



Senate Committee on Natural Resources and Energy
Vermont Chamber of Commerce Testimony - S.138
Michael Zahner - March 17, 2015

I. Sec. 31. 10 V.S.A. § 6081(w) is added to read:

(w) Improvements to be constructed within an industrial park that was in existence as of January 1, 2010 and subject to an “umbrella permit” or “master permit” issued under this chapter shall not be required to obtain a permit or permit amendment if each of the following applies:

(1) The permittee demonstrates that the improvements will comply with those specific conditions of the umbrella permit or “master permit” included to resolve issues critical to issuance of the permit. Such conditions shall not include any requirement under the umbrella permit or “master permit” to obtain a permit amendment.

(2) The municipality in which the improvements will be located has in effect a land use plan and zoning and subdivisions bylaws under 24 V.S.A. chapter 117.

(3) The municipality has issued a municipal land use permit for the improvements under that chapter.

(4) The Agency of Natural Resources has issued those permits and approvals that its enabling statutes require for the improvements.

Vermont Chamber Position: Support with revisions

II. Sec. 32. 24 V.S.A. § 2787 is added to read:

§ 2787. ENTERPRISE ZONES

(a) After consultation with the regional planning commission and the planning commission of each affected municipality, a regional development corporation may propose an enterprise zone consisting of a list of properties contiguous or adjacent to each other to serve as locations for new or expanded manufacturing.

(b) The regional development corporation shall provide notice and opportunity to submit written comment and request a public hearing on each proposal for an enterprise zone.

(1) The corporation shall provide notice of the proposal on its web page and directly to each affected regional planning commission, the legislative body and planning commission of each affected municipality, and the landowners of record in the proposed enterprise zone.

(2) The corporation may hold a public hearing on request or on its own motion and shall hold a public hearing if requested by an affected regional planning commission, the legislative body or planning commission of an affected municipality, or a group consisting of or representing or more persons within an affected region or municipality.

(3) The contested case provisions of 3 V.S.A. chapter 25 shall not apply to the designation of an enterprise zone.

(c) After providing the notice and opportunity required by subsection (b) of this section, the regional development corporation may designate an enterprise zone if it finds that each property included in the zone is a suitable and commercially viable location on which to site manufacturing and will be supported by transportation, water, wastewater, and other necessary infrastructure in sufficient capacity to support manufacturing. The corporation's decision on the enterprise zone shall respond to each comment received.

(d) On designation of an enterprise zone under this section:

(1) The Agency of Natural Resources shall issue a decision on an application for each permit or approval that its enabling statutes require for development in the zone within 45 days of the date of application.

(2) The regional development corporation or municipality in which the zone is located may apply for and receive a "master plan" permit or partial findings, or both, for the zone under 10 V.S.A. chapter 151 and the rules adopted under that chapter. If a master plan permit is issued, then subsequent development within the zone shall require no further permits or permit amendments under 10 V.S.A. chapter 151, notwithstanding any provision of that chapter to the contrary, **and provided that the permittee demonstrates that proposed improvements will comply with those specific conditions of the "master permit" included to resolve issues critical to issuance of the permit.**

Vermont Chamber Position: Support with revisions

III. Section 33. ACT 250; GUIDANCE ON SETTLEMENT PATTERNS CRITERION

(a) The General Assembly finds that:

(1) 2014 Acts and Resolves No. 147, Sec. 2 amended 10 V.S.A. 9 § 6086(a)(9)(L) (Criterion 9L) to become a settlement patterns criterion. The purpose of the amendment was to promote new development that is consistent with Vermont's historic development pattern of compact centers

surrounded by working lands; to encourage the efficient use of land, roads, utilities and other infrastructure; and to promote development within existing settlements.

(2) Since that amendment, the Natural Resource Board (the Board) has worked with the Agency of Commerce and Community Development (ACCD), the Agency of Natural Resources (ANR) and others to provide training and guidance to state agencies, regional planning commissions, trade associations, municipal planners, development consultants, attorneys and others about this change to Criterion 9L.

(3) Effective October 17, 2014, the Board adopted a procedure to implement Criterion 9L (the Criterion 9L Procedure).

(b) The General Assembly determines that more education and improved guidance would be beneficial in implementing Criterion 9L.

(1) The Board shall revise the Criterion 9L Procedure in full collaboration with ACCD and ANR and

(A) Prior to completing this revision, the Board shall solicit input from affected parties and the public including planners, developers, municipalities, ~~and~~ environmental advocacy organizations, **Chambers of Commerce, and Regional Development Organizations.**

(B) The Board shall adopt the revision in the form of a **rule or** procedure under 3 V.S.A. chapter 25. ~~or as a guidance document, or may include some of the subject matter in a procedure and some in a guidance document.~~

(2) Following the Board's ~~revision~~ **adoption** of the Criterion 9L **rule or** procedure, ACCD shall work with the NRB and ANR to develop outreach material including illustrative examples of **good development design** and implement a training plan on Criterion 9L for local elected officials, municipal boards, state and regional organizations **in order to demonstrate how projects may gain approval particularly in towns where existing settlements may not exist; or, where the lack of space, supporting infrastructure or existing municipal or regional plans may prevent well designed projects from moving forward within existing settlements.**

(3) **At a minimum, the rule or procedure shall define the following statutory terms or phases: "contribute to strip development," "broad road frontage," "limited reliance on shared highway access," "predominance of single story buildings," "lack of coordination with surrounding land uses," "limited accessibility for pedestrians" and, "topographic constraints." In addition, the rule or procedure shall establish design standards for existing and new industrial and commercial parks that are located outside existing settlements.**

Vermont Chamber Position: Support with Revisions

VI. Sec. 34. 10 V.S.A. § 6081(p) is amended to read:

(p) No permit or permit amendment is required for any change to a **permitted** project that is located entirely within a downtown development district designated pursuant to 24 V.S.A. § 2793 or a growth center designated pursuant to 24 V.S.A. § 2793c, if the change consists exclusively of any combination of mixed use and mixed income housing, and the cumulative changes within any continuous period of five years, commencing on or after the effective date of 20 this subsection, remain below the jurisdictional threshold applicable to the municipality specified in ~~subdivision 6001(3)(B)~~ subdivisions 6001(3)(A)(I)(aa) through (ff) of this title. Notwithstanding any contrary provision of this chapter, mixed use that is exempt under this subsection may include small scale, low impact manufacturing.

Vermont Chamber Position: Support with one revision