2	The Committee on Natural Resources and Energy to which was referred	
3	House Bill No. 823 entitled "An act relating to encouraging growth in	
4	designated centers and protecting natural resources" respectfully reports that it	
5	has considered the same and recommends that the Senate propose to the House	
6	to amend the bill as follows:	
7	First: In Sec. 1, 10 V.S.A. § 6001 (definitions), in subdivision (16)(A)	
8	(existing settlement), in subdivision (ii), after "an existing", by striking out	
9	" <u>community</u> ".	
10	Second: In Sec. 1, 10 V.S.A. § 6001 (definitions), by striking out	
11	subdivision (36) in its entirety and inserting in lieu thereof a new subdivision	
12	(36) to read:	
13	(36) "Strip development" means linear commercial development along a	
14	public highway that includes three or more of the following characteristics:	
15	broad road frontage, predominance of single-story buildings, limited reliance	
16	on shared highway access, lack of connection to any existing settlement except	
17	by highway, lack of connection to surrounding land uses except by	
18	highway, limited accessibility for pedestrians, and lack of coordination with	
19	surrounding land uses in terms of design, signs, lighting, and parking. In	
20	determining whether a proposed development or subdivision constitutes strip	

1	constraints in the area in which the development or subdivision is to be	
2	located.	
3	Third: By striking out Sec. 2 in its entirety and inserting in lieu thereof a	
4	new Sec. 2 to read:	
5	Sec. 2. 10 V.S.A. § 6086 is amended to read:	
6	§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA	
7	(a) Before granting a permit, the district commission District Commission	
8	shall find that the subdivision or development:	
9	* * *	
10	(5)(A) Will not cause unreasonable congestion or unsafe conditions with	
11	respect to use of the highways, waterways, railways, airports and airways, and	
12	other means of transportation existing or proposed.	
13	(B) Will incorporate transportation demand management strategies	
14	and provide safe access and connections to adjacent lands and facilities and to	
15	existing and planned pedestrian, bicycle, and transit networks and services,	
16	unless the District Commission affirmatively finds that such a strategy, access,	
17	or connection does not constitute a measure that a reasonable person would	
18	take given the type, scale, and transportation impacts of the proposed	
19	development or subdivision.	
20	* * *	

1	(9) Is in conformance with a duly adopted capability and development		
2	plan, and land use plan when adopted. However, the legislative findings of		
3	subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria		
4	in the consideration of applications by a district commission District		
5	Commission.		
6	* * *		
7	(L) Rural growth areas. A permit will be granted for the		
8	development or subdivision of rural growth areas when it is demonstrated by		
9	the applicant that in addition to all other applicable criteria provision will be		
10	made in accordance with subdivisions (9)(A) "impact of growth," (G) "private		
11	utility service," (H) "costs of scattered development" and (J) "public utility		
12	services" of subsection (a) of this section for reasonable population densities,		
13	reasonable rates of growth, and the use of cluster planning and new community		
14	planning designed to economize on the cost of roads, utilities and land usage.		
15	Settlement patterns. To promote Vermont's historic settlement pattern of		
16	compact village and urban centers separated by rural countryside, a permit will		
17	be granted for a development or subdivision outside an existing settlement		
18	when it is demonstrated by the applicant that, in addition to all other applicable		
19	criteria, the development or subdivision:		
20	(i) will make efficient use of land, energy, roads, utilities, and		
21	other supporting infrastructure;		

1	(ii) is designed in a manner consistent with the planning goals set	
2	forth in 24 V.S.A. § 4302(c)(1);	
3	(iii) will conform to the land use element, map, and resource	
4	protection policies included in the municipal and regional plans applicable	
5	to the proposed location of the development or subdivision; and	
6	(iv)(I) will neither establish nor contribute to a pattern of strip	
7	development along public highways; and	
8	(II) if the development or subdivision will be located in an area	
9	that already constitutes strip development, will incorporate infill as defined in	
10	24 V.S.A. § 2791 and is designed to avoid or minimize the characteristics	
11	listed in the definition of strip development under subdivision 6001(36) of this	
12	title.	
13	* * *	
14	Fourth: By striking out Secs. 3, 4, and 5 in their entirety and inserting in	
15	lieu thereof new Secs. 3, 4, and 5 to read:	
16	Sec. 3. 10 V.S.A. § 6086b is added to read:	
17	<u>§ 6086b. DOWNTOWN DEVELOPMENT; FINDINGS</u>	
18	Notwithstanding any provision of this chapter to the contrary, each of the	
19	following shall apply to a development or subdivision that is completely within	
20	a downtown development district designated under 24 V.S.A. chapter 76A and	

1	for which a permit or permit amendment would otherwise be required under		
2	this chapter:		
3	(1) In lieu of obtaining a permit or permit amendment, a person may		
4	request findings and conclusions from the District Commission, which shall		
5	approve the request if it finds that the development or subdivision will meet		
6	subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water		
7	available), (3) (burden on existing water supply), (4) (soil erosion),		
8	(5) (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas),		
9	(8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary		
10	agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy		
11	conservation), and (9)(K) (public facilities, services, and lands) of this title.		
12	(2) The request shall be complete as to the criteria listed in		
13	subdivision (1) of this subsection and need not address other criteria of		
14	subsection (a) of this section.		
15	(A) The requestor shall file the request in accordance with the		
16	requirements of subsection 6084(a) of this title and the requestor shall provide		
17	a copy of the request to each agency and department listed in subdivision (3) of		
18	this section.		
19	(B) Within five days of the request's filing, the District Coordinator		
20	shall determine whether the request is complete. Within five days of the date		
21	the District Coordinator determines the request to be complete, the District		

1	Commission shall provide notice of the complete request to each person		
2	required to receive a copy of the filing under subdivision (2)(A) of this section		
3	and to each adjoining property owner and shall post the notice and a copy of		
4	the request on the Board's web page. The computation of time under this		
5	subdivision (2)(B) shall exclude Saturdays, Sundays, and State legal holidays.		
6	(3) Within 30 days of receiving notice of a complete request:		
7	(A) The State Historic Preservation Officer or designee shall submit a		
8	written recommendation on whether the improvements will have an undue		
9	adverse effect on any historic site.		
10	(B) The Commissioner of Public Service or designee shall submit a		
11	written recommendation on whether the improvements will meet or exceed the		
12	applicable energy conservation and building energy standards under		
13	subdivision 6086(a)(9)(F) of this title.		
14	(C) The Secretary of Transportation or designee shall submit a		
15	written recommendation on whether the improvements will have a significant		
16	impact on any highway, transportation facility, or other land or structure under		
17	the Secretary's jurisdiction.		
18	(D) The Commissioner of Buildings and General Services or		
19	designee shall submit a written recommendation on whether the improvements		
20	will have a significant impact on any adjacent land or facilities under the		
21	Commissioner's jurisdiction.		

1	(E) The Secretary of Natural Resources or designee shall submit a			
2	written recommendation on whether the improvements will have a significant			
3	impact on any land or facilities under its jurisdiction or on any important			
4	natural resources, other than primary agricultural soils. In this subdivision (E),			
5	"important natural resources" shall have the same meaning as under 24 V.S.A.			
6	<u>§ 2791.</u>			
7	(F) The Secretary of Agriculture, Food and Markets or designee shall			
8	submit a written recommendation on whether the improvements will reduce or			
9	convert primary agricultural soils and on whether there will be appropriate			
10	mitigation for any reduction in or conversion of those soils.			
11	(4) Any person may submit written comments or ask for a hearing			
12	within 30 days of the date on which the District Commission issues notice of a			
13	complete request. If the person asks for a hearing, the person shall include a			
14	petition for party status in the submission. The petition for party status shall			
15	meet the requirements of subdivision 6085(c)(2) of this title.			
16	(5) The District Commission shall not hold a hearing on the request			
17	unless it determines that there is a substantial issue under one or more			
18	applicable criteria that requires a hearing. The District Commission shall hold			
19	any hearing within 20 days of the end of the comment period specified in			
20	subdivisions (3) and (4) of this section. Subdivisions 6085(c)(1)-(5) of this			
21	title shall govern participation in a hearing under this section.			

1	(6) The District Commission shall issue a decision within 60 days of
2	issuing notice of a complete request under this section or, if it holds a hearing,
3	within 15 days of adjourning the hearing. The District Commission shall send
4	a copy of the decision to each State agency listed in subdivision (3) of this
5	section, to the municipality, to the municipal and regional planning
6	commissions for the municipality, and to each person that submitted a
7	comment, requested a hearing, or participated in the hearing, if any. The
8	decision may include conditions that meet the standards of subsection 6086(c)
9	of this title.
10	(7) The requestor may waive the time periods required under
11	subdivisions (3), (4), and (6) of this section as to one or more agencies,
12	departments, the District Commission, the District Coordinator, or other
13	persons. Such a waiver shall extend the applicable and subsequent time
14	periods by the amount of time waived. In the absence of a waiver under this
15	subdivision, the failure of a State agency to file a written determination or a
16	person to submit a comment or ask for a hearing within the time periods
17	specified in subdivisions (3) and (4) of this section shall not delay the District
18	Commission's issuance of a decision on a complete request.
19	Sec. 4. 10 V.S.A. § 6081(v) is added to read:
20	(v) A permit or permit amendment shall not be required for a development
21	or subdivision in a designated downtown development district for which the

1	District Commission has issued positive findings and conclusions under		
2	section 6086b of this title on all the criteria listed in that section. A person		
3	shall obtain new or amended findings and conclusions from the District		
4	Commission under section 6086b of this title prior to commencement of a		
5	material change, as defined in the rules of the Board, to a development or		
6	subdivision for which the District Commission has issued such findings and		
7	conclusions. A person may seek a jurisdictional opinion under section 6007 of		
8	this title concerning whether such a change is a material change.		
9	Sec. 5. [Deleted.]		
10	Fifth: PLACEHOLDER FOR RECONCILING SEC. 6, RE PRIMARY		
11	AGRICULTURAL SOILS MITIGATION, WITH H.448 AMENDMENTS		
12	ON SAME STATUTE (10 V.S.A. § 6093)		
13	Sixth: By striking out Secs. 7 and 8 in their entirety and inserting in lieu		
14	thereof new Secs. 7 and 8 to read:		
15	Sec. 7. 10 V.S.A. § 8003 is amended to read:		
16	§ 8003. APPLICABILITY		
17	(a) The Secretary may take action under this chapter to enforce the		
18	following statutes and rules, permits, assurances, or orders implementing the		
19	following statutes, and the Board may take such action with respect to		
20	subdivision (10) of this subsection:		
21	* * *		

1	(10) 10 V.S.A. chapter 151, relating to land use, and including findings		
2	and conclusions issued under section 6086b of this title;		
3	* * *		
4	* * * Nonappeal, Recommendation to District Commission * * *		
5	Sec. 8. 10 V.S.A. § 8504 is amended to read:		
6	§ 8504. APPEALS TO THE ENVIRONMENTAL DIVISION		
7	(a) Act 250 and agency appeals. Within 30 days of the date of the act or		
8	decision, any person aggrieved by an act or decision of the Secretary, the		
9	Natural Resources Board, or a district commission District Commission under		
10	the provisions of law listed in section 8503 of this title, or any party by right,		
11	may appeal to the Environmental Division, except for an act or decision of the		
12	Secretary under subdivision 6086b(3)(E) of this title or governed by section		
13	8506 of this title.		
14	* * *		
15	Seventh: In Sec. 13 (wastewater rules; amendment), after "the Agency of		
16	Natural Resources shall amend its" by inserting the word application prior to		
17	" <u>form</u> ".		
18			
19			
20			
21			

1	(Committee vote:)	
2		
3		Senator
4		FOR THE COMMITTEE

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