



COMMON SENSE SOLUTIONS
FOR A CHANGING VERMONT

VNRC's position on modifications to the definition of primary agricultural soils and criterion 9B of Act 250. (H.448)

VNRC supports changes to the definition of primary agricultural soils as detailed in version 1.3 of H.448.

- The bill improves the definition of primary agricultural soils by focusing on the physical characteristics of the soils, instead of on more subjective criteria like size, location, and ability to sustain a commercial agricultural operation.

We also support the provisions that would allow 1:1 mitigation of agricultural soils in designated downtowns and in the neighborhood development areas associated with designated downtowns (Section 6093).

- Allowing this mitigation is appropriate because these “designated” areas, which have been carefully reviewed and approved by the state’s Downtown Board, are smart growth locations where we want to encourage development.

However, we oppose the bill’s other provisions as currently drafted. Specifically:

- The bill proposes language to guide decision-making about whether land should be mitigated on- or offsite (Section 6093(b)). We are concerned that, as written, we could lose whole parcels of primary agricultural soils to scattered development – *away* from the areas where we want development. This is because location is not adequately considered in making decisions about on- or offsite mitigation.
- Similarly, we oppose language (in section 9B(iii)(II)) that allows full build out of parcels, because it could lead to using up a whole parcel – regardless of where the parcel is located. Because agricultural soils are finite, we want to avoid creating a policy that suggests it is okay to build as long as you pay a sufficient mitigation fee. Again, location matters.

We believe that more work needs to be done before making these more complicated changes.

- The Committee has raised questions about how this language would work in practice, what some of the underlying policy goals are, and how this fits into the larger context of land use planning and policy in Vermont. In addition, the Committee has asked for information about how onsite mitigated land is being used.
- VNRC believes these issues merit further discussion. We are currently researching these issues, and would like to contribute the results to on-going discussions in the future.

In the meantime, we believe that it would be a positive step to pass a bill that updates the definition of primary agricultural soils. This would help Vermont protect this important, limited resource, while allowing the Committee to continue the important discussions about the more complicated aspects of the bill.

Founded in 1963, the Vermont Natural Resources Council (VNRC) is Vermont’s oldest conservation organization. With the support of over 4,000 members and activists, VNRC has worked to protect, restore and promote Vermont’s surface and ground waters, viable communities, forest and wildlife resources, working lands, and energy independence.