
- 3. Fully restore the municipal exemption for farming and farm structures outside of Tier 1A areas for farming that meets the minimum threshold criteria of the RAPs.**
- 4. Preserves long-standing local control - i.e., town's ability to create and enforce ordinances - over raising roosters and other livestock that does not meet minimum threshold criteria of the RAPs.**

March 5th, 2026

To: Members of the Vermont Legislature

Re: Municipal Exemption for Farming and Protecting the Right to Grow and Sell Food

Dear Senators and Representatives,

On behalf of the undersigned homesteaders, farmers, conservation districts, community members and advocacy organizations committed to Vermont's working landscape, we write to urge you to act swiftly **to restore the long-standing municipal exemption for farming** and to **codify a strong Right to Grow Food - including plants, fungi, poultry, and the right to sell food**. Codifying a Right to Grow Food for the first time in Vermont law would be an important step towards securing stronger legal protection for Vermonters' Right to Food. The proposal we present below represents a suitable compromise with the Vermont Agency of Agriculture, Food and Markets and the Vermont League of Cities and Towns, and as such is a win for all Vermonters. It would **protect towns' existing rights to pass ordinances regarding livestock for now and require a study committee to develop a model zoning ordinance that could regulate but not functionally**

prohibit livestock, with a goal of relieving towns of unintended regulatory burdens, and ensuring fairness across Vermont.

This compromise is endorsed by Rural Vermont, the Vermont Farm Bureau, NOFA-VT, the Connecticut River Farmer Watershed Alliance, the Vermont Sustainable Jobs Fund/Farm to Plate Network, the Land Access and Opportunity Board, as well as the American Farmland Trust.

The May 30, 2025 Vermont Supreme Court decision *In re 8 Taft Street DRB & NOV Appeals, 2025 VT 27* removed the historic exemption that shielded farming from municipal zoning. As a result, towns now have much broader responsibility to regulate in what areas of the town food can be grown, what animals may be raised, and under what conditions farming activities may occur. This shift creates uncertainty and exposes farmers, especially small-scale and homestead operations, to a patchwork of local regulations that could functionally prohibit food production by increasing regulatory restrictions.

Before this decision, towns could already zone food cultivation practices not regulated under the Required Agricultural Practices Rule (RAPs) and many towns regulate the raising of livestock, limit animal numbers, or prohibit certain livestock types from being raised in specific areas of the town. Through this decision, under current law farms of all sizes and income levels may be exposed to deep and abrupt restrictions of their practices. Based on the legislative proposals from the League of Cities and Towns and the Agency of Agriculture, Food, and Markets, those most vulnerable include:

- Farmers and homesteaders with livestock on fewer than four acres who sell products.
- Producers operating near downtowns, villages, or designated growth areas (Tier 1A or 1B under Act 181).
- Small-scale farms earning less than \$5,000 annually or qualifying as a farm under the Required Agricultural Practices (RAPs) through Schedule F filing.

These are not industrial operations. They are the backbone of Vermont's local food resilience: families raising laying hens, rabbits, dairy goats, sheep, beef cattle, pigs, and other livestock that provide essential protein in a northern climate where plant production is limited for much of the year. Successful farming operations often begin at this small scale, growing gradually as skills, markets, and infrastructure develop. Regulations that restrict livestock or small-scale sales could have the unintended consequence of preventing many farms from ever getting off the ground.

A Right to Grow Food that excludes livestock is incomplete, but language to ensure food production cannot be functionally prohibited through zoning is more than the current law provides. While municipalities have long held authority over non-farm plant and animal production, farm-based agricultural production, including livestock, has historically fallen under the authority of the Vermont Agency of Agriculture, Food, and Markets.

The approach proposed below is a compromise effort that recognizes legitimate municipal interests in public safety, traffic, and fire safety. In addition to fully restoring the

longstanding protection for designated farms of all types outside of Tier 1A areas, all farms and homesteads will be protected from zoning requirements that could functionally prohibit their existence.

This compromise also suggests that the Vermont Agency of Agriculture, Food, and Markets retains the ability to exercise enforcement discretion, even on parcels not subject to RAPs, regarding appropriate land base, nutrient management, and stocking density of livestock. In this way, enforcement and oversight can be grounded in technical expertise rather than local variability and potentially, personal bias.

This issue intersects directly with Vermont's broader land use and housing policies. As Act 181 implementation advances and Tier 1A and 1B growth areas will expand over time, we must ensure that food production is not unintentionally pushed out of village and town centers where historically it has coexisted with settlement. Protecting farmland and prime soils is not in conflict with housing goals: it is part of a balanced public interest that includes food security, environmental stewardship, and economic vitality.

Vermont has long been a national leader in agricultural policy and land conservation. Now is the time to reaffirm that commitment by:

- 1. Fully restoring the municipal zoning exemption for farming outside of Tier 1A areas.**
- 2. Allow for some reasonable zoning requirements that do not functionally prohibit the existence of farms and their operation within Tier 1A. These should be limited to the safe ingress and egress of vehicular traffic, pedestrian safety, including the functional enclosure of livestock adjacent to roads, sufficient parking, and siting and setbacks of newly created farm structures, in a manner that does not create public safety concerns.**
- 3. Codifying a strong Right to Grow Food including the raising of plants, fungi, and poultry, that cannot be functionally prohibited through municipal zoning. The Right to Grow Food must also protect the rights of homesteaders, who are not protected by the municipal exemption for farming, to sell the food they produce.**
- 4. Protecting towns' existing right to pass ordinances regarding livestock not regulated by the RAPs and requiring a study committee to develop a model zoning ordinance that does not functionally prohibit homesteaders from raising livestock, with a goal of relieving towns of unintended regulatory burdens, to encourage beginning farms, and to ensure fairness across Vermont.**
- 5. Ensuring consistent statewide standards, guided by agricultural expertise, rather than a fragmented town-by-town approach.**

Food security is a matter of resilience, public health, and national security. Vermonters must retain the right to use accessible land to grow, raise, harvest, donate, and sell food without fear of inconsistent local prohibition.

We respectfully urge you to act decisively and inclusively.

Thank you for your leadership and service to Vermont.

Sincerely,

Add your [Name]
[Title / Organization]
[Contact Information]



[FIND YOUR LEGISLATORS](#)

Please cc info@ruralvermont.org, or just write and let us know once you have sent the letter.

THANK YOU.

— Draft Legislative Language for the Compromise Proposal —

Section 1: 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 (a)(1) and (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(a)(1) and (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 Act 181 of 2024 fully elevates restriction for dense housing development in areas exempt from Act 250 requirements called Tier 1A areas.

- (g) Whereas walkable access to land, gardening, and local farms contributes to Vermonters' quality of life and public health, especially within Tier 1A areas.
- (h) Whereas some limited reasonable zoning restrictions that protect public safety but don't functionally prohibit the right to grow food and farming in Tier 1A areas should apply.
- (i) 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.
- (j) 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.
- (k) 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.
- (l) 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.
- (m) Whereas, Vermont does not currently protect the Right to Grow Food in statute.
- (n) 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.
- (o) 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.

The Vermont Legislature finds the need to restore the municipal exemption across Vermont and to codify for the first time in Vermont law a strong Right to Grow Food that includes the right to raise and sell plants, bees, fungi, and poultry; allowing also for some new limited zoning requirements for farms to protect public safety in Tier 1A areas.

Section 2: 24 V.S.A. § 4413 COULD BE amended to read:

§ 4413. Limitations on municipal bylaws

- (a)(1) The following uses may be regulated only with respect to location, size, height, building bulk, yards, courts, setbacks, density of buildings, off-street parking, loading facilities, traffic, noise,

lighting, landscaping, and screening requirements, and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(I) For the cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, orchard crops; this Right to Grow Food also includes the right to grow fungi, and poultry, excluding roosters. Local zoning may not functionally prohibit the ability to harvest, donate and sell products derived from these protected land uses in compliance with other relevant laws and regulations applicable.

(J) 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, and farm structures, located in Tier 1A areas as established in accordance with 10 V.S.A. § 6034.

(i) New zoning regulations for farming and farm structures in Tier 1A or Tier 1B do not apply to noise, smell, lighting, and hours of operation in order to align local control over farming operations with the protections established for farming from nuisance lawsuits under the Right to Farm law in 12 V.S.A. chapter 195.

(ii) 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; as well as siting and setbacks of newly created 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.

[...]

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

(A) 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.

(i) except as enumerated in 4413(a)(1);

(ii) The Secretary of Agriculture

(B) the construction of farm structures, including as defined in the Required Agricultural Practices Rule. A municipality shall not regulate by bylaw the construction, repair, or improvement of farm structures, except as enumerated in 4413(a)(1);

[...]

(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.

(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.

(B)(C) “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).

Section 3: Study Committee about protecting farmland, farming, food security and rights in raising livestock

1. New and improvements to existing laws, regulations and policies to better protect agriculture and agricultural soils from development, including planning for future agricultural land use and incentives for towns to utilize their local zoning powers to protect agricultural land, and increase agricultural land and food security over time.

2. How new prospective regulations in Tier 1 areas could affect existing farms, state wide and regional food security, farm succession and the establishment of new farming operations in those areas, including an assessment of existing legal precedence on how the standard of 4413(1)(a) could apply to farming in those areas and the question of what degree of local regulation would become functionally prohibitive of farming when considered with the entirety of regulations applicable to a farm and to operations with different accessory on-farm businesses. This analysis should also take into consideration the potential need to farm part-time and to generate off farm income to afford farming.

3. Whether the Right to Grow Food should include livestock and an assessment of the need for a statewide model ordinance that would not functionally prohibit raising livestock, especially in consideration of the statewide goal to increase local self-reliance.