

1 * * * Act 250; Forest-based Enterprises * * *

2 Sec. X. 10 V.S.A. § 6001(47) and (48) are added to read:

3 (47) “Forest-based enterprise” means an enterprise that aggregates forest
4 products from forestry operations and adds value through processing or
5 marketing in the forest products supply chain or directly to consumers through
6 retail sales. “Forest-based enterprise” includes sawmills; veneer mills; pulp
7 mills; pellet mills; producers of firewood, woodchips, mulch and fuel wood;
8 and log and pulp concentration yards. “Forest-based enterprise” does not
9 include facilities that purchase, market, and resell finished goods, such as
10 wood furniture, wood pellets, and milled lumber, without first receiving forest
11 products from forestry operations.

12 (48) “Forest product” means logs, pulpwood, veneer wood, bolt wood,
13 wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and
14 bark.

15 Sec. X. 10 V.S.A. § 6086(c) is amended to read:

16 (c)(1) Permit Conditions. A permit may contain such requirements and
17 conditions as are allowable proper exercise of the police power and that are
18 appropriate within the respect to subdivisions (a)(1) through (10) of this
19 section, including those set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2),
20 4414(1)(D)(i), 4463(b), and 4464, the dedication of lands for public use, and
21 the filing of bonds to ensure compliance. The requirements and conditions

1 incorporated from Title 24 may be applied whether or not a local plan has been
2 adopted. General requirements and conditions may be established by rule of
3 the Natural Resources Board.

4 (2) Permit conditions on a forest-based enterprise.

5 (A) A permit condition that sets hours of operation for a forest-based
6 enterprise shall only be imposed to mitigate an impact under subdivision
7 (a)(1), (5), or (8) of this section.

8 (B) Unless an impact under subdivision (a)(1), (5), or (8) of this
9 section would result, a permit issued to a forest-based enterprise shall allow the
10 enterprise to ship and receive forest products outside regular hours of
11 operation. These permits shall allow for deliveries of forest products from
12 forestry operations to the enterprise outside of permitted hours of operation,
13 including nights, weekends, and holidays, for a minimum of 60 days per year.

14 (C) In making a determination under this subdivision (2) as to
15 whether an impact exists, the District Commission shall consider the
16 enterprise's role in sustaining forestland use and the impact of the permit
17 condition on the forest-based enterprise. Conditions shall impose the minimum
18 restriction necessary to address the undue adverse impact.

19 (3) Permit conditions on the delivery of wood heat fuels. A permit
20 issued to a forest-based enterprise that produces wood chips, pellets, cord
21 wood, or other fuel wood used for heat shall allow shipment of that fuel wood

1 from the enterprise to the end user outside permitted hours of operation,
2 including nights, weekends, and holidays, from October 1 through April 30 of
3 each year.

4 Sec. X. 10 V.S.A. § 6093 is amended to read:

5 § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

6 * * *

7 (c) Notwithstanding any provision of this chapter to the contrary, a
8 conversion of primary agricultural soils by a forest-based enterprise permitted
9 under this chapter shall be entitled to a ratio of 1:1 protected acres to acres of
10 affected primary agricultural soil.

11 * * * Act 250; Accessory On-farm Business * * *

12 Sec. X. 10 V.S.A. § 6001(3)(D) is amended to read:

13 (D) The word “development” does not include:

14 * * *

15 (ix) The construction of improvements for an accessory on-farm
16 business located on a tract of land primarily devoted to farming, provided that:

17 (I) The proposed improvements are for an accessory on-farm
18 business as defined by 24 V.S.A. § 4412(11);

19 (II) “Farming” has the same meaning as subdivision (22) of this
20 section and only includes farming operations subject to the Required
21 Agricultural Practices Rule; and

1 (III) The total area of improvements associated with the
2 accessory on-farm business does not exceed one acre.

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