

1 TO THE HOUSE OF REPRESENTATIVES:

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

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

8 § 4302. PURPOSE; GOALS

9 * * *

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

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

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

17 (B) Economic growth should be encouraged in locally designated
18 growth areas, employed to revitalize existing village and urban centers, or
19 both, and should be encouraged in growth centers designated under chapter
20 76A of this title.

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

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

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

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

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

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

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

20 (A) significant natural and fragile areas;

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

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

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

6 (6) To maintain and improve the quality of air, water, wildlife, forests,
7 and other land resources.

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

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

14 (C) Vermont's forestlands should be managed so as to maintain and
15 improve forest blocks and habitat connectors.

16 * * *

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

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

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

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

5 (D) Sound forest and agricultural management practices should be
6 encouraged.

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

9 * * *

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

11 § 4303. DEFINITIONS

12 The following definitions shall apply throughout this chapter unless the
13 context otherwise requires:

14 * * *

15 (10) “Land development” means the division of a parcel into two or
16 more parcels, the construction, reconstruction, conversion, structural alteration,
17 relocation, or enlargement of any building or other structure, or of any mining,
18 excavation, or landfill, and any change in the use of any building or other
19 structure, or land, or extension of use of land.

20 * * *

1 (34) “Forest block” means a contiguous area of forest in any stage of
2 succession and not currently developed for nonforest use. A forest block may
3 include **recreational trails**, wetlands or other natural features that do not
4 themselves possess tree cover, and uses exempt from regulation under
5 **subsection 4413(d) of this title.**

6 (35) “Forest fragmentation” means the division or conversion of a forest
7 block by land development **other than uses exempt from regulation under**
8 **subsection 4413(d) of this title.**

9 (36) “Habitat connector” means land or water, or both, that links patches
10 of wildlife habitat within a landscape, allowing the movement, migration, and
11 dispersal of animals and plants and the functioning of ecological processes.

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

13 § 4348a. ELEMENTS OF A REGIONAL PLAN

14 (a) A regional plan shall be consistent with the goals established in section
15 4302 of this title and shall include the following:

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

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

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

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

13 (C) indicating locations proposed for developments with a potential
14 for regional impact, as determined by the regional planning commission,
15 including flood control projects, surface water supply projects, industrial parks,
16 office parks, shopping centers and shopping malls, airports, tourist attractions,
17 recreational facilities, private schools, public or private colleges, and
18 residential developments or subdivisions;

19 (D) setting forth the present and prospective location, amount,
20 intensity, and character of such land uses and the appropriate timing or

1 sequence of land development activities in relation to the provision of
2 necessary community facilities and services;

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

7 (F) indicating those areas that are forest blocks and habitat
8 connectors and recommending specific policies to encourage the active
9 management of those areas for wildlife habitat and timber production and to
10 plan for land development in those areas to minimize forest fragmentation and
11 promote the health, viability, and ecological function of forests.

12 * * *

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

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

18 § 4382. THE PLAN FOR A MUNICIPALITY

19 (a) A plan for a municipality may be consistent with the goals established
20 in section 4302 of this title and compatible with approved plans of other

1 municipalities in the region and with the regional plan and shall include the
2 following:

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

6 (2) A land use plan:

7 ~~(A) consisting of, which shall consist of~~ a map and statement of
8 present and prospective land uses;

9 (A) indicating those areas proposed for forests, recreation, agriculture
10 (using the agricultural lands identification process established in 6 V.S.A. § 8),
11 residence, commerce, industry, public, and semi-public uses, and open spaces,
12 areas reserved for flood plain, and areas identified by the State, the regional
13 planning commission or the municipality that require special consideration for
14 aquifer protection; for wetland protection; for the maintenance of forest
15 blocks, wildlife habitat, and habitat connectors; or for other conservation
16 purposes;

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

1 (C) identifying those areas, if any, proposed for designation under
2 chapter 76A of this title, together with, for each area proposed for designation,
3 an explanation of how the designation would further the plan’s goals and the
4 goals of section 4302 of this title, and how the area meets the requirements for
5 the type of designation to be sought; and

6 (D) indicating those areas that are forest blocks and habitat
7 connectors and recommending specific policies to encourage the active
8 management of those areas for wildlife habitat and timber production and to
9 plan for land development in those areas to minimize forest fragmentation and
10 promote the health, viability, and ecological function of forests.

11 * * *

12 Sec. 5. STUDY AND REPORT; LAND USE REGULATION; FOREST
13 INTEGRITY

14 (a) Creation. There is created a Study Committee on Land Use Regulation
15 and Forest Integrity to study potential revisions to 10 V.S.A. chapter 151 (Act
16 250) and to 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect contiguous
17 areas of forestland from fragmentation and promote habitat connectivity
18 between forestlands.

19 (b) Membership. The Committee shall be composed of the following nine
20 members:

1 (1) A current member of the House of Representatives appointed by the
2 Speaker of the House;

3 (2) A current member of the Senate appointed by the Committee on
4 Committees;

5 (3) A current officer of a municipality, appointed by the Vermont
6 League of Cities and Town;

7 (4) A representative of the Vermont Association of Planning and
8 Development Agencies, appointed by the Association;

9 (5) The Commissioner of Housing and Community Development or
10 designee;

11 (6) The Chair of the Natural Resources Board or designee;

12 **(7) The Commissioner of Forests, Parks and Recreation or designee;**

13 **(8) A representative of the Vermont Forest Roundtable through the**
14 **Vermont Natural Resources Council; and**

15 **(9) A representative of the Vermont Working Lands Enterprise**
16 **Board established under 6 V.S.A. § 4606, appointed by that Board.**

17 (c) Powers and duties. The Committee shall study potential revisions to
18 Act 250 and 24 V.S.A. chapter 117, subchapter 7 (bylaws) to protect
19 contiguous areas of forestland from fragmentation and promote habitat
20 connectivity between forestlands. This study shall include the following:

1 (1) review of the relevant provisions of Act 250 and 24 V.S.A.
2 chapter 117 as they exist on passage of this act;

3 (2) development and review of options to revise Act 250 and the bylaw
4 provisions of chapter 117 to protect forestland from fragmentation and promote
5 habitat connectivity;

6 (3) evaluation of the impact of those options on land use; and

7 (4) a recommendation on whether to make such revisions and the reason
8 for the recommendation and, if the recommendation is affirmative, the
9 revisions that the Committee suggests be made.

10 (d) Assistance. For purposes of scheduling meetings, preparing its
11 recommendation on whether to make statutory revisions, and preparing any
12 recommended legislation, the Committee shall have the assistance of the Office
13 of Legislative Council. The Committee also shall be entitled to the technical
14 and professional assistance of the Departments of Housing and Community
15 Development and of Forests, Parks and Recreation and of the Natural
16 Resources Board.

17 (e) Report. On or before February 15, 2017, the Committee shall submit its
18 written recommendation and any proposed legislation to the House Committee
19 on Fish, Wildlife and Water Resources and the House and Senate Committees
20 on Natural Resources and Energy.

1 (f) Meetings.

2 (1) The Office of Legislative Council shall call the first meeting of the
3 Committee to occur on or before September 1, 2016.

4 (2) The Committee shall select a chair from among its legislative
5 members at the first meeting.

6 (3) A majority of the membership shall constitute a quorum.

7 (4) The Committee shall cease to exist on March 15, 2017.

8 (g) Reimbursement.

9 (1) For attendance at meetings during adjournment of the General
10 Assembly, legislative members of the Committee shall be entitled to per diem
11 compensation and reimbursement of expenses pursuant to 2 V.S.A. § 406 for
12 no more than four meetings.

13 (2) Other members of the Committee who are not employees of the State
14 of Vermont and who are not otherwise compensated or reimbursed for their
15 attendance shall be entitled to per diem compensation and reimbursement of
16 expenses pursuant to 32 V.S.A. § 1010 for no more than four meetings.

17 Sec. 6. EFFECTIVE DATE

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

1 (Committee vote: _____)

2

3

Representative _____

4

FOR THE COMMITTEE