

# INTRODUCTION TO THE STATE LAND USE PLAN

## GENERAL EXPLANATION

The State Land Use Plan complements the State Capability and Development Plan. The policies in the State Capability and Development Plan indicate in a broad way how the use of Vermont's lands and other resources is to be planned and carried out. The districts established in the State Land Use Plan bring many of those policies a step closer to being realized.

The five districts depicted in the State Land Use Plan identify in a broad way how lands in the state may be used in a manner that will further the objectives of the Capability and Development Plan. There is a definite purpose to each district which reflects the state's interest in how lands within the district will be used.

The State Land Use Plan has been drawn at a scale well suited for widespread distribution and use. As a result, many areas of lands that fit the descriptions of the districts, but are too small to show at a statewide scale, are not depicted. Municipalities will be encouraged to identify lands which properly should be assigned to one of the districts other than the district shown on the State Land Use Plan.

The responsibility for planning and regulating the use of lands within the districts remains the responsibility of the local governments. Municipal plans and bylaws should be consistent with the purposes of the districts in the State Land Use Plan.

## THE FIVE DISTRICTS

### Urban District

The purpose of the Urban District is to allow for and incorporate urban and urban-like development within and in proximity to urban centers and communities. The Urban District includes areas large enough to be shown at the statewide scale which contain a significant concentration of urban or urban-like development plus sufficient lands for their expansion. The Urban District may be imposed on other areas of the state by a municipal plan that has been duly adopted and certified to be in conformance with the State Capability and Development Plan.

The local governments having jurisdiction over lands within the Urban District may regulate development consistent with the policies in the State Capability and Development Plan. The state's concern is that urban and urban-like development occurs within those areas which are logical places for it, have sufficient services and natural resources to support it, and have planned for it. Generally speaking, the state's concern does not extend to the details of how development is carried out in the Urban Districts.

The Urban District is indicated on the State Land Use Plan by a red color.

with municipal plans and bylaws duly adopted and certified to be in conformance with the State Capability and Development Plan.

The Rural Residential District is indicated on the State Land Use Plan by a tan color.

### Agricultural Conservation District

The purposes of the Agricultural Conservation District are twofold: first, to conserve primary agricultural lands for commercial agricultural and dairy operations in order to insure the future production of food and fiber; and, second, to maintain the economic, environmental, scenic, recreational, cultural, historic, and other resource values of primary agricultural lands.

The Agricultural Conservation District includes many of the primary agricultural lands within the state. Primary agricultural lands are lands of an economically viable size which are likely to have high productivity for commercial agriculture or dairy operations or forestry because of soil conditions, climate, and topography. Because of the scale at which the State Land Use Plan is drawn, some primary agricultural lands are not indicated as being in the Agricultural Conservation District. These lands will have to be delineated in greater detail by the municipalities.

Lands within the Agricultural Conservation District will not be planned for urban or urban-like development unless there is no feasible and prudent alternative.

As a general rule, lands within the Agricultural Conservation District may only be devoted to uses which will allow the continuation of agricultural or dairy operations and maintain the resource values of the lands. However, some development will be allowed that may diminish or destroy the agricultural and resource values of the lands if the benefit to the public from the development can be demonstrated to outweigh the value to the public from conserving the lands in agriculture. Such incompatible development will be subjected to requirements designed to lessen its impact.

The local governments having jurisdiction over lands within the Agricultural Conservation District may regulate development consistent with the requirements below and refine and expand upon the requirements below consistent with the purposes of the District. Thus, the municipalities will have discretion and flexibility with regard to how land will be used and developed within the Agricultural Conservation District.

Consistent with the State Capability and Development Plan, lands within the Agricultural Conservation District may be used as follows:

- (1) Agricultural and dairy operations and forestry and supporting uses and structures, including

are likely to have moderate potential for agricultural or dairy operations or forestry, and which have economic, environmental, scenic, recreational, cultural, historic, or other resource values.

As a general rule, primary forest lands and secondary agricultural lands will not be planned for urban and urban-like development and secondary forest lands will not be planned for intensive development.

The policies in the Capability and Development Plan state that the value to the public from conserving primary and secondary forest lands and secondary agricultural lands differs depending on the characteristics of the actual lands involved. This philosophy has been applied in determining what uses can be made of lands in the Resource and Agricultural Conservation District. Some uses which will allow the continuation of forestry and agricultural and dairy operations and the conservation of the resource values of the lands are permitted by right. However, most uses are allowed as conditional uses if it can be demonstrated that the benefit to the public from the proposed use will outweigh the value to the public from conserving the lands. Encouragement will be given to multiple uses that use or develop lands in a manner that does not materially diminish or destroy their resource value.

Consistent with the Capability and Development Plan, lands within the Resource and Agricultural Conservation District may be used as follows:

- (1) Agricultural and dairy operations and forestry and supporting uses and structures, including farmhouses and commercial and industrial uses, are permitted by right;
- (2) Residential uses: (a) will be permitted by right if they are in accordance with municipal plans and bylaws duly adopted and certified to be in conformance with the State Capability and Development Plan; and (b) will be allowed as conditional uses if they utilize soils with low productivity for agricultural or dairy operations or forestry;
- (3) Other uses are allowed as conditional uses if: (a) they are in accordance with municipal plans and bylaws duly adopted and certified to be in accordance with the State Capability and Development Plan; and (b) (i) the resource values of the lands will not be materially jeopardized or diminished, or (ii) the economic, social, cultural, recreational, or other benefit to the public is demonstrated to outweigh the economic, environmental, scenic, recreational, cultural, historic, or other resource value to the public from conserving the lands and the use will be planned so as to conserve as much as possible of the net area of the lands being developed that has the highest productivity and/or the most significant resource value to the public. Encouragement will be given to multiple uses that use or develop lands in a manner that does not materially diminish or destroy their resource value.

does not extend to the details of how development is carried out in the Urban Districts.

The Urban District is indicated on the State Land Use Plan by a red color.

### Rural Residential District

The purposes of the Rural Residential District are two-fold: first, to support the orderly expansion of villages and hamlets; and, second, to maintain the rural character of the lands which are within the District but outside villages and hamlets.

The Rural Residential District includes: (1) areas containing villages and hamlets; (2) lands which generally have limited productivity as agricultural or forest lands; or (3) lands which are characterized by patterns of ownership or other conditions that generally preclude their utilization or conservation as agricultural forest lands.

It is intended that the bulk of the development that occurs outside the Urban District will take place in the Rural Residential District. The local governments having jurisdiction over lands within the Rural Residential District will have considerable discretion and flexibility with regard to where and how development takes place. The state's interest is that the orderly growth of the villages and hamlets will be assured and that the rural character of the District outside the villages and hamlets will be maintained. The requirements below are designed to reflect the state's interests, and the local governments may continue to regulate development within the requirements and refine and expand upon them consistent with the purposes of the District.

Consistent with the State Capability and Development Plan, lands within the Rural Residential District may be used as follows:

- (1) Agricultural and dairy operations and forestry and supporting uses and structures, including farmhouses, are permitted by right.
- (2) Within villages and hamlets, all uses allowed in the Urban District are allowed in accordance with adopted municipal plans and bylaws;
- (3) Outside villages and hamlets, residential uses are permitted by right at a density that maintains the rural character of the District and in accordance with adopted municipal plans and bylaws; and
- (4) Outside villages and hamlets, other uses are allowed as conditional uses if in accordance

consistent with the State Capability and Development Plan, lands within the Agricultural Conservation District may be used as follows:

- (1) Agricultural and dairy operations and forestry and supporting uses and structures, including farm homes, are permitted by right;
- (2) Residential uses are: (a) permitted by right if they are in accordance with municipal plans and bylaws duly adopted and certified to be in conformance with the State Capability and Development Plan; or (b) allowed as conditional uses if they utilize soils not well suited for commercial agricultural and dairy operations or forestry; and
- (3) Other uses are allowed as conditional uses if: (a) they are in accordance with municipal plans and bylaws duly adopted and certified to be in conformance with the State Capability and Development Plan; and (b) (i) the resource values of the lands will not be materially jeopardized or diminished, or (ii) the economic, social, cultural, recreational, or other benefit to the public is demonstrated to outweigh the economic, environmental, scenic, recreational, cultural, historic, or other resource value to the public from conserving the lands in agriculture and the use will be planned so as to conserve to the extent feasible and reasonable as much as possible of the net area of the lands being developed having the highest productivity and/or the most significant resource value to the public.

The Agricultural Conservation District is indicated on the State Land Use Plan by a brown color.

### Resource and Agricultural Conservation District

The purpose of the Resource and Agricultural Conservation District is to encourage the wise utilization and conservation of the forest and agricultural lands within the District.

The Resource and Agricultural Conservation District includes most of the primary and secondary forest lands and the secondary agricultural lands within the state. Primary forest lands are lands which are mainly stocked with commercial species of trees and which have high potential for commercial forestry management because of soil, moisture, topography, and other conditions. Secondary forest lands are lands which are mainly covered with forest vegetation and have economic, environmental, scenic, recreational, and other resource values. Secondary agricultural lands are lands which are of a size that is economically viable,

planned so as to conserve as much as possible of the net area of the lands being developed that has the highest productivity and/or the most significant resource value to the public. Encouragement will be given to multiple uses that use or develop lands in a manner that does not materially diminish or destroy their resource value.

The Resource and Agricultural Conservation District is designated on the State Land Use Plan by a light green color.

### Reserve Lands District

The purpose of the Reserve Lands District is to withhold certain forest lands in the state from intensive development until such time as a public need for such development is demonstrated by the amendment of the State Land Use Plan.

All of the lands within the Reserve Lands District are forest lands which do not have direct access by improved public road. In addition, all of the lands within the District have one or more of the following characteristics: they include ten square miles of lands located at least one mile or more from an improved public road, have potential for commercial forestry operations, are characterized by physical limitations for development, are essentially undeveloped, or can be characterized as wildlands.

Within the Reserve Lands District, only uses will be permitted that will maintain the essentially undeveloped character and economic, environmental, scenic, recreational, and other resource values of the lands. The Reserve Lands District will be assigned the lowest priority for the construction and provision of governmental and public utility facilities and services.

Consistent with the State Capability and Development Plan, lands within the Reserve Lands District may be used as follows:

- (1) Agriculture and dairy and forest operations and supporting uses and structures, including farmhouses, are permitted by right; and
- (2) Recreational uses or structures which are not designed or constructed for year around use or occupancy will be permitted as conditional uses in accordance with duly adopted municipal plans and bylaws.

The Reserve Lands District is designated on the State Land Use Plan by a dark green color.