



January 22, 2015

Chairmen Mullin and Bray and Committee Members  
Senate Economic Development Committee  
Senate Natural Resources Committee

Dear Chairmen Mullin and Bray,

Thank you for organizing yesterday's public hearing on the economic impacts of implementation of the newly modified Criteria 9(L). As a representative of the Lake Champlain Regional Chamber of Commerce and the Greater Burlington Industrial Corporation, I appreciated the opportunity to testify as well as the opportunity to hear from others with recent experiences with the Act 250 process.

As I said yesterday, our primary concern about Criteria 9(L) continues to be the addition of increased uncertainty into a process that is often already lengthy and costly for the development community. With increased uncertainty comes the greater likelihood that developers choose to avoid the time and money associated with increased investment in the state, an outcome that is particularly concerning for Vermont's economic health.

The Natural Resources Board's Criteria 9(L) Procedure gives us a glimpse into the actual implementation of 9(L) and makes clear that answering the question whether a project "contributes to" strip development opens the door for a large amount of uncertainty. How the NRB interprets these key terms in the statute has a major impact on the actions of both district commissions and developers who are deciding whether to engage in projects in their communities.

This document includes language such as: *"However, even if the Project itself has no strip characteristics, there could still be evidence that the Project will contribute to a pattern of strip development"* and *"Other considerations may also be relevant. Ultimately, whether a proposed project contributes to strip development will depend on the particular facts and circumstances of the case."* These statements leave developers with zero certainty about how they might design a project to satisfy the requirements of Criteria 9(L).

Multiple projects have already been withdrawn or significantly modified in ways that limit their positive economic impact because of concerns about their ability to meet the 9(L) requirements. We are very interested in continuing the discussion with the Committees on how to address these concerns and ensure that needed economic development continues in our communities.

Thank you,

Katie Taylor  
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Lake Champlain Regional Chamber of Commerce

