

6086(9)(B)(iii)

(II) to maximize the efficient use and development potential or density of the project tract on which those soils are located, if the reduction in agricultural potential of the primary agricultural soils is to be mitigated entirely off-site pursuant to subdivision (B)(iv) of this subdivision (9). ~~The applicant shall provide a site plan that demonstrates that the project tract will be fully and densely developed before the Commission will find that entirely off-site mitigation is appropriate; and~~

6093(b)(1)(A)

(A) Based on the recommendation of the Secretary of Agriculture, Food and Markets, and as found by the District Commission, devoting the tract to agricultural uses is impractical based on its size or relationship to other land uses or site-specific characteristics, and the applicant has demonstrated that the development or subdivision maximizes the efficient use and development potential or allowable density of the project tract; or

(B) The project tract:

(i) is surrounded by or adjacent to high density development with supporting infrastructure and the project will contribute to the existing compact development patterns in the area; or

(ii) is within an area that contains a mixture of uses, including commercial and industrial, and a significant residential component, supported by municipal water, wastewater, and roadway infrastructure; and

~~(B) Based on the recommendation of the Secretary of Agriculture, Food and Markets, devoting the tract to agricultural uses is impractical based on its size or relationship to other land uses or site-specific characteristics; and~~

(BC) The applicant demonstrates that the development or subdivision maximizes the efficient use and development potential or allowable density of the project tract.

~~(CD)~~ Off-site mitigation shall comply with 24 V.S.A. § 2791(13)(A) and (E); and

~~(DE)~~ Payment of an . . .