

1 H.654

2 Introduced by Representatives Masland of Thetford, Botzow of Pownal,
3 Darrow of Dummerston, Deen of Westminster, Johnson of
4 South Hero, Kiss of Burlington, Klein of East Montpelier,
5 McCullough of Williston, McLaughlin of Royalton and
6 Zuckerman of Burlington

7 Referred to Committee on

8 Date:

9 Subject: Conservation; municipal planning; food supply planning; distributed
10 power near critical local service providers; water supply planning

11 Statement of purpose: This bill proposes to require the secretary of agriculture,
12 food and markets to develop guidelines for use in establishing local and
13 regional food supply plans and to develop a state food supply plan. It proposes
14 to require the director of emergency management to coordinate emergency
15 planning efforts with long-range land use initiatives, including food supply
16 planning efforts, drinking water supply planning efforts, and power planning
17 efforts that would assure distributed renewable power facilities are located so
18 as to provide service for critical local facilities. It proposes to require the
19 council of regional commissions to coordinate development of the state food
20 supply plan, regional food supply plans, and any local food supply plans. It
21 proposes to require the council to coordinate the work of the regions and the

1 towns in identifying fire and safety facilities, hospitals, emergency shelters,
2 and other critical local facilities that should be recipients of locally based,
3 renewable distributed power and in developing recommendations for the siting
4 of these facilities. It proposes to require the council to review the status of
5 aquifer mapping and water source protection efforts and to make appropriate
6 recommendations on that issue.

7 It proposes to allow municipalities to establish local food supply districts
8 and to adopt local food supply plans, which may include: completion of an
9 inventory of soils within the municipality; the creation of a program to assure
10 soils are sufficient to feed the local population with locally grown food; and a
11 program of inducements for obtaining landowner commitments to make
12 specified tillable land available for local food production purposes in time of
13 extended shortages of petroleum and other nonrenewable sources of energy. It
14 proposes to establish the powers and duties of local food supply commissions.

15 The bill proposes to require regional planning commissions to develop
16 regional food supply plans and coordinate with others working on food supply
17 planning. It proposes to require regional planning commissions to inventory
18 fire and safety facilities, hospitals, and other critical local facilities, assure
19 establishment of emergency shelters, and work with others to see that these
20 facilities are served by distributed, renewable power facilities. It proposes to
21 require the regional plans to facilitate development and implementation of food

1 supply planning and to indicate areas proposed for the siting of facilities to
2 provide locally generated renewable power to critical regional service
3 providers. It proposes, effective July 1, 2008, to prohibit regional plans from
4 providing for the conversion of primary agricultural soils until the region has
5 adopted a regional food supply plan and has determined that the soils planned
6 for conversion will not be needed for those purposes.

7 The bill proposes to require the department of public service, in developing
8 the state electric energy plan, to take into account the siting of distributed
9 power facilities so as to serve critical local facilities and to consult with the
10 council of regional commissions. It proposes to require the department, in
11 developing the state energy plan, to make recommendations for replacement of
12 oil-based fuels with biofuels produced within the state and recommendations
13 for how the state energy plan may support food supply planning.

14 AN ACT RELATING TO EXPANDING EMERGENCY PLANNING TO
15 ADDRESS LAND USE ISSUES, INCLUDING FOOD SUPPLY
16 PLANNING, DISTRIBUTED POWER PLANNING, AND WATER
17 SUPPLY PLANNING

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

1 * * * Duties of Secretary of Agriculture, Food and Markets * * *

2 Sec. 1. 6 V.S.A. § 8 is amended to read:

3 § 8. AGRICULTURAL LANDS PLANNING CRITERIA

4 (a) The secretary shall establish guidelines to assist municipal and regional
5 planning commissions in identifying agricultural lands, in developing state,
6 regional, and local food supply plans, including those developed on an
7 interregional or intraregional basis, and in implementing those food supply
8 plans. The guidelines shall provide, but not be limited to:

9 (1) soil characteristics appropriate to agricultural land;

10 (2) appropriate size of the parcel and use of adjacent land;

11 (3) the importance of agriculture to the region or locality;

12 (4) the availability and capacity of agricultural services and labor to
13 support farming in the region; ~~and~~

14 (5) the importance of the land, as agricultural land, to the character of
15 the locality;

16 (6) while giving due consideration to local soils and existing local
17 development patterns, the identification of a range of food products that could
18 be produced locally and regionally without heavy reliance on petroleum
19 products or on other nonrenewable sources of energy and that would provide a
20 varied, nutritious basic food supply adequate to feed the local and regional
21 population for an indefinite period of time;

1 (7) recommendations as to the amount of land that would be required in
2 state, regional, and local food plans to feed the residents of regions and
3 municipalities of a range of sizes;

4 (8) identification of resources that would facilitate the development and
5 implementation of state, regional, and local food supply plans, but that can
6 most economically be provided at a regional or state level, even during any
7 extended periods of low petroleum availability or high petroleum costs;

8 (9) evaluation and recommendations concerning the wisest use of
9 limited petroleum resources in the implementation of state, regional, and local
10 food plans and the identification of farming practices that are most likely to be
11 able to be performed without heavy reliance on petroleum or on other
12 non-renewable sources of energy;

13 (10) evaluation of alternatives available that would help prepare the
14 state to be able to rely to a greater extent on animal power in meeting state,
15 regional, and local food supply planning requirements, together with an
16 identification of obstacles that may impede that process and a plan to
17 overcome those obstacles;

18 (11) an evaluation of evolving workforce training needs, community
19 capital requirements, and cost-effective coordination opportunities that would
20 assist in the implementation of food supply plans, together with
21 recommendations as to how best to meet those needs.

1 (b) The guidelines established by the secretary under subsection (a) of this
2 section may be applied by each regional and municipal planning commission
3 to establish specific criteria for identifying agricultural lands within that region
4 or municipality and for developing state, regional, and local food supply plans.

5 Sec. 2. 6 V.S.A. § 20 is added to read:

6 § 20. STATE FOOD SUPPLY PLAN

7 The secretary, in collaboration with the regional planning commissions,
8 interested municipalities, and interested governmental units from adjoining
9 states shall prepare a state food supply plan designed to enable the population
10 of the state to survive for an indefinite period of time, relying primarily on
11 food produced within the state. The plan shall be based upon an assessment of
12 available agricultural soils throughout the state, as well as the factors specified
13 in section 8 of this title. The plan, and any plan revisions, shall be submitted to
14 the council of regional commissions established under 24 V.S.A. § 4305.

15 * * * Vermont Emergency Management * * *

16 Sec. 3. 20 V.S.A. § 3(b) is amended to read:

17 (b) There shall be a director of Vermont emergency management who shall
18 be in immediate charge of the division. The director shall be appointed by the
19 commissioner, with the approval of the governor. The director shall serve at
20 the pleasure of the commissioner and shall hold no other state office. The
21 director shall perform all the following duties:

1 (1) Coordinate the activities of all emergency management
2 organizations within the state.

3 (2) Maintain liaison and cooperation with emergency management
4 agencies and organizations of the federal government and other states.

5 (3) Perform additional duties and responsibilities required pursuant to
6 this chapter and prescribed by the governor.

7 (4) Coordinate emergency planning efforts with more long-range land
8 use based, security initiatives, including:

9 (A) food supply planning efforts by the state, regions, and localities,
10 which shall include interregional and intraregional efforts, as coordinated
11 through the council of regional commissions;

12 (B) power planning efforts through the department of public service,
13 the regional planning commissions, and the council of regional commissions,
14 to assure that distributed renewable power facilities are located so as to provide
15 uninterrupted service for critical local and regional facilities, including fire and
16 safety facilities, hospitals, and emergency shelters;

17 (C) drinking water supply planning efforts by the state, the
18 municipalities, and the regions, identifying and preserving access to and the
19 quality of critical aquifers.

1 * * * Council of Regional Commissions * * *

2 Sec. 4. 24 V.S.A. § 4305(h), (i), and (j) are added to read:

3 (h) The council shall:

4 (1) review, coordinate, and facilitate development of the state food
5 supply plan developed by the secretary of agriculture, food and markets under
6 6 V.S.A. § 20, together with the regional food supply plans and any local food
7 supply plans developed under this chapter (which shall include any
8 interregional or intraregional plans); evaluate the adequacy for food supply
9 planning of available agricultural soils in the various regions and
10 municipalities; determine whether the plans developed may be implemented so
11 as to assure food security based primarily on in-state resources for the people
12 of the state for an indefinite period of time; and make appropriate
13 recommendations to address identified deficiencies;

14 (2) coordinate food planning efforts with the related efforts of the
15 emergency management division of the department of public safety;

16 (3) report no less frequently than every three years on the status of food
17 supply planning in the state, including whether any regional planning
18 commission has issued a declaration that it lacks sufficient available primary
19 agricultural soils to develop an adequate regional food supply plan. If such a
20 finding has been issued by a regional planning commission, the council shall
21 work with the region and with adjoining regions to seek to develop an

1 interregional solution to this problem and shall report annually on the progress
2 of this effort.

3 (i) The council shall work with the regional planning commissions, the
4 municipalities, the department of public service, interested members of the
5 public, and the department of public safety:

6 (1) to review the work of the regions, in conjunction with the
7 department of public safety, identifying fire and safety facilities, hospitals,
8 emergency shelters, and other critical local and regional facilities that should
9 be recipients of locally based or regionally based renewable distributed power;

10 (2) to evaluate alternative placement of renewable distributed power
11 facilities and make recommendations regarding facility siting that may best
12 serve those critical local and regional facilities;

13 (3) to identify alternatives, including partnership alternatives, for timely
14 development of these facilities;

15 (4) to evaluate the relationship among the various regional efforts to
16 assure locally based or regionally based renewable distributed power for
17 critical facilities and make appropriate recommendations for additional
18 interregional cooperation where conditions warrant;

19 (5) to provide input on renewable distributed power for critical facilities;

1 necessary to safeguard certain areas from urban or suburban development and
2 to encourage that development in other areas of the municipality or region, the
3 following districts may be created:

4 (i) Agricultural or rural residential districts, permitting all types of
5 agricultural uses and prohibiting all other land development except low density
6 residential development.

7 * * *

8 (iv) Local food supply districts, allowing only activities and uses
9 that implement or are consistent with implementation of the local food supply
10 plan.

11 Sec. 6. 24 V.S.A. § 4432 is amended to read:

12 § 4432. SUPPORTING PLANS

13 A municipality may adopt a plan or plans that support the municipal plan
14 and may incorporate such supporting plan or plans into the municipal plan in
15 the same manner as adoption of the municipal plan set forth in section 4385 of
16 this title. In this event, the supporting plan shall become a part of the
17 municipal plan. Supporting plans may include:

18 (1) Access management plan. A municipality may adopt an access
19 management plan to manage traffic and access onto public roads from adjacent
20 property in a manner that complies with 19 V.S.A. § 1111.

21 * * *

1 (4) Local food supply plan. A municipality, acting alone or jointly with
2 one or more other municipalities or regional planning commissions, may adopt
3 a local food supply plan, in the development of which the following may take
4 place:

5 (A) an inventory may be completed of the agricultural soils that are
6 located within the municipality and that are being used or whose owners could
7 determine that they will be used for local or regional food supply purposes,
8 whether on a commercial, family, or neighborhood level, during extended
9 periods of low petroleum availability or high petroleum costs.

10 (B) a program of incentives and regulations may be established that
11 would supplement existing private and public food production enterprises in a
12 manner that would assure that soils are available that would be sufficient to
13 provide locally or regionally the food necessary to feed at least 125 percent of
14 the current population of the municipality for an indefinite period.

15 (C) the program may assure the timely availability of other resources
16 and skills that are necessary to implement local food supply plans, including:

17 (i) the identification and timely procurement of rights to deploy a
18 sufficient amount of functioning farming equipment for use to implement the
19 local or regional food supply plan, including equipment that is not heavily
20 dependent on petroleum or any other nonrenewable source of energy;

1 (ii) the development of a communitywide farm resources
2 management plan that is designed to coordinate with existing food production
3 enterprises to identify and encourage the selection and implementation of
4 farming techniques and practices that are not heavily dependent on petroleum
5 or any other nonrenewable source of energy, and to do so in a manner that will
6 develop local and regional food production resources and local and regional
7 markets for local and regional food products as rapidly as is prudent, but at
8 least at a rate that is sufficient to assure that as imported food becomes more
9 expensive and market demand for local and regional products increases, more
10 food will be able to be provided locally or regionally;

11 (iii) a program of tax incentives or other inducements for
12 obtaining landowner consent and binding commitments to make specified
13 tillable land available for local or regional food production purposes during
14 extended periods of low petroleum availability or high petroleum costs;

15 (iv) a program to provide for the energy-efficient local or regional
16 processing of local or regional food products, as may be necessary, and to
17 make those local or regional food products available throughout the year;

18 (v) a program to encourage widespread local use of local and
19 regional food products by local and regional families as well as by schools and
20 other institutional and municipal users and by private sector or nonprofit food
21 vendors.

1 may be composed of professional and lay members, a majority of whom shall
2 reside within the municipality creating the commission.

3 * * *

4 (6) Powers and duties of local food supply commissions. In addition to
5 the requirements set forth in subdivision (2) of this section, all local food
6 supply commissions shall:

7 (A) to the extent possible, have among their members professionals
8 in the fields of nutrition, agricultural management, farming techniques, food
9 processing, and distribution practices, and other areas related to the
10 implementation of the local food supply plan;

11 (B) in conjunction with the regional planning commission, develop a
12 recommended local food supply plan, which shall include a system that may be
13 implemented during extended periods of low petroleum availability or high
14 petroleum costs, which shall attempt to coordinate municipal efforts with those
15 of others, and pursuant to which timely decisions shall be made with regard to
16 the following:

17 (i) what specific voluntarily committed lands that are not already
18 actively farmed should become subject to active farming for local or regional
19 food supply purposes and the recommended time frames for commencing
20 active farming on those lands;

1 respect to the state food supply plan, and coordinate with the regional planning
2 commissions of all adjoining regions with respect to opportunities and needs to
3 share agricultural soils or other resources, between regions, as may be
4 necessary in order to assure that all regions have convenient access to
5 sufficient agricultural soils and other resources to allow successful
6 implementation of regional food plans by all regions. In developing a food
7 supply plan, a regional planning commission may undertake a joint effort with
8 an interested adjoining governmental unit from an adjoining state. If a regional
9 planning commission determines that it lacks sufficient available primary
10 agricultural soils to develop an adequate regional food supply plan, it may
11 make a declaration to that effect, notify the council of regional commissions of
12 that declaration, and request the assistance of the council in developing an
13 interregional solution to this problem.

14 (20) Develop an inventory of the region's fire and safety facilities,
15 hospitals, rest homes, or other facilities for aging or disabled persons,
16 correctional facilities, and emergency shelters; assure that an adequate number
17 of emergency shelters are designated within the region to serve a substantial
18 proportion of the region's population in time of extended emergency; and work
19 with regulated utilities, the department of public service, the department of
20 public safety, potential developers of distributed power facilities, adjoining
21 regional planning commissions, interested adjoining regional entities from

1 adjoining states, and citizens of the region to propose and evaluate alternative
2 sites for distributed power facilities that might provide uninterrupted renewable
3 local or regional power at least for identified critical service providers in time
4 of extended national, statewide, or regional power disruption or other
5 emergency. The commission shall work with the council of regional
6 commissions to evaluate the proposals and recommendations from the various
7 regions and from the departments of public service and public safety.

8 Sec. 9. 24 V.S.A. § 4348a(a) is amended to read:

9 (a) A regional plan shall be consistent with the goals established in section
10 4302 of this title and shall include but need not be limited to the following:

11 (1) A statement of basic policies of the region to guide the future growth
12 and development of land and of public services and facilities, to facilitate the
13 development and implementation of state, regional, and local food supply
14 plans, and to protect the environment;

15 (2) A land use element, which shall consist of a map and statement of
16 present and prospective land uses:

17 (A) indicating those areas proposed for forests, recreation, agriculture
18 (using the agricultural lands identification process established in 6 V.S.A. § 8),
19 residence, commerce, industry, public and semi-public uses, open spaces, and
20 areas identified by the state, regional planning commissions or municipalities,
21 which require special consideration for aquifer protection, wetland protection,

1 state, regional, and local food supply plan implementation, the siting of
2 facilities to provide locally generated, distributed power to critical regional
3 service providers, or for other conservation purposes;

4 * * *

5 (D) indicating those areas that have the potential to sustain
6 agriculture and recommendations for maintaining them which may include
7 transfer of development rights, acquisition of development rights, or farmer
8 assistance programs. Effective July 1, 2008, a regional plan shall not provide
9 for the conversion of primary agricultural soils until the region has adopted a
10 regional food supply plan and has determined that the primary agricultural
11 soils planned for conversion to other uses will not be needed in order for all the
12 municipalities in the region to be reasonably likely to be able to feed 125
13 percent of the current population for an indefinite period;

14 (3) An energy element, which may include an analysis of energy
15 resources, needs, scarcities, costs, and problems within the region, a statement
16 of policy on the conservation of energy and the development of renewable
17 energy resources, a statement of policy on the energy efficient implementation
18 of state, regional, and local food supply plans during extended periods of low
19 petroleum availability or high petroleum costs, and a statement of policy on
20 patterns and densities of land use and control devices likely to result in

1 efficient and effective implementation of state, regional, and local food supply
2 plans and the conservation of energy;

3 (4) A transportation element, which may consist of a statement of
4 present and prospective transportation and circulation facilities, and a map
5 showing existing and proposed highways, including limited access highways,
6 and streets by type and character of improvement, and where pertinent,
7 anticipated points of congestion, parking facilities, transit routes, terminals,
8 bicycle paths and trails, scenic roads, airports, railroads, and port facilities,
9 access to and protection of lands identified in state, regional, and local food
10 supply plans, and other similar facilities or uses, and recommendations to meet
11 future needs for such facilities, with indications of priorities of need, costs, and
12 method of financing;

13 (5) A utility and facility element, consisting of a map and statement of
14 present and prospective local and regional community facilities and public
15 utilities, whether publicly or privately owned, showing existing and proposed
16 educational, recreational, and other public sites, buildings, and facilities,
17 including public schools, state office buildings, hospitals, libraries, power
18 generating plants, including renewable power facilities distributed so as to best
19 serve critical local and regional service providers, and transmission lines,
20 wireless telecommunications facilities and ancillary improvements, water
21 supply, sewage disposal, refuse disposal, community compost development

1 and management, community food processing facilities to implement state,
2 regional, intraregional, and local food supply plans, storm drainage, and other
3 similar facilities and activities, and recommendations to meet future needs for
4 those facilities, with indications of priority of need;

5 (6) A statement of policies on the preservation of rare and irreplaceable
6 natural areas, and scenic and historic features and resources;

7 (7) A program for the implementation of the regional plan's objectives,
8 including a recommended investment strategy for regional facilities and
9 services based on a capacity study of the elements in this section;

10 (8) A statement indicating how the regional plan relates to development
11 trends, needs, and plans, state, regional, intraregional, and local food supply
12 plans, and regional plans for adjacent municipalities and regions;

13 (9) A housing element that identifies the need for housing for all
14 economic groups in the region and communities. In establishing the identified
15 need, due consideration shall be given to data gathered pursuant to section
16 4382(c) of this title. If no such data has been gathered, the regional planning
17 commission shall gather it;

18 (10) A regional food supply element which may be implemented during
19 extended periods of low petroleum availability or high petroleum cost and
20 which shall be adjusted to be consistent with local food supply plans, as those
21 local plans are developed. This element shall: include an inventory of

1 agricultural soils located in the region; encourage and provide for incentives
2 and inducements for landowners to enter binding commitments to make
3 specific land available for regional and local food production purposes; and
4 take other steps necessary to establish a regional food supply plan adequate to
5 feed the population of the region for an indefinite period. The regional food
6 supply plan may be adopted as part of a joint interregional effort, in which case
7 the combined regions shall be considered one region, and any joint regional
8 food supply plan shall be considered the food supply plan of each region for
9 purposes of this subdivision.

10 * * * State Electrical Energy Plan * * *

11 Sec. 10. 30 V.S.A. § 202(c) and (d) are amended to read:

12 (c) In developing the plan, the department shall take into account the
13 protection of public health and safety; preservation of environmental quality;
14 the potential for reduction of rates paid by all retail electricity customers; the
15 potential for reduction of electrical demand through conservation, including
16 alternative utility rate structures; use of load management technologies;
17 efficiency of electrical usage; utilization of waste heat from generation; the
18 siting of distributed renewable power facilities so as best to provide security
19 for critical local and regional facilities, including fire and safety facilities,
20 hospitals and community emergency shelters; conformance with state,
21 regional, and local food supply plans, which includes interregional and

1 intraregional food supply plans; and utility assistance to consumers in energy
2 conservation.

3 (d) In establishing plans, the director shall:

4 (1) Consult with:

5 (A) the public;

6 (B) Vermont municipal utilities;

7 (C) Vermont cooperative utilities;

8 (D) Vermont investor-owned utilities;

9 (E) Vermont electric transmission companies;

10 (F) environmental and residential consumer advocacy groups active
11 in electricity issues;

12 (G) industrial customer representatives;

13 (H) commercial customer representatives;

14 (I) the public service board;

15 (J) an entity designated to meet the public's need for energy
16 efficiency services under subdivision 218c(a)(2) of this title;

17 (K) other interested state agencies; ~~and~~

18 (L) other energy providers; and

19 (M) the council of regional commissions.

20 * * *

1 Sec. 12. APPROPRIATION

2 The following sums are appropriated from the general fund in FY 2007 for
3 purposes established in this act: \$30,000.00 is appropriated to the agency of
4 agriculture, food and markets for developing agricultural lands criteria and
5 developing the state food supply plan; \$40,000.00 is appropriated to the
6 council of regional commissions for coordination of food supply planning,
7 distributed power planning, and water supply protection; \$200,000.00 is
8 appropriated to the department of housing and community affairs for
9 disbursement to the regions and towns for food supply and distributed
10 generation planning; and \$50,000.00 is appropriated to the agency of natural
11 resources for aquifer mapping.