

1 Draft for potential committee review requested by Rep. Sheldon

2 **Bold = changes from bill as introduced**

3 TO THE HOUSE OF REPRESENTATIVES:

4 The Committee on Fish, Wildlife and Water Resources to which was
5 referred House Bill No. 789 entitled “An act relating to forest integrity and
6 municipal and regional planning” respectfully reports that it has considered the
7 same and recommends that the bill be amended by striking out all after the
8 enacting clause and inserting in lieu thereof the following:

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

10 § 4302. PURPOSE; GOALS

11 * * *

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

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

16 (A) Intensive residential development should be encouraged
17 primarily in areas related to community centers, and strip development along
18 highways should be discouraged.

19 (B) Economic growth should be encouraged in locally designated
20 growth areas, employed to revitalize existing village and urban centers, or

1 both, and should be encouraged in growth centers designated under chapter
2 76A of this title.

3 (C) Public investments, including the construction or expansion of
4 infrastructure, should reinforce the general character and planned growth
5 patterns of the area.

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

8 (2) To provide a strong and diverse economy that provides satisfying
9 and rewarding job opportunities and that maintains high environmental
10 standards, and to expand economic opportunities in areas with high
11 unemployment or low per capita incomes.

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

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

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

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

1 (A) significant natural and fragile areas;

2 (B) outstanding water resources, including lakes, rivers, aquifers,
3 shorelands, and wetlands;

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

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

7 (6) To maintain and improve the quality of air, water, wildlife, **forests,**
8 and **other** land resources, ~~and to ensure that forestlands remain intact and~~
9 ~~connected.~~

10 (A) Vermont's air, water, wildlife, mineral, and land resources
11 should be planned for use and development according to the principles set
12 forth in 10 V.S.A. § 6086(a).

13 (B) Vermont's water quality should be maintained and improved
14 according to the policies and actions developed in the basin plans established
15 by the Secretary of Natural Resources under 10 V.S.A. § 1253.

16 (C) Vermont's forestlands should be managed so as to **preserve**
17 **maintain** and improve **the forest blocks and habitat connectivity of wildlife**
18 **habitat corridors.**

19 * * *

1 (9) To encourage and strengthen agricultural and forest industries.

2 (A) Strategies to protect long-term viability of agricultural and ~~forest~~
3 ~~lands~~ forestlands should be encouraged and should include maintaining low
4 overall density.

5 (B) The manufacture and marketing of value-added agricultural and
6 forest products should be encouraged.

7 (C) The use of locally-grown food and forest products should be
8 encouraged.

9 (D) Sound forest and agricultural management practices should be
10 encouraged.

11 (E) Public investment should be planned so as to minimize
12 development pressure on agricultural and forest land.

13 * * *

14 **Sec. 2. 24 V.S.A. § 4303 is amended to read:**

15 **§ 4303. DEFINITIONS**

16 **The following definitions shall apply throughout this chapter unless the**
17 **context otherwise requires:**

18 * * *

19 **(10) “Land development” means the division of a parcel into two or**
20 **more parcels, the construction, reconstruction, conversion, structural**
21 **alteration, relocation, or enlargement of any building or other structure,**

1 or of any mining, excavation, or landfill, and any change in the use of any
2 building or other structure, or land, or extension of use of land.

3 * * *

4 (34) “Forest block” means a contiguous area of forestland. As used
5 in this subdivision (34), “forestland” means land that is at least 10 percent
6 stocked by forest trees of any size or land that formerly had such tree
7 cover and is not currently developed for nonforest use. A forest block
8 may include wetlands or other natural features that do not themselves
9 possess such tree cover.

10 (35) “Forest fragmentation” means the division or conversion of
11 forest blocks by subdivision or other land development into smaller areas
12 of forestland that vary in size and isolation from other forestlands. In this
13 subdivision (35), “forestland” has the same meaning as in subdivision (34)
14 of this section.

15 (36) “Habitat connectivity corridor” means an area of land or
16 water, or both, that facilitates the movement, migration, and dispersal of
17 animals and plants between areas of wildlife habitat within a landscape.

18 Sec. 3. 24 V.S.A. § 4348a is amended to read:

19 § 4348a. ELEMENTS OF A REGIONAL PLAN

20 (a) A regional plan shall be consistent with the goals established in section
21 4302 of this title and shall include the following:

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

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

6 (A) indicating those areas proposed for **forests**, recreation, agriculture
7 (using the agricultural lands identification process established in 6 V.S.A. § 8),
8 residence, commerce, industry, public, and semi-public uses, open spaces, and
9 areas identified by the State, regional planning commissions or municipalities,
10 ~~which **that**~~ require special consideration for aquifer protection; ~~for~~ wetland
11 protection; ~~for the maintenance of forest blocks, wildlife habitat, and~~
12 ~~**habitat connectivity corridors;**~~ or for other conservation purposes;

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

17 (C) indicating locations proposed for developments with a potential
18 for regional impact, as determined by the regional planning commission,
19 including flood control projects, surface water supply projects, industrial parks,
20 office parks, shopping centers and shopping malls, airports, tourist attractions,

1 recreational facilities, private schools, public or private colleges, and
2 residential developments or subdivisions;

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

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

11 **(F) indicating those areas that are forest blocks and habitat**
12 **connectivity corridors and recommending specific policies to encourage**
13 **the active management of those areas for wildlife habitat and timber**
14 **production and to control development in those areas to prevent forest**
15 **fragmentation and promote the health, viability, and ecological function of**
16 **forests.**

17 * * *

18 ~~**(12) A forest integrity element that identifies contiguous forestlands**~~
19 ~~**and important wildlife habitat areas and recommends specific policies to**~~
20 ~~**control development in those areas to prevent forest fragmentation and**~~
21 ~~**increase habitat connectivity.**~~

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

5 Sec. 4. 24 V.S.A. § 4382 is amended to read:

6 § 4382. THE PLAN FOR A MUNICIPALITY

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

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

14 (2) A land use plan:

15 (A) consisting of a map and statement of present and prospective
16 land uses, indicating those areas proposed for **forests**, recreation, agriculture
17 (using the agricultural lands identification process established in 6 V.S.A. § 8),
18 residence, commerce, industry, public, and semi-public uses, and open spaces
19 **and other areas** reserved for flood plain, wetland protection, **the**
20 **maintenance of forest blocks, wildlife habitat, and habitat connectivity**
21 **corridors**, or other conservation purposes;

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

5 (C) identifying those areas, if any, proposed for designation under
6 chapter 76A of this title, together with, for each area proposed for designation,
7 an explanation of how the designation would further the plan's goals and the
8 goals of section 4302 of this title, and how the area meets the requirements for
9 the type of designation to be sought.

10 * * *

11 (5) A statement of policies on the preservation of rare and irreplaceable
12 natural areas; **of forest blocks, wildlife habitat, and habitat connectivity**
13 **corridors; and of** scenic and historic features and resources.

14 * * *

15 ~~**(13) A forest integrity plan that identifies contiguous forestlands**~~
16 ~~**and important wildlife habitat areas and recommends specific policies to**~~
17 ~~**control development in those areas to prevent forest fragmentation and**~~
18 ~~**increase habitat connectivity.**~~

1 forestry **operations**, **forest management**, and related uses and prohibiting
2 all other land development.

3 (iii) Recreational districts, permitting camps, ski areas, and
4 related recreational facilities, including lodging for transients and
5 seasonal residents, and prohibiting all other land development except
6 construction of residences for occupancy by caretakers and their families.

7 * * *

8 (2) Overlay districts. Special districts may be created to supplement
9 or modify the zoning requirements otherwise applicable in underlying
10 districts in order to provide supplementary provisions for areas such as
11 shorelands and floodplains; aquifer and source protection areas;
12 ridgelines and scenic features; forest blocks, wildlife habitat, and habitat
13 connectivity corridors; highway intersection, bypass, and interchange
14 areas; or other features described in section 4411 of this title.

15 (3) Conditional uses.

16 (A) In any district, certain uses may be allowed only by approval
17 of the appropriate municipal panel, if general and specific standards to
18 which each allowed use must conform are prescribed in the appropriate
19 bylaws and if the appropriate municipal panel, under the procedures in
20 subchapter 10 of this chapter, determines that the proposed use will
21 conform to those standards. These general standards shall require that

1 the proposed conditional use shall not result in an undue adverse effect on
2 any of the following:

3 (i) ~~The~~ the capacity of existing or planned community
4 facilities.;

5 (ii) ~~The~~ the character of the area affected, as defined by the
6 purpose or purposes of the zoning district within which the project is
7 located, and specifically stated policies and standards of the municipal
8 plan.;

9 (iii) ~~Traffic~~ traffic on roads and highways in the vicinity.;

10 (iv) ~~Bylaws~~ bylaws and ordinances then in effect.;

11 (v) ~~Utilization~~ utilization of renewable energy resources.

12 (B) The general standards set forth in subdivision (3)(A) of this
13 section may be supplemented by more specific criteria, including
14 requirements with respect to any of the following:

15 (i) ~~Minimum~~ minimum lot size.;

16 (ii) ~~Distanee~~ distance from adjacent or nearby uses.;

17 (iii) ~~Performance~~ performance standards, as under
18 subdivision (5) of this section.;

19 (iv) ~~Criteria~~ criteria adopted relating to site plan review
20 pursuant to section 4416 of this title.;

1 **(A) Procedures and requirements for the design, submission, and**
2 **processing of plats, any drawing and plans, and any other documentation**
3 **required for review of subdivisions.**

4 **(B) Standards for the design and layout of streets, sidewalks,**
5 **curbs, gutters, streetlights, fire hydrants, landscaping, water, sewage and**
6 **stormwater management facilities, public and private utilities, and other**
7 **necessary improvements as may be specified in a municipal plan.**
8 **Standards in accordance with subdivision 4412(3) of this title shall be**
9 **required for lots without frontage on or access to public roads or public**
10 **waters.**

11 **(C) Standards for the design and configuration of parcel**
12 **boundaries and location of associated improvements necessary to**
13 **implement the municipal plan and achieve the desired settlement pattern**
14 **for the neighborhood, area, or district in which the subdivision is located.**

15 **(D) Standards for the protection of natural resources, including**
16 **forest blocks, wildlife habitat, habitat connectivity corridors, and water**
17 **resources; for the protection of agricultural lands; and for the protection**
18 **of cultural features and the preservation of open space, as appropriate in**
19 **the municipality.**

1 **(2) Subdivision bylaws may include:**

2 **(A) Provisions allowing the appropriate municipal panel to waive**
3 **or modify, subject to appropriate conditions, the provision of any or all**
4 **improvements and requirements as in its judgment of the special**
5 **circumstances of a particular plat or plats are not requisite in the interest**
6 **of the public health, safety, and general welfare, or are inappropriate**
7 **because of inadequacy or lack of connecting facilities adjacent or in**
8 **proximity to the subdivision.**

9 **(B) Procedures for conceptual, preliminary, partial, and other**
10 **reviews preceding submission of a subdivision plat, including any**
11 **administrative reviews.**

12 **(C) Specific development standards to promote the conservation**
13 **of energy or to permit the utilization of renewable energy resources, or**
14 **both.**

15 **(D) State standards and criteria under 10 V.S.A. § 6086(a).**

16 Sec. 7. 24 V.S.A. § 4425 is added to read:

17 § 4425. FOREST INTEGRITY; FREESTANDING BYLAW

18 (a) Any municipality may adopt a freestanding forest integrity bylaw under
19 this chapter to maintain and improve the contiguity and connection of forest
20 land in order to support forest health, **forest blocks, habitat connectivity**
21 **corridors**, and wildlife habitat. Such a bylaw may regulate land development

1 in the areas to which it applies to achieve the purposes of this section. Such a
2 bylaw also may be part of zoning or unified development bylaws.

3 (b) In the areas to which applies, a forest integrity bylaw may alter the uses
4 otherwise permitted, prohibited, or conditional under a different land use
5 bylaw, as well as the applicability of other provisions of that bylaw. Where a
6 forest integrity bylaw applies along with any other bylaw, compliance with the
7 forest integrity bylaw shall be prerequisite to the granting of a municipal land
8 use permit under that other bylaw. Where a forest integrity bylaw but not
9 another land use bylaw applies, the forest integrity bylaw shall be administered
10 in the same manner as is a zoning bylaw, and a forest integrity permit shall be
11 required for land development covered under the bylaw.

12 **Sec. 8. EFFECTIVE DATE**

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

14
15
16 (Committee vote: _____)

17 _____

18 Representative _____

19 FOR THE COMMITTEE