



REGULATORY

13. Forest Zoning Districts

Overview

The purpose of forest zoning districts is to promote the sustainable, long-term management of forest resources and related uses, including forestry. By establishing districts where forests are the focus, municipalities can reduce forest fragmentation and ensure that large tracts of land remain available for forest management as well as for other functions, such as a wildlife habitat and outdoor recreation. Forest districts frequently encompass land at high elevations, and limiting development in these areas can have the added benefit of protecting other resources important to the community, such as scenic ridgelines, steep slopes, wildlife habitat and headwaters.

Within these districts municipalities may require very low densities of development, or prohibit development unrelated to forest management. Because the success of a forest district relies on very low development densities and avoiding conflicts between incompatible land uses, limiting the type, location and overall density of development is one of the most important tools for keeping working forests intact.

Common characteristics of forest zoning districts include:

- **Large lot requirements** that enable forest management, allow participation in the state's Current Use Program, limit forest parcelization and resource fragmentation, and support other resource management goals.
- **Low average development densities and prohibitions on most development.** For example, forest districts often exclude year-round residential uses, but may allow seasonal hunting camps, lean-tos and tent platforms associated with outdoor recreation.
- **Development standards** within the zoning bylaw that evaluate the impact of development on forest resources, typically through conditional use review – including the review and siting of single family residential development, if allowed.
- **Standards to protect access to forest parcels** (e.g., logging roads, landing areas) for forestry and resource management.

Of the 211 Vermont towns that have land use regulations, 22% have a forest zoning district.



Jamie Fidei/VNRC

Forest zoning districts are appropriate where:

- **The groundwork has been laid in the municipal plan.** This can be done within natural resource, land use, and/or economic development sections, with plan goals and policies that promote forestry, and plan maps that identify those places in town where it is most appropriate.
- **There are good forest soils, and large tracts of undeveloped forestland** that are currently in forest management (which may overlay with management that's considered "agricultural," such as maple sugaring), or that could support future forestry operations.
- **There are large forest tracts in remote upland areas** (i.e., areas unlikely to be developed because of their inaccessibility).

Statutory Authority

24 V.S.A. §4414

Vermont statute recognizes the importance of forestry to Vermont, and specifically enables municipalities to create a "forest district" that is limited to forest management, if they choose (24 V.S.A. §4414(1)(B)). A forest district helps keep forests available for forest management, wildlife resources, recreation, and other benefits. Though the statute recognizes the benefits of keeping forests free from development, it defers to the municipality on whether it is necessary to prohibit or simply limit development to meet this goal.

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Implementation

Natural resource inventories, maps, and town plan policies provide the basis for implementing a new (or extended) zoning district.

Municipal Plan

Map important forest resources. Local plans must include a future land use map that identifies and designates forestland, based on available resource inventories and analysis. Examine whether the town's future land use plan considers large forest blocks, productive forest soils, and whether inventories and maps reveal places where important forest resources are threatened by current zoning or development patterns.

Include forest and forestry policies in the municipal plan. Plan policies that address forestry, large forest blocks, and forest products manufacturing (for example, mill sites and concentration yards) lay the groundwork for establishing a forest district. Other natural resource values, such as wildlife habitat, can also be supported by a forest district; these should also be addressed through municipal plan policies.

Coordinate forest policies with road and infrastructure policies. Plan policies associated with municipal infrastructure, roads and utilities should be coordinated with natural resource policies to ensure that areas targeted for conservation are not served by new or upgraded facilities that could foster development.

Zoning Bylaw

Define the area to include in the forest district. Forest districts should generally correspond with municipal plan maps, but for zoning purposes they are often specifically mapped to include forested high elevation areas (for example, land above a specific elevation). These areas also typically incorporate headwater protection areas, mountainsides and ridges with shallow soils and steep slopes, and critical upland wildlife habitat – including “forest refuges” for plant and animal communities threatened by a warming climate. Forest districts typically incorporate numerous large, undeveloped parcels that are not served by developed roads or other infrastructure. Some municipalities define forest districts using setbacks (i.e., all of the land more than x feet from a road centerline). While this approach can capture parcels like the ones described above, the resulting “strip” patterns of residential development along the road may result in unintended consequences such as blocking wildlife movement and access for forest management, so careful consideration

should be taken to define appropriate district boundaries.

Define the purpose of the district. Though the specific purpose of a forest district is typically to promote sound forest resource management, a forest district can also encompass a number of other resources and resource management objectives. The purpose(s) of the forest district should be clearly stated and consistent with plan policies and objectives for resource protection and development within these areas.

Decide on lot sizes. Minimum required lot sizes in a forest district should reflect existing lot areas, and be large enough to support forestry and sustain the ecological benefits of forests (in theory, the larger the better). At minimum, forest lots should be large enough (at least 25 acres) to ensure their eligibility for enrollment in the Current Use Program. Some towns set a minimum lot size of 27 acres if housing is allowed in the district in order to factor in the required two acre exclusion zone for a house site in the Current Use Program. However, it's important to note that larger parcels that are subdivided into 25 or 27 acre lots may still result in an undesirable level of fragmentation that undermines the purpose of the district. Larger lot sizes, where feasible, may help avoid this problem.



Jake Brown/VNRC

Separating lot size from density is another approach. (For more information, see the *Open Space and Resource Protection Regulations* topic by the Vermont Land Use Education and Training Collaborative.¹)

Identify permitted and conditional uses. Forest districts will be most successful where the only allowed uses are those that are compatible with long-term forest management (such as sustainable timber harvesting and wildlife management). Many communities allow the on-site processing of forest products with portable sawmills under a broad definition of forestry. To accomplish this, municipalities may choose to limit all other development in a forest district, or to only allow other uses, such as seasonal camps and outdoor recreational pursuits that are common in managed forests.

Depending on established patterns of development, a municipality may choose to allow more uses (e.g. single family homes, commercial water extraction, home occupations, ski facilities, or telecommunications towers) as conditional uses, subject to conditional use review that limits their impact on forest resources.

Develop review standards and processes. Standards may include measures that require:

- designated building envelopes (e.g., on larger forested lots) that limit the extent of clearing and forest disturbance;
- limits on the number and length of driveways;

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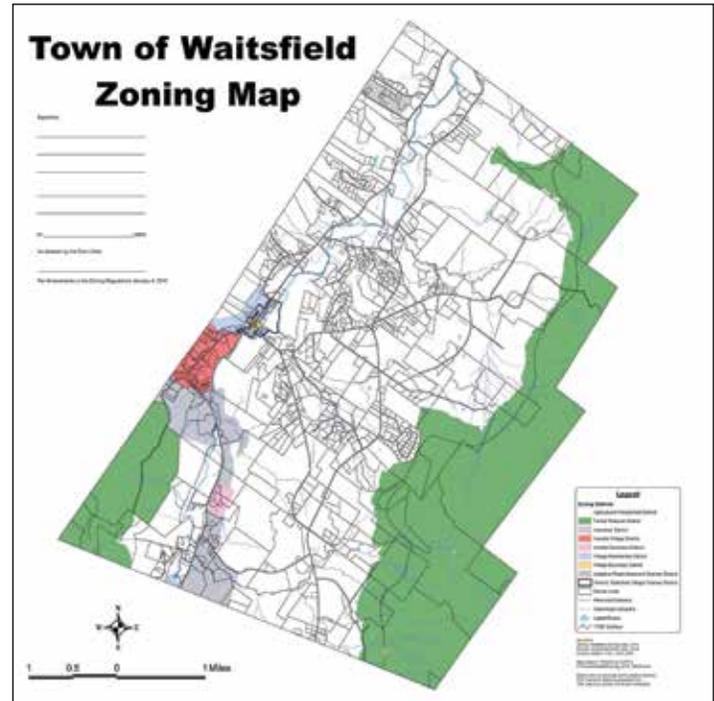
- shared driveways and utility corridors that follow existing rights-of-way or tree lines to limit forest fragmentation;
- review of all residential subdivisions as planned residential development (e.g., to cluster development on small building lots and retain large forested tracts as conserved forest lots), or require a clustered or conservation pattern as the default (see *Chapter 15, Subdivision Regulations*);
- limits on the upgrade and conversion of seasonal camps to year round use;
- maintaining access to upland forest tracts as necessary for forest resource management (including logging roads and log landings);
- stream buffers to protect headwaters;
- other protections for wildlife habitat, connectivity, and other natural resource protections.

These standards can be applied as *district standards*, which would apply to all development in the district, or *conditional use standards*, applying only to conditional uses. (See *Chapter 11, Writing Standards for Development Review*.) Standards of this kind may also be used in subdivision regulations.

Define key terms. Include clear definitions in your zoning bylaw to make clear a) what resources are being protected, and b) the specifics of different allowed uses (for example, specifying that seasonal camps cannot have permanent septic systems.) (See *Chapter 18, Writing Clear Definitions*.) In a forest district, terms like “forestry,” “significant wildlife habitat,” “outdoor recreation,” and “seasonal camp” need to be carefully defined to ensure that the purposes of the district are upheld. For example, problems can arise if “camp” is not carefully defined (some towns have had trouble with “camps” being built that are actually large, year-round homes that do not fit the intent of the zoning district).

Things to consider

Understand statutory limitations. Bylaws cannot regulate accepted forest management practices as defined by the Commissioner of Forests, Parks and Recreation, but they can address the impacts of development within the district on forest resources. For example, bylaws can regulate forest clearing that is related to subdivision activity or housing development.



Generate community support. Creating forest or conservation districts may mean increasing the minimum lot size in that area of town, or limiting land uses that were previously allowed. Before attempting this, ensure that the community has shown interest through the town plan or other mechanism to protect forestland and wildlife habitat, and that the public process is open and includes education about why forestland protection is important.

Involve landowners in the decision making process. A proposed forest district that strictly limits development can generate controversy, even though the district may include areas that are largely inaccessible due to lack of roads – and are largely undevelopable because of steep slopes and shallow soils. Outreach to affected landowners can help better define district boundaries, and the appropriate type and pattern of development that should be allowed within the district.

More Information

The Land Use Planning and Implementation Manual, Topic Papers 19, *Open Space & Resource Protection Regulations* and 30, *Zoning Regulations* provide a more detailed description of how these regulations function and for what purpose. <http://vpic.info/ImplementationManual.html>



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What’s In a Forest District? How Different Towns Approach Forest Districts

Purpose as stated in district purpose statement:	Bennington	Bolton	Marshfield	Starksboro	Waitsfield
Prevent fragmentation		x			
Promote forestry	x	x	x		x
Protect inaccessible areas		x		x	x
Protect natural areas/resources		x		x	x
Allow for recreation		x	x		
Conserve shallow soils/steep slopes		x		x	x
Protect water quality and/or supply		x			x
Protect wildlife resources/habitat	x	x	x	x	x
Minimum lot size (acres) A “minimum lot size” is the minimum acreage required for a parcel in a zoning district. It is a way to control a district’s development, but alone does not control the pattern of development.	25	25	10	25	25
Clearing limits and building envelopes These standards are an attempt to define how much of a lot may be cleared for development. A fixed acreage can be a more precise way to control clearing, whereas a percentage can lead to greater loss of tree cover, especially on very large lots.	Max. building coverage: 1% Max. lot coverage (roads, etc.): 5%	1 acre max. building envelope for residential structures	20%	No clearing limit or building envelope	Building footprints +/- or envelopes may be required as a permit condition
Uses (permitted = P, conditional = CU)					
Accessory structure	CU	P*/CU*			
Agriculture		P*	P	P	P
Camping (primitive)		P			
Camps	CU	P*	P	CU	CU
Commercial water extraction					CU
Development on slopes between 15% and 25%			CU		
Extraction and quarrying		CU			
Forestry	P	P	P	P	P
Group home		P*			
Home child care		P			
Home occupation		P		CU	CU
Home industry		CU		CU	
Nature center		CU*			
Non-residential buildings			CU		
Parking			CU		
Planned Unit Development			P		
Public facility	CU	CU***			
Public utilities				CU	CU
Recreation (outdoor)		CU	P	CU	CU
Recreational bridges			CU		
Reservoir			P		
Roads				CU	
Single family & accessory dwellings		P*		CU	CU**
Ski facilities (alpine and Nordic)		CU			
Telecommunications	CU	CU			
Wildlife management		P			
Wildlife refuge			P		

* The Town of Bolton only allows these uses if the building envelope has been approved

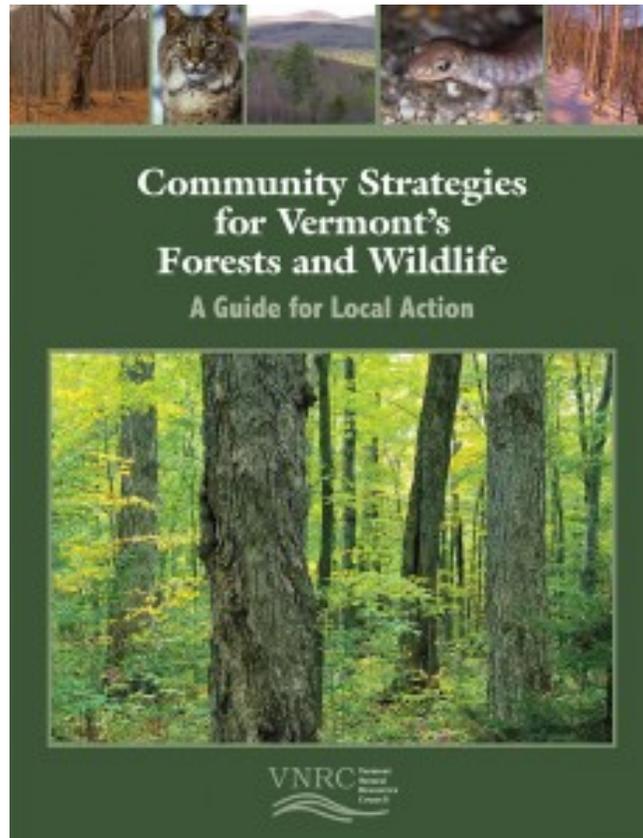
** Only below elevation of 1,700 feet

*** Only facilities related to parks and recreation



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/



This guide was written primarily by: Jamey Fidel and Kate McCarthy of the Vermont Natural Resources Council (VNRC) and Sharon Murray of Front Porch Community Planning and Design, with assistance from Elizabeth McDonald, Véronique Meyer, Brian Shupe, and Emma Zavez. Technical illustrations by Jeannie Sargent.

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