

H. 869 Amendment Talking points

This amendment to H. 869 incorporates non-controversial features of H. 448, a bill that addressed Act 250 land use review, including the definition of and mitigation for impacts to primary agricultural soils.

It was expressed in testimony before the Senate Agriculture Committee that the

- Natural Resources Board;
- Agency of Agriculture, Food and Markets (VAAFAM);
- Vermont Natural Resources Council;
- Conservation Law Foundation;
- Vermont Chamber of Commerce;
- Lake Champlain Chamber of Commerce; and
- Green Mountain Dairy Association

Support this proposed amendment.

All of these groups had an interest in some version of H. 448 bill being forwarded. However, these groups support the compromise as presented in this amendment to H. 869, including leaving behind the controversial provisions of the bill addressing suitable mitigation for impacts to soils.

The Senate Agricultural Committee heard that advancing certain features of the bill would improve the Act 250 review process as it relates to the preservation of primary agricultural soils.

Specifically, this proposed amendment will

1. Amend the definition of "Primary Agricultural Soils" in 10 V.S.A. 6001 (15)
 - o this is important because it focuses on the physical characteristics and quality of the soils and their ability to support agricultural production. It removes the economic and contextual considerations contained in the existing statutory definition.
2. Assure that VAAFAM will have the funding to participate in the review of impacts to primary agricultural soils in the Act 250 review process. The money collect by the Vermont Housing and Conservation Board from off-site mitigation fees must be used by the VAAFAM to support staff costs associated with the preservation of primary agricultural soils and the implementation of criterion 9(B).
3. Finally, as originally outlined in the Growth Centers bill, H. 823, this amendment will provide a 1:1 mitigation ratio and a presumption of off-site mitigation in
 - o Designated Downtowns;
 - o Neighborhood Development Areas Associated with Designated Downtowns;

- New Town Centers in existence as of January 1, 2014;
- This expansion of the benefit affects 0.03% of Vermont's land base.
- Municipalities that receive these designations go through a significant planning process and the Vermont Downtown Board vets and approves these designations.
- By incentivizing growth in these areas, presumably the pressure to develop in rural areas is alleviated.