

Act 171 Forest Integrity Study Committee Draft Summary of Potential Changes Presented on Oct. 18, 2016			Notes from November 18, 2016 Meeting			
Potential Changes to Chapter 117			Questions, Clarifications, and Potential Impacts			
#	Contributor / Organization Name	Potential Change	Contributor	Clarifications, Questions	Contributor	Potential Impacts
Alter zoning			Alter zoning			
2.1	Jamey Fidel VNRC	Change 24 V.S.A. § 4414. Zoning; permissible types of regulations (1) (B) Agricultural, rural residential, forest, and recreational districts. (ii) Forest districts, permitting <u>commercial forestry forestry operations, management for maintenance of forest blocks</u> , and related uses and prohibiting all other land development	J. Wood	Clarify definitions of 'forest block'.	Study Committee	Promotes forest health and integrity.
			S. Webster	What is the goal of "forest management" in this language? Landowners are already allowed to managed their forest – why do landowners need a permit to do something that they can already do?	S. Webster	Someone interpreting the law may interpret this to do more than is within their jurisdiction.
			J. Fidel	Here, "permitting" does not refer to the requirement for a permit. It encourages planning that promotes forest integrity.	J. Wood	This could be an additional mandate on town planning.
2.2	Jamey Fidel VNRC	Change 24 V.S.A. § 4414. Zoning; permissible types of regulations (2). Overlay districts. Special districts may be created to supplement or modify the zoning requirements otherwise applicable in underlying districts in order to provide supplementary provisions for areas such as shorelands and floodplains, aquifer and source protection areas, <u>ridgelines, forest blocks, wildlife habitat and habitat connectivity</u> , and scenic features, highway intersection, bypass, and interchange areas, or other features described in section 4411 of this title.	J. Wood	Clarify definitions of 'forest block', 'wildlife habitat' and 'habitat connectivity'.	Study Committee	Promotes forest health and integrity.
			J. Fidel	Note that some terms have no set definitions (e.g. "ridgelines").	J. Fidel	Raise intention and awareness at local level to give some of these features attention.
					L. Leriche	Could further restrict landowners use if their land falls within an 'overlay district'.
2.3	Jamey Fidel VNRC	Change 24 V.S.A. Section 4414. Zoning; permissible types of regulations. (3) Conditional uses. (B) <u>(v) Criteria related to the protection of natural resources including air and water quality, wildlife, forests, agricultural soils, or other natural resource features.</u>	J. Fidel	These are characteristics that may be supplemented to conditional uses	Study Committee	Promotes forest health and integrity.
			G. Zakov	This change may already be included under (5).	J. Wood	Seems broad and far-reaching. Could have impacts on the value of their property.
			J. Fidel	Including it as (6) would emphasize more natural resources review.	J. Nelson	No impact - it just raises awareness. But, towns could then "put the hammer down".
2.4	Lucy Leriche ACCD	Encourage towns to use their authority in 19 V.S.A. § 304 (a)(21) to limit the impacts of development on large forest blocks and habitat corridors.	M. Snyder	Is there a way to encourage this? Who should encourage, and how?	Study Committee	Promotes forest health and integrity.
			G. Campoli	Should towns include this in consideration for town planning re: access, water quality, drainage?	D. Snelling	Positive review.
					C. Cochran	Towns have right to review an existing curb cut. This suggestion encourages town to use that right to review
2.5	Agency of Natural Resources	Permit or require municipalities to adopt bylaws to address forest blocks and connectivity under 24 VSA § 4412 and/or 4414.	J. Wood	Should it say "permit" or "require"?	Study Committee	Promotes forest health and integrity.
			B. Coster	These could be divided into two recommendations. So, let's address 'permit' – this is the same as 2.1.	G. Zakov	This would be too burdensome on towns – there is a lot to address and would be a huge departure from what Ch. 117 address (regarding access to housing). This may also be conflicting with the intent of Chapter 117.

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			B. Waninger	If supported, this language should be included in 24 VSA § 4412, not 4414.	J. Wood	Could conflict with other protection for use, for example, uses/protection of a riparian buffer. It would be a burden for landowners to fight this on an 'ad-hoc' basis.
2.6	Agency of Natural Resources	Add density waivers enabled under 24 VSA § 4414(1)8 to encourage higher density away from high-productivity forests	J. Wood	Evaluation of this change is pending definitions.	Study Committee	Promotes forest health and integrity.
			L. Leriche	Municipalities can already do this Planned Unit Developments (PUDs). Clarify how this is different from PUDs.	J. Wood	May have benefits to forestland owners
2.7	Agency of Natural Resources	Institute maximum setbacks that would constrain development to edges of forest blocks	B. Coster	Already have minimum setbacks	Study Committee	Promotes forest health and integrity.
					L. Leriche	When added to other restrictions, land use planners may have no options left for placement of infrastructure.
2.8	Agency of Natural Resources	Encourage greater use of Forest District designations in local zoning.			Study Committee	Promotes forest health and integrity.
					G. Zakov	Hard to find distinct impact out of this broad language.
					D. Snelling	This could be part of a guide to promote recommendations.
					B. Waninger	This language does less to nuance to forest land use and more to restrict forest use.
2.9	Agency of Natural Resources	Amend local zoning bylaws to include clustering provisions (either mandatory or encouraged by meaningful incentives) to minimize the parcelization of large forest parcels	B. Coster	This could "encourage" towns to include clustering provisions in bylaws. It is similar to recommendation 2.6 that requires certain densities.	Study Committee	Promotes forest health and integrity.
2.10	Agency of Natural Resources	Utilize fixed-area based zoning or comparable provisions that foster the creation of small building lots and low overall development densities in designated zoning districts	B. Coster	Already incorporated in above. Note: ANR may withdraw.	Study Committee	Promotes forest health and integrity.
2.11	Joe Nelson, VWLEB	Encourage towns to establish zoning districts where forest industry is encouraged, and where zoning bylaws encourage establishment of forest industry through less restrictive standards, including those for aesthetics, noise, and traffic.				
Create jurisdictional triggers			Create jurisdictional triggers			
2.12	Bonnie Waninger VAPDA	Encourage use of triggers, such as land use changes, to manage forest block impacts.			Study Committee	Promotes forest health and integrity.
					J. Wood	Mandating that land must be kept as forestland could have a "chilling effect" on land investors wanting a "full suite of options" for their investment.
Clarify terms and provide definitions			Clarify terms and provide definitions			

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2.13	Lucy Leriche ACCD	Clarify the term "recreational trail" within the context of Section 15 24 V.S.A. § 4303: Definition (37). As written, the definition of "recreation trails" as "not paved" could have unintended consequences without an ADA exception or additional explanation on what is meant by "non paved" with regard to universally accessible trails.	L. Leriche	Already addressed in Forest Roundtable minutes.	Study Committee	Promotes forest health and integrity.
2.14	Agency of Natural Resources	Define forest blocks and landscape and habitat connectivity in 24 VSA § 4303.	M. Snyder	Definitions are ready for ANR leadership review. Leadership will review next week for signing memo and will be shared it with Study Committee for input.	Study Committee	Promotes forest health and integrity.
			A. Sheldon	Group could revisit some of legislature's previous discussions.		
Other potential changes to Chapter 117			Other potential changes to Chapter 117			
2.15	Jamey Fidel VNRC	Change 24 V.S.A. Section 4418. Subdivision bylaws. (D) Standards for the protection of natural resources, <u>including forest blocks, agricultural lands, air and water quality, wildlife habitat</u> , and cultural features and the preservation of open space, as appropriate in the municipality.	G. Zakov	"Must" or "may"?	Study Committee	Promotes forest health and integrity.
			J. Fidel	Could use "including" or "such as" to reduce burden of showing all impacts.	J. Wood	Problematic if subdevelopment always means fragmentation. This may take away options for thoughtful forestland investors.
			C. Cochran	The change should be enabling.	G. Zakov	4418 (2) This is under "shall" but should be under "may". This would be a "heavy lift" for towns. A better area for this may be the "may". If it is in the "shall, it establishes an increased burden on the applicant and towns.
2.16	Bonnie Waninger VAPDA	Update Chapter 117 to incorporate 2016 legislative changes and create consistency between statutory language related to plans, subdivision regulations, and zoning regulations. Specifically, enable criteria related to forest integrity and other natural resources in both zoning and subdivision that would strengthen a municipality's position if these factors were challenged.			Study Committee	Promotes forest health and integrity.
2.17	Karen Horn Vermont League of Cities & Towns	Make no adjustments to municipal land use regulations.	G. Zakov	Changes add burden to towns. Towns are already challenged, both financially and logistically, to meet obligations presented by legislation passed in the last biennium, specifically Acts 64, 171 and 174.	M. Snyder	No changes miss an opportunity to help towns do it better.
					B. Waninger	Lost forest integrity.