



3. Planning for Forests and Wildlife

This guide is full of diverse options for helping communities protect, manage, and conserve their forest and wildlife resources. But before deciding what strategies make the most sense, a community needs to develop a comprehensive view of its values and goals, understand what natural resources it has present, and identify the threats those resources face.

This is where planning comes in. Municipal planning considers how various factors – including land use, transportation, community facilities, and natural resources — shape a town’s future, and is an important first step for protecting the resources we care about here in Vermont.

Since the municipal plan provides the policy framework that guides all implementation actions, this section provides a brief overview of planning in Vermont — particularly planning for forests and wildlife.

Planning in Vermont

Municipal Authority to Plan

In Vermont, municipalities are not required to plan, though most local officials recognize the benefits of planning for the future: more than 90% of Vermont communities have adopted a municipal plan within the past five years. Municipal authority to plan comes from the Legislature, through Title 24, Chapter 117 of the Vermont Statutes Annotated (“Chapter 117” for short).

The municipal plan, updated every five years, is a visionary document – a roadmap that articulates what a municipality wants the future to look like, and how it proposes to get there. As a result, the plan is the principal policy document guiding local government decisions. It also provides the foundation for local land use regulation, the capital budget,

natural resource conservation policies, energy programs, and other implementation strategies.

Vermont’s State Planning & Development Goals

Chapter 117 (24 V.S.A. §4302) lays out state planning and development goals. These goals guide not only the local planning process and related policies, but also regional and state planning efforts. In addition, the goals apply to the strategies that implement local, regional, and state plans, and several convey the importance of Vermont’s natural resources. These include:

- promoting compact settlement surrounded by rural countryside;
- providing a strong economy that maintains high environmental standards;
- identifying, protecting, and preserving important natural and historic features;
- maintaining and improving the quality of air, water, wildlife, and land resources; and
- strengthening agricultural and forest industries.

Required Elements of the Municipal Plan

For municipalities that choose to plan, Chapter 117 (24 V.S.A. §4382) requires that the municipal plan include 12 elements, including several related to natural resources. Requirements include:

- A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;
- A statement of objectives, policies, and programs to guide the future growth and development of land, public services, and facilities, and to protect the environment;
- A land use plan and map that include a statement of present and prospective land uses, including those areas proposed for forests, recreation, agriculture, open space, and commercial, recreational, and industrial development;
- Transportation, housing, and economic development plans;
- A utility and facility plan.

While listed separately, these plan categories each affect the other, and there are opportunities to talk about forests and wildlife throughout the plan. For example, a community’s approach to transportation and road policies can help minimize forest fragmentation and promote safe wildlife

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crossing (and safer road conditions for human travelers as well). In addition, local choices about land use – whether through zoning or the extension of services throughout town – also have the potential to affect forest and wildlife resources.

Once complete, the municipal plan is the document that *defines* a municipality's goals, and then *provides the policy framework* for advancing those goals. An adopted plan is required for municipalities that choose to enact or revise land use regulations, but *all* implementation actions — regulatory and non-regulatory — must be in conformance with the municipal plan and consistent with the state planning goals (24 V.S.A. §4401). In sum, having a plan that provides clear direction is essential for taking action.



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Regional Planning

Municipal plans may be compatible with state planning goals, but it is not a requirement. By contrast, Vermont's 11 regional planning commissions are required, by statute, to develop plans (24 V.S.A. §4348) that are consistent with state planning goals (the regional plan has the same 12 sections as the municipal plan). A municipality may request "confirmation" of its local planning process by its regional planning commission — an optional step, but one that provides communities with access to certain state grants, such as Municipal Planning Grants. In this case, the municipal plan must also uphold the state planning goals, which helps create alignment across regional and local planning.

This alignment is particularly important for forest and wildlife resources. Wildlife is a state resource, and although land use impacts to habitat are (in most instances) only subject to municipal jurisdiction, both wildlife habitat and forest resources must be considered in regional planning because they typically cross town boundaries.

Implementation: Making Plans Real

Planning, however, is only the first step. "Implementation" – taking actions that move a community towards its goals – is what translates a plan into reality. This is why one of the 12 required elements of the municipal plan is "a recommended program for the implementation of the objectives of the development plan" (24 V.S.A. §4382(a)(7)). This element of the municipal plan can be used to prioritize actions within the plan, assign responsibility for those actions, and identify

possible funding sources.

There are countless strategies for implementing the town plan, both regulatory and non-regulatory; many of them are included in this guide. The strategies that your community selects will vary depending on your town's goals, but the most success often comes from utilizing a combination of regulatory and non-regulatory approaches. Using the planning process to create buy-in for implementation strategies, and starting to identify how those strategies will be implemented, is key.

Two key implementation strategies discussed throughout this guide are zoning and subdivision regulations. Both are considered regulatory strategies, and state statute gives municipalities the option to use them if they choose. Zoning bylaws were originally developed out of a need to protect public health, safety, and welfare, and they still serve this purpose by shaping how and where land development can occur.¹ About 80% of Vermont municipalities have zoning regulations.² Most of these work by defining zoning districts where different uses — houses, car dealerships, day care centers, outdoor recreation, and much more — can occur. Zoning bylaws also regulate physical characteristics of development such as lot sizes, setbacks, and septic system requirements. (Some regulations, known as form-based codes, take a different approach, by first defining a certain pattern of development; the uses that take place there are a secondary consideration.) Subdivision regulations, by contrast, guide the pattern of development for the community (i.e., the division of a parcel of land for sale, development, or long-term lease). In the pages that follow, you can learn more about how these strategies can be used to support local goals for forests and wildlife.

Why Take Local Action?

While it is true that Act 250 and other state programs (for example, wetlands permits, stormwater permits, access permits, etc.) regulate impacts on many natural resources, taking steps locally to manage and protect natural resources is important for several reasons. For instance:

- By taking local action to protect natural resources instead of relying on Act 250, a town can ensure that the resources are considered for both large and smaller projects.
- While the state has jurisdiction over certain natural resources – wetlands are a good example – it does not have the capacity to review all development for its impacts on natural resources, nor can it easily track the incremental and cumulative impacts of development.
- Like other state permitting programs, Act 250 does not fully account for the incremental residential and commercial development that can slowly undermine traditional land use patterns and the integrity of natural resources. In fact, the percentage of subdivisions that go through Act 250 review is quite small: a VNRC review

of eight case study communities found that only 1% of subdivisions (representing less than 8% of the new lots created) triggered Act 250 review. It also found that the average parcel size in subdivisions was between 2.3 and 3.7 acres. This means that a lot of development is occurring incrementally, resulting in small lots that fragment forest and wildlife resources. Fortunately, there is great opportunity through local action to address this trend.

baseline resources, such as surveying important natural areas in town, identifying wildlife crossings, productive forestland, etc.

The planning commission is also responsible for certain aspects of the plan's implementation, including drafting land use regulations. In communities that have not appointed a Development Review Board, the planning commission may also be responsible for administering site plan review under zoning bylaws and subdivision regulations.

Who Needs to be Involved for Successful Planning and Implementation?

Successful plan development and implementation is a collaborative process, so it is important to know about the different groups that may be involved, their respective roles, and where opportunities for collaboration can occur. Though approaches vary depending on the community, the local boards involved in implementing the town plan are generally the same in each community. As you work to implement strategies for forests and wildlife in your community, think about ways that each group can contribute to the process, and be sure to work early and often with all decision makers to increase your chances of success. A few of the key players include:

Selectboard: The selectboard (or other legislative body, such as the City Council or Board of Aldermen) is the elected body responsible for the general supervision and control over the affairs of the municipality. The selectboard has the authority to adopt a municipal plan and can do the following to implement it:

- Adopt land use regulations (after a public hearing, unless the selectboard or voters opt to submit the regulations to the voters);
- Purchase property, or provide financial support for land conservation projects (with voter approval);
- Adopt a capital budget;
- Propose an annual budget to the voters (after a public hearing).

Planning Commission: A planning commission may be created at any time by a selectboard, and its members are either appointed or elected by the voters (most towns have appointed planning commissions). The planning commission's responsibilities include the preparation of the municipal plan, which can include undertaking studies on a wide range of

Development Review Board or Zoning Board of Appeals, and the Zoning Administrator: The Zoning Administrator and the DRB or ZBA are the entities responsible for review of development proposals. The ZBA reviews conditional use proposals, variance requests and appeals of zoning administrator decisions. DRBs are responsible for these same review processes, as well as site plan review and applications for subdivision approval. Development review involves ensuring that development proposals adhere to certain standards in the zoning and subdivision bylaws, including standards that consider the impact of development on natural resources. Developing natural resources standards that can be readily and fairly administered by the DRB is important to the success of natural resource protection.

Conservation Commission: There are around 100 municipal conservation commissions in Vermont. These local boards serve in an advisory capacity, but do not have regulatory powers. Commission projects often include: conservation, education, policy development, review of development proposals, and natural resource inventory and monitoring. Conservation commissions often participate in drafting municipal plans.

Landowners: Conversations about planning in general, and forests and wildlife in particular, should include community members outside of local government. Working with landowners is essential for understanding community values, articulating issues and goals, and developing appropriate regulations. Furthermore, landscape level planning – which is often necessary for natural resource protection – helps landowners see how individual parcels relate to the larger landscape. Building this understanding is an important part of crafting effective solutions.



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The Link to State Level Development Review (Act 250 and Section 248)

A municipal plan is the local voice in state level development review. Therefore, it is important for a municipal plan to have unambiguous policies that define community priorities, including how natural resources should be managed.

The Municipal Plan in Act 250 Review

“Criterion 10” of Act 250 states that projects subject to review must be in conformance with local and regional plan policies. Since plan policies are used in Act 250 review, policy language must be clear. This point was highlighted in the 1994 *Molgano* case before the Vermont Supreme Court. In that case, a project in Manchester was initially refused an Act 250 permit on Criterion 10 grounds, but then allowed to proceed after the Supreme Court determined that the town plan policies were too ambiguous to provide adequate direction.

The Municipal Plan in Section 248 Review

Municipal plans can also affect utility projects. During the review of electric generation, transmission, or telecommunications facilities, statute specifies that, when reviewing applications for Certificates of Public Good, the Public Service Board must give “due consideration” to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality (24. V.S.A. §248).

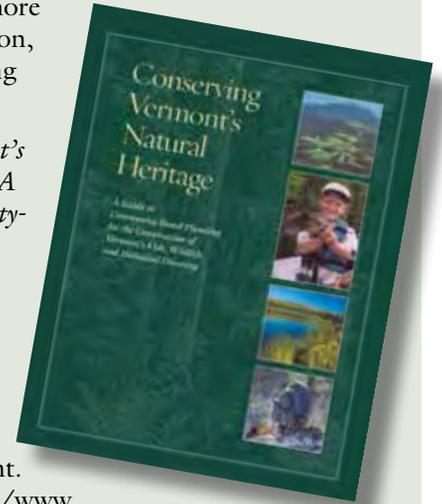
How to Get Started

Now that you are familiar with the basics of municipal planning, we encourage you to dive into the following chapters, which explore both regulatory and non-regulatory strategies for keeping forestland and wildlife habitat intact. Deciding what strategies are best for your community will depend on numerous factors and local conditions, and we hope that these tools provide you with a menu of options for turning planning into action in your community.

More Information

If you would like more background information, check out the following resources:

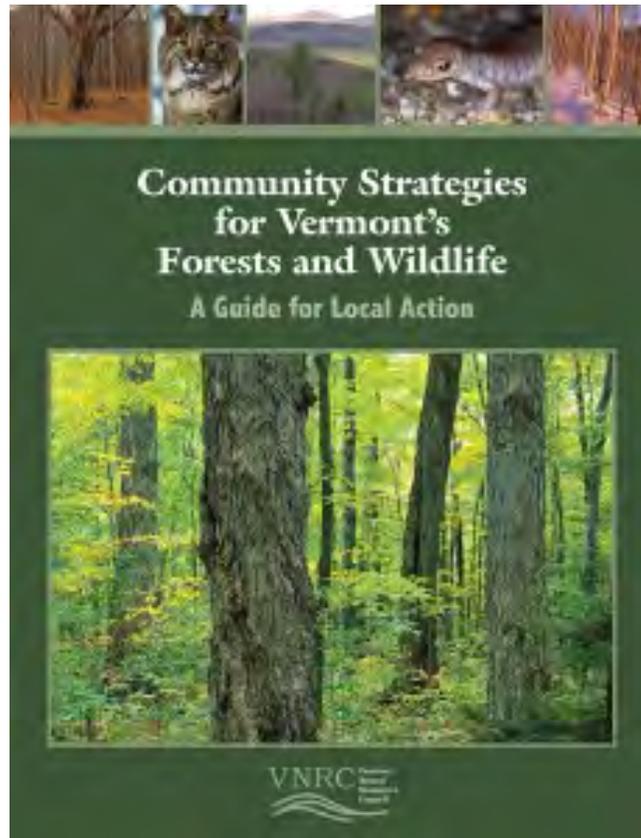
- *Conserving Vermont's Natural Heritage: A Guide to Community-Based Planning for the Conservation of Vermont's Fish, Wildlife, and Biological Diversity*, by the Vermont Fish and Wildlife Department. Available at: http://www.vtfishandwildlife.com/library/maps/Community_Wildlife_Program/complete.pdf
- *Essentials of Local Land Use Planning and Regulation*, by the Vermont Land Use Education & Training Collaborative. Available at: <http://www.vpic.info/Essentials.html>
- *Community Planning Toolbox*, by Vermont Natural Resources Council. Available at <http://vnrc.org/resources/community-planning-toolbox/>
- The Vermont Planning Information Center's website: www.vpic.info





This chapter is part of a larger publication called ***Community Strategies for Vermont's Forests and Wildlife: A Guide for Local Action***. You can download the entire publication or individual chapters (including the endnotes, resources, and credits page) for FREE at:

www.vnrc.org/programs/forests-wildlife/guide/



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