

S.138; Report of Senate Committee on Natural Resources and Energy; Summary
Office of Legislative Council March 25, 2015

| SEC. | SUBSTANCE | SNREC PROPOSAL |
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| <i>Sections Proposed by Sen. Economic Development</i> | | |
| 30 | Would amend the requirements for designating a new town center. Under current law, to obtain the designation a town must demonstrate that civic and public buildings do or will exist. The section would allow the town the option to demonstrate instead that publicly owned structures or facilities devoted to community use do or will exist. | Sen. Natural proposes to delete this section. |
| 31 | Would add an exemption to Act 250 for projects in industrial parks in existing as of 1/1/10 and subject to an “umbrella permit,” also known as a master plan permit. A project within such a park would no longer have to get a permit amendment if it will comply with the specific conditions of the umbrella permit, the town has in effect a land use plan and zoning and subdivision bylaws, and the project receives a municipal land use permit and all required Agency of Natural Resource (ANR) permits. | Sen. Natural proposes to delete this section. |
| 32 | Would allow a regional development corporation (RDC) to designate an enterprise zone for manufacturing after consultation with the regional and local planning commissions and a public process. The zone would consist of contiguous or adjacent properties suitable for manufacturing and supported by necessary infrastructure. Benefits would be: (a) decisions on ANR permits within 45 days, and (b) RDC or municipality may apply for Act 250 master plan permit, and if that permit is approved, no further Act 250 permitting needed in the zone. | Sen. Natural proposes to delete this section. |
| 33 | Would clarify the purpose of last year’s amendment to Act 250 that added a “settlement patterns” criterion (Criterion | Senate Natural proposes to retain with revisions. The Senate Natural proposal would: |

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| | <p>9L). Would direct the Natural Resources Board (NRB) to revise its existing Criterion 9L procedure in collaboration with other state agencies and after conducting a public process. Would direct the Agency of Commerce and Community Development, working with the NRB and ANR, to develop outreach material and implement a training plan on Criterion 9L.</p> | <ul style="list-style-type: none"> • State that additional opportunity for public comment on the Criterion 9L procedure would be beneficial, as well as additional education and improved guidance. • Direct the NRB to review the procedure in collaboration with ACCD and ANR and to solicit comment from affected parties and the public before proposing any revisions. • Rely on the existing language in 9L that states its purpose rather than enacting additional language. |
| 34 | <p>Would expand an existing exemption from Act 250 that applies to mixed use and mixed income housing projects in downtown development districts. Would authorize the same exemption for growth centers and allow the “mixed use” component to include small scale, low impact manufacturing.</p> | <p>Sen. Natural proposes to delete this section.</p> |
| <p><i>Additional Sections Proposed by Sen. Natural Resources and Energy</i></p> | | |
| 35 | <p>Would correct an existing statute regarding appeals of residential development in various designated areas (downtowns, growth centers, Vermont neighborhoods, etc.) to also refer to the designation for neighborhood development areas that was enacted by Act 59 of 2013, Sec. 8. Act 59 added the neighborhood development area designation to replace the Vermont neighborhood designation, which is retained only for those Vermont neighborhoods already designated.</p> | |
| 36 | <p>Would correct language in Act 250 regarding primary agricultural soils to reference a list of the designated areas for which a 1:1 mitigation ratio was authorized by Act 159 of 2014, Sec. 16a. Act 159 expanded the 1:1 mitigation ratio for primary agricultural soils to apply not only in designated growth centers but also to designated downtowns, new town centers already designated, and neighborhood development areas.</p> | |
| 37 | <p>Would provide that, if the holder of conservation easement becomes the owner of the parcel subject to the easement, the easement continues to exist and does not disappear.</p> | |