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H.789

Introduced by Representatives Sheldon of Middlebury, Berry of Manchester,  
Botzow of Pownal, Chesnut-Tangerman of  
Middletown Springs, Clarkson of Woodstock, Cole of  
Burlington, Dakin of Chester, French of Randolph, Krebs of  
South Hero, LaLonde of South Burlington, Lefebvre of Newark,  
Lucke of Hartford, Masland of Thetford, McCullough of  
Williston, Nuovo of Middlebury, Partridge of Windham,  
Russell of Rutland City, Ryerson of Randolph, Sullivan of  
Burlington, Troiano of Stannard, Yantachka of Charlotte, and  
Zagar of Barnard

Referred to Committee on

Date:

Subject: Land use; natural resources; conservation and development;

municipal and regional planning and development; forest integrity

Statement of purpose of bill as introduced: This bill proposes to amend the  
goals and requirements for municipal and regional land use planning to address  
forest fragmentation.

An act relating to forest integrity and municipal and regional planning

1 It is hereby enacted by the General Assembly of the State of Vermont:

2 Sec. 1. 24 V.S.A. § 4302 is amended to read:

3 § 4302. PURPOSE; GOALS

4 \* \* \*

5 (c) In addition, this chapter shall be used to further the following specific  
6 goals:

7 (1) To plan development so as to maintain the historic settlement pattern  
8 of compact village and urban centers separated by rural countryside.

9 (A) Intensive residential development should be encouraged  
10 primarily in areas related to community centers, and strip development along  
11 highways should be discouraged.

12 (B) Economic growth should be encouraged in locally designated  
13 growth areas, employed to revitalize existing village and urban centers, or  
14 both, and should be encouraged in growth centers designated under chapter  
15 76A of this title.

16 (C) Public investments, including the construction or expansion of  
17 infrastructure, should reinforce the general character and planned growth  
18 patterns of the area.

19 (D) Development should be undertaken in accordance with smart  
20 growth principles as defined in subdivision 2791(13) of this title.

21 (2) To provide a strong and diverse economy that provides satisfying  
22 and rewarding job opportunities and that maintains high environmental

1 standards, and to expand economic opportunities in areas with high  
2 unemployment or low per capita incomes.

3 (3) To broaden access to educational and vocational training  
4 opportunities sufficient to ensure the full realization of the abilities of all  
5 Vermonters.

6 (4) To provide for safe, convenient, economic, and energy efficient  
7 transportation systems that respect the integrity of the natural environment,  
8 including public transit options and paths for pedestrians and bicyclers.

9 ~~(A)~~ Highways, air, rail, and other means of transportation should be  
10 mutually supportive, balanced, and integrated.

11 (5) To identify, protect, and preserve important natural and historic  
12 features of the Vermont landscape, including:

13 (A) significant natural and fragile areas;

14 (B) outstanding water resources, including lakes, rivers, aquifers,  
15 shorelands, and wetlands;

16 (C) significant scenic roads, waterways, and views;

17 (D) important historic structures, sites, or districts, archaeological  
18 sites, and archaeologically sensitive areas.

19 (6) To maintain and improve the quality of air, water, wildlife, and land  
20 resources, and to ensure that forestlands remain intact and connected.



1 Sec. 2. 24 V.S.A. § 4348a is amended to read:

2 § 4348a. ELEMENTS OF A REGIONAL PLAN

3 (a) A regional plan shall be consistent with the goals established in section  
4 4302 of this title and shall include the following:

5 (1) A statement of basic policies of the region to guide the future growth  
6 and development of land and of public services and facilities, and to protect the  
7 environment.

8 (2) A land use element, which shall consist of a map and statement of  
9 present and prospective land uses:

10 (A) indicating those areas proposed for forests, recreation, agriculture  
11 (using the agricultural lands identification process established in 6 V.S.A. § 8),  
12 residence, commerce, industry, public, and semi-public uses, open spaces, and  
13 areas identified by the State, regional planning commissions or municipalities,  
14 which require special consideration for aquifer protection, wetland protection,  
15 or for other conservation purposes;

16 (B) indicating those areas within the region that are likely candidates  
17 for designation under sections 2793 (downtown development districts), 2793a  
18 (village centers), 2793b (new town centers), and 2793c (growth centers) of this  
19 title;

20 (C) indicating locations proposed for developments with a potential  
21 for regional impact, as determined by the regional planning commission,  
22 including flood control projects, surface water supply projects, industrial parks,

1 office parks, shopping centers and shopping malls, airports, tourist attractions,  
2 recreational facilities, private schools, public or private colleges, and  
3 residential developments or subdivisions;

4 (D) setting forth the present and prospective location, amount,  
5 intensity, and character of such land uses and the appropriate timing or  
6 sequence of land development activities in relation to the provision of  
7 necessary community facilities and services;

8 (E) indicating those areas that have the potential to sustain agriculture  
9 and recommendations for maintaining them which may include transfer of  
10 development rights, acquisition of development rights, or farmer assistance  
11 programs.

12 \* \* \*

13 (12) A forest integrity element that identifies contiguous forestlands and  
14 important wildlife habitat areas and recommends specific policies to control  
15 development in those areas to prevent forest fragmentation and increase habitat  
16 connectivity.

17 (b) The various elements and statements shall be correlated with the land  
18 use element and with each other. The maps called for by this section may be  
19 incorporated on one or more maps, and may be referred to in each separate  
20 statement called for by this section.

1 Sec. 3. 24 V.S.A. § 4382 is amended to read:

2 § 4382. THE PLAN FOR A MUNICIPALITY

3 (a) A plan for a municipality may be consistent with the goals established  
4 in section 4302 of this title and compatible with approved plans of other  
5 municipalities in the region and with the regional plan and shall include the  
6 following:

7 (1) A statement of objectives, policies, and programs of the municipality  
8 to guide the future growth and development of land, public services, and  
9 facilities, and to protect the environment.

10 (2) A land use plan:

11 (A) consisting of a map and statement of present and prospective  
12 land uses, indicating those areas proposed for forests, recreation, agriculture  
13 (using the agricultural lands identification process established in 6 V.S.A. § 8),  
14 residence, commerce, industry, public, and semi-public uses and open spaces  
15 reserved for flood plain, wetland protection, or other conservation purposes;

16 (B) setting forth the present and prospective location, amount,  
17 intensity, and character of such land uses and the appropriate timing or  
18 sequence of land development activities in relation to the provision of  
19 necessary community facilities and service; and

20 (C) identifying those areas, if any, proposed for designation under  
21 chapter 76A of this title, together with, for each area proposed for designation,  
22 an explanation of how the designation would further the plan's goals and the

1 goals of section 4302 of this title, and how the area meets the requirements for  
2 the type of designation to be sought.

3 \* \* \*

4 (13) A forest integrity plan that identifies contiguous forestlands and  
5 important wildlife habitat areas and recommends specific policies to control  
6 development in those areas to prevent forest fragmentation and increase habitat  
7 connectivity.

8 \* \* \*

9 Sec. 4. 24 V.S.A. § 4425 is added to read:

10 § 4425. FOREST INTEGRITY; FREESTANDING BYLAW

11 (a) Any municipality may adopt a freestanding forest integrity bylaw under  
12 this chapter to maintain and improve the contiguity and connection of  
13 forestlands in order to support forest health and wildlife habitat. Such a bylaw  
14 may regulate land development in the areas to which it applies to achieve the  
15 purposes of this section. Such a bylaw also may be part of zoning or unified  
16 development bylaws.

17 (b) In the areas to which applies, a forest integrity bylaw may alter the uses  
18 otherwise permitted, prohibited, or conditional under a different land use  
19 bylaw, as well as the applicability of other provisions of that bylaw. Where a  
20 forest integrity bylaw applies along with any other bylaw, compliance with the  
21 forest integrity bylaw shall be prerequisite to the granting of a municipal land  
22 use permit under that other bylaw. Where a forest integrity bylaw but not



1 another land use bylaw applies, the forest integrity bylaw shall be administered  
2 in the same manner as is a zoning bylaw, and a forest integrity permit shall be  
3 required for land development covered under the bylaw.

4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on July 1, 2016.