

1 Sec. 3. 10 V.S.A. § 6086b is added to read:

2 § 6086b. DOWNTOWN DEVELOPMENT; FINDINGS

3 Notwithstanding any provision of this chapter to the contrary, each of the
4 following shall apply to a development or subdivision that is completely within
5 a downtown development district designated under 24 V.S.A. chapter 76A and
6 for which a permit or permit amendment would otherwise be required under
7 this chapter:

8 (1) In lieu of obtaining a permit or permit amendment, a person may
9 request findings and conclusions from the Board, which shall approve the
10 request if it finds that the development or subdivision will meet subdivisions
11 6086 (a)(1) (air and water pollution), (2) (sufficient water available), (3)
12 (burden on existing water supply), (4) (soil erosion), (5) (traffic), (8) (historic
13 sites and rare and irreplaceable natural areas only) (8)(A) (endangered species;
14 necessary wildlife habitat), (9)(B) (primary agricultural soils), (9)(C) (forestry
15 soils), (9)(F) (energy conservation) and (9)(K) (public facilities, services, and
16 lands) of this title.

17 (2) The request shall be complete as to the criteria listed in subdivision
18 (1) of this subsection and need not address other criteria of subsection (a) of
19 this section. **Notice of the**

20 (A) **The filing** of the request shall comply with the requirements of
21 subsection 6084(a) of this title **applicable to minor applications, except that**

1 the filing shall be with the Board, and a copy of the request shall be provided
2 to each agency and department listed in subdivision (3) of this section.

3 (B) Within five days of the request's filing, the Chair of the
4 Board shall determine whether the request is complete. Within five days
5 of the date the Chair determines the request to be complete, the Board
6 shall provide notice of the complete request to each person required to
7 receive a copy of the filing under subdivision (2)(A) of this section and to
8 each adjoining property owner. The computation of time under this
9 subdivision (2)(B) shall exclude Saturdays, Sundays, and state legal
10 holidays.

11 (3) Within 30 days of receiving notice of a complete application
12 request:

13 (A) The State Historic Preservation Officer or designee shall submit a
14 written determination on whether the improvements will have an undue
15 adverse effect on any historic site.

16 (B) The Commissioner of Public Service or designee shall submit a
17 written determination on whether the improvements will meet or exceed the
18 applicable energy conservation and building energy standards under
19 subdivision 6086(a)(9)(F) of this title.

20 (C) The Secretary of Transportation or designee shall submit a
21 written determination on whether the improvements will have a significant

1 impact on any highway, transportation facility, or other land or structure under
2 the Secretary's jurisdiction.

3 (D) The Commissioner of Buildings and General Services or
4 designee shall submit a written determination on whether the improvements
5 will have a significant impact on any adjacent land or facilities under the
6 Commissioner's jurisdiction.

7 (E) The Secretary of Natural Resources or designee shall submit a
8 written determination on whether the improvements will have a significant
9 impact on any land or facilities under its jurisdiction or on any important
10 natural resources, other than primary agricultural soils. In this subdivision (E),
11 "important natural resources" shall have the same meaning as under 24 V.S.A.
12 § 2791.

13 (F) The Secretary of Agriculture, Food and Markets or designee shall
14 submit a written determination on whether the improvements will reduce or
15 convert primary agricultural soils and on whether there will be appropriate
16 mitigation for any reduction in or conversion of those soils.

17 (4) ~~A party shall submit any~~ Any person may submit written
18 comments or request ~~for a~~ hearing within 30 days of receiving **notice of a**
19 complete ~~application request~~.

20 (5) The Board shall not hold a hearing on the ~~application request~~ unless
21 it determines that there is a substantial issue under one or more applicable

1 criteria that requires a hearing. The Board shall hold any hearing within 15
2 days of the end of the comment period specified in subdivisions (3) and (4) of
3 this section.

4 (A) The Board shall conduct the hearing as a contested case under the
5 Vermont Administrative Procedure Act.

6 (B) Subdivisions 6085(c)(1)–(5) of this title shall govern
7 participation in a hearing under this section.

8 (6) The Board shall issue a decision within 60 days of ~~receiving~~ **issuing**
9 **notice of** a complete request under this section **and or, if it holds a hearing,**
10 **within 15 days of adjourning the hearing. The Board shall send a copy of**
11 the decision to the District Commission in whose district the development or
12 subdivision is located, to each State agency listed in subdivision (3) of this
13 section, **to the municipality, to the municipal and regional planning**
14 **commissions for the municipality,** and to each ~~party~~ **person** that submitted a
15 comment, requested a hearing, or participated in the hearing, if any. The
16 decision may include conditions that meet the standards of subsection 6086(c)
17 of this title.

18 (7) The requestor may waive the ~~30-day~~ periods required under
19 subdivisions (3), (4) and (~~5~~6) of this section as to one or more agencies,
20 departments, the Board, or other ~~parties~~ **persons, and may waive the 60-day**

1 ~~**period required under subdivision (6) of this subsection. Such a waiver**~~
2 ~~**shall extend the applicable period by the amount of time waived.**~~

3 (8) The record of a proceeding under this section shall consist of the
4 request, each written determination issued under subdivision (3) of this section,
5 each comment and request for hearing submitted under subdivision (4) of this
6 section, each document submitted for introduction into evidence at the hearing,
7 an audio or audiovisual recording of the hearing, and the decision of the Board.

8 Sec. 4. 10 V.S.A. § 6081(v) is added to read:

9 (v) A permit or permit amendment shall not be required for a development
10 or subdivision in a designated downtown development district for which the
11 Board has issued positive findings and conclusions under section 6086b of this
12 title on all the criteria listed in that section. **A person shall obtain new or**
13 **amended findings and conclusions from the Board under section 6086b of**
14 **this title prior to commencement of a material change, as defined in the**
15 **rules of the Board, to a development or subdivision for which the Board**
16 **has issued such findings and conclusions. A person may seek a**
17 **jurisdictional opinion under section 6007 of this title concerning whether**
18 **such a change is a material change.**