



February 20, 2026

Dear Senate Committee on Agriculture,

Thank you for inviting me to speak to you today and for your patience with the parties engaged to reinstate the municipal exemption for farming and to codify a Right to Grow Food.

We feel it is important to communicate that the solution that our coalition, and our members, continue to identify as the most appropriate, would be to address the Supreme Court ruling by adding language which would functionally reinstate the municipal exemption for farming, restoring the intent of the legislature and decades old precedent for farms and municipalities. The legislature and stakeholder communities could then proceed to consider concerns, changes, and potential impacts in a study committee - and move from a place firmly grounded in the same landscape we have been living with, as opposed to one dramatically shifted by a court ruling. We know that this option is highly unlikely to be supported by the Vermont League of Cities and Towns and because of that unlikely to be favorable by the legislature as well. Because of that, we have been working with the VAAFM, and VLCT for a number of months, and more intensively the last number of weeks to listen to one another's concerns, voice our ideas, and see what common ground we could reach.

This past week, Rural Vermont organized a three-hour meeting where the Vermont League of Cities and Towns, the Vermont Agency of Agriculture, Food and Markets, and representatives of our broad coalition of Agriculture and Food Systems stakeholders came together to discuss a path towards consensus. We created and distributed a summary document, based on that meeting, outlining the options on the table. After reviewing the possibilities with our coalition, we facilitated a follow-up call with all parties in order to prepare to speak with you here today, as requested, about what all parties can agree to, and what areas of concern where there's no consensus yet remain.

I'm including below the Draft Legislative Language we considered at this follow-up call, with language in green being agreed upon in principle, and language in orange still being in need of refinement before a full consensus can be reached. I would like to take some time to walk you through that language and to add a few thoughts about what is important to us in this

proposal. Comments from Rural Vermont are added in italics throughout the draft language below.

All of us hope that the work we did together will empower you to take action and to make the decisions on the final key points. We are ready to support you in that work. We used this time constructively to reach 85-90% alignment. I hope what you hear from all of us today satisfies the request you posed to this group, and that we're able to move this issue forward quickly from here.

Respectfully,

Caroline Sherman-Gordon LL.M.
Legislative Director
(she/her)

DRAFT Legislative Language; including areas in need of refinement in [...]

Section 1: Amendments to 24 V.S.A. § 4413:

(a)(1) The following uses may be regulated only with respect to [...] and only to the extent that regulations do not have the effect of interfering with the intended functional use:

(l) For the cultivation or other use of land for growing plants, including for food, fiber, Christmas trees, maple sap, or horticultural, viticultural, orchard crops; and the raising, feeding, or management of 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.

** There was a common understanding and support among parties that mushrooms are included in this language, they are generally considered horticultural crops in agricultural context, despite being fungi rather than plants.*

** There was agreement across parties that poultry can be included in the Right to Grow Food, as no town prohibits keeping poultry. However, it is important to note that the language shouldn't include a specific animal number as any number, that is not set in relation to the land mass available and appropriate for the number of animals, could be determined in court to be functionally prohibitive because of its arbitrary character. For this reason our coalition recommended earlier to establish a new stocking density requirement but that was not consented on. Instead, it will be sufficient to protect the raising of poultry without specifying a number as the framework of 4413(a)(1) has been long established in the courts.*

** It is important to our coalition, and there was no opposition raised, to specify here that the ability to harvest, donate and sell food is within the permitted*

purview of land uses as the lived reality of most people growing food includes selling or donating some of it - even for producers who are not commercial farms (yet).

(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 [and Tier 1B?] areas established in accordance with 10 V.S.A. § 6034 and [effective date?].

** Our coalition agrees with VAAFM that if zoning were to be applied for the first time ever to commercial farming, that it would be most reasonable to limit it to Tier 1A areas, our most densely populated areas that are being projected for development. Many towns will eventually become Tier 1B areas and allowing for zoning of farming there would create a patchwork of regulations impacting far more farmers and farmland with unknown consequences and boundaries, that could push farms and farming in many places out by the death of the thousand cuts, considering all the laws and regulations that farmers need to comply with already. The legislature will have to decide if Tier 1A only or also Tier 1B should be included here.*

** It would make the most sense to our coalition if no new zoning in Tier 1A areas can take effect before Tier 1A areas are being established.*

(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.

** This subsection was proposed by our coalition and in principle agreed upon by all parties. Legally, it constitutes a so-called "negative definition" - naming specific land uses that may not be addressed in new zoning ordinances for farming and farm structures. The intention is for any new zoning to not circumvent the protections established under the Right to Farm Law last year, Act 61 (2025).*

(ii) [TBD wordsmithing further enumerated limited zoning ability such as (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; 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.]

** This subsection reflects language that was submitted by our coalition two weeks ago and VAAFM stated that enumerating the specific subjects that towns in Tier 1A can adopt some zoning regulations over farming is important to*

ensure that those new regulations indeed will not functionally prohibit farming. Naming positively what towns can do, is called in legal terms a "positive definition." This language needs to be finalized with the substantive input from VAAFM, VLCT and the legislature.

** It is our understanding that VAAFM will only back off from their original proposal to amend the RAPs and to limit livestock farms statewide to be at least 1 acre in size if this subsection can be included and worded in a way that's suitable for a consensus.*

[...]

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

(B) the construction of farm structures, including as defined in the Required Agricultural Practices Rule, except as enumerated in 4413(a)(1);

** Agreement across parties that outside of areas of the areas of interest for some zoning, namely Tier 1A and/or Tier 1B, the municipal exemption for farming should be fully reinstated and the Taft Street Vermont Supreme Court Decision addressed by fixing the language in Title 24.*

[...]

(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 2: 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.]

** These three areas were identified by all parties as needing more consideration and all parties would welcome a legislatively mandated study committee where VLCT, VAAFM, as well as representatives from the Vermont Farm Bureau, NOFA-VT, Agri Mark, Cabot, the Vermont Dairy Producers Alliance, Rural Vermont, the Connecticut River Farmer Watershed Alliance and other farmer watershed alliances, the Farm to Plate Network, the Land Access and Opportunity Board, the Vermont Association of Conservation Districts and Conservation District Managers as well as the American Farmland Trust and other land trusts would be invited to participate.*