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H.749

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Introduced by Representatives Burtt of Cabot, Bosch of Clarendon, Coffin of
Cavendish, Goslant of Northfield, Hango of Berkshire, Higley
of Lowell, Luneau of St. Albans City, Morgan, M. of Milton,
Nelson of Derby, North of Ferrisburgh, Pritchard of Pawlet,
Southworth of Walden, Tagliavia of Corinth, and Wells of
Brownington

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Referred to Committee on

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Date:

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Subject: Conservation and development; land use; conservation; Act 250

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Statement of purpose of bill as introduced: This bill proposes to make multiple
changes to the State land use and development law. It would also repeal the
land conservation goals.

14

An act relating to land use and conservation

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

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Sec. 1. 10 V.S.A. § 2802 is amended to read:

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§ 2802. CONSERVATION VISION ~~AND GOALS~~

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(a) The vision of the State of Vermont is to maintain an ecologically

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functional landscape that sustains biodiversity, maintains landscape

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connectivity, supports watershed health, promotes climate resilience, supports

1 working farms and forests, provides opportunities for recreation and
2 appreciation of the natural world, ~~and supports the historic settlement pattern~~
3 ~~of compact villages surrounded by rural lands and natural areas and supports~~
4 historic values of working lands, homesteading, conscious capitalism, values-
5 based industry, and villages providing community center and activity; that its
6 citizens and its natural resources both prosper by improved access to economic
7 opportunity, investment in working lands, encouragement of commercial and
8 industrious activity, and a general ambition to promote a culture of abundance
9 and generation. It is recognized that as its citizens are empowered to be
10 productive contributors to a thriving web of communities, an excess of
11 resources will come to be available to improve the well-being of the entirety of
12 the State, including the well-being of natural ecosystems, wildlife, and their
13 habitats, and the restoration of its waterways.

14 (b) ~~It is the goal of the State that 30 percent of Vermont's total land area~~
15 ~~shall be conserved by 2030, and 50 percent of the State's total land area shall~~
16 ~~be conserved by 2050. The Secretary of Natural Resources shall lead the effort~~
17 ~~in achieving these goals. The land conserved shall include State, federal,~~
18 ~~municipal, and private land.~~

19 (c) ~~Reaching 30 percent by 2030 and 50 percent by 2050 shall include a mix~~
20 ~~of ecological reserve areas, biodiversity conservation areas, and natural~~
21 ~~resource management areas. In order to support an ecologically functional and~~

1 connected landscape with sustainable production of natural resources and
2 recreational opportunities, the approximate percentages of each type of
3 conservation category shall be guided by the principles of conservation science
4 and the conservation targets within Vermont Conservation Design, prioritizing
5 ecological reserve areas to protect highest priority natural communities and
6 maintain or restore old forests.

7 Sec. 2. 10 V.S.A. § 2804 is amended to read:

8 § 2804. CONSERVATION PLAN

9 * * *

10 (d) The conserved land inventory established in 2803 of this title shall be
11 updated biennially to track progress toward meeting the vision and goals of
12 this chapter, which shall be publicly available, and the Secretary shall submit a
13 report to the relevant committees on or before January 15 following each
14 update.

15 Sec. 3. 2024 Acts and Resolves No. 181, Sec. 14 is amended to read:

16 Sec. 14. CRITERION 8(C) RULEMAKING

17 (a) The Land Use Review Board (Board), in collaboration with the Agency
18 of Natural Resources, shall adopt rules to implement the requirements for the
19 administration of 10 V.S.A. § 6086(a)(8)(C). It is the intent of the General
20 Assembly that these rules ~~discourage fragmentation of the forest blocks and~~
21 ~~habitat connectors by encouraging clustering of development~~ encourage

1 conscious development of wildlife habitat while maintaining historic values of
2 homesteading and agrarian activities. Rules adopted by the Board shall
3 include:

4 * * *

5 (2) Standards establishing how impacts can be avoided or minimized,
6 including how fragmentation of forest blocks or habitat connectors is avoided
7 or minimized, which may include ~~steps to promote proactive site design of~~
8 ~~buildings, roadways and driveways, utility location, and location relative to~~
9 ~~existing features such as roads, tree lines, and fence lines~~ programs to
10 incentivize conservation of land, enrollment in current use, and collaboration
11 with local conservation groups. It is the intent of the General Assembly that
12 the permitting process for single family dwellings, accessory dwellings, and
13 accessory structures be cost effective and timely. The Land Use Review Board
14 shall take measures to operate an efficient, organized, and customer-focused
15 system with regard to any development within the Board's jurisdiction.

16 * * *

17 Sec. 4. 10 V.S.A. § 127 is amended to read:

18 § 127. RESOURCE MAPPING

1 including forest blocks and habitat connectors, ~~that may be relevant to the~~
2 ~~consideration of energy projects and projects subject to chapter 151 of this~~
3 ~~title~~. The Center for Geographic Information shall be available to provide
4 assistance to the Secretary in carrying out the resource mapping.

5 (b) The Secretary shall consider the resource maps developed under
6 subsection (a) of this section when providing evidence and recommendations
7 to the Public Utility Commission under 30 V.S.A. § 248(b)(5) and when
8 commenting on or providing recommendations under chapter 151 of this title
9 to District Commissions on other projects. However, the maps shall only be
10 advisory and not determinative for regulatory programs, including permits
11 under chapter 151.

12 * * *

13 Sec. 5. REPEAL

14 10 V.S.A. § 6001(3)(A)(xii) (road jurisdiction) is repealed.

15 Sec. 6. 2024 Acts and Resolves No. 181, Sec. 22 is amended to read:

16 Sec. 22. TIER 3 RULEMAKING

17 (a) The Land Use Review Board, in consultation with the Secretary of
18 Natural Resources, shall adopt rules to implement the requirements for the
19 administration of 10 V.S.A. § 6001(3)(A)(xiii) and 10 V.S.A. § 6001(46) and
20 (19). It is the intent of the General Assembly that these rules identify critical
21 natural resources for protection. The Board shall review the definition of Tier

1 3 area; determine the critical natural resources that shall be included in Tier 3,
2 giving due consideration to river corridors, headwater streams, habitat
3 connectors of statewide significance, riparian areas, class A waters, and natural
4 communities; any additional critical natural resources that should be added to
5 the definition; measures to ensure that no municipality or region is
6 disproportionately impacted by Tier 3 designation ~~that would limit reasonable~~
7 ~~opportunities for Tier 1 or Tier 2 designations~~; and how to define the
8 boundaries. Rules adopted by the Board shall include:

13 Sec. 7. EFFECTIVE DATE

14 This act shall take effect on July 1, 2026.