

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred
3 Senate Bill No. 138 entitled “An act relating to promoting economic
4 development” respectfully reports that it has considered the same and
5 recommends that the bill be amended as follows:

6 First: By striking out Secs. 30–34 and inserting in lieu thereof new
7 Secs. 30–35 to read:

8 Sec. 30. 24 V.S.A. § 2793b(b) is amended to read:

9 (b) Within 45 days of receipt of a completed application, the State Board
10 shall designate a new town center development district if the State Board finds,
11 with respect to that district, the municipality has:

12 (1) A confirmed planning process under section 4350 of this title,
13 developed a municipal center plan, and adopted bylaws and ordinances that
14 implement the plan, including an official map, and a design review district
15 created under this title or other regulations that adequately control the physical
16 form and scale of development.

17 (2) Provided a community investment agreement that has been executed
18 by authorized representatives of the municipal government, businesses, and
19 property owners within the District, and community groups with an articulated
20 purpose of supporting downtown interests, and contains the following:

21 * * *

1 (F) Evidence that civic and public buildings or publicly owned
2 structures or publicly owned facilities **that are** devoted to community use **and**
3 **promote community interaction** do exist, or will exist in the center, as shown
4 by the capital improvement plan or the capital budget and program, and the
5 official map.

6 * * *

7 *[former Sec. 31 removed; pertained to Act 250; would have exempted, from the*
8 *requirement to obtain a permit amendment, improvements to be constructed in*
9 *existing industrial parks subject to master plan permits if certain criteria met.]*

10 **Sec. 31. 24 V.S.A. § 4471(e) is amended to read:**

11 (e) ~~Vermont neighborhood~~ Neighborhood development area.
12 **Notwithstanding subsection (a) of this section, a determination by an**
13 **appropriate municipal panel shall not be subject to appeal if the**
14 **determination is that a proposed residential development within a**
15 **designated downtown development district, designated growth center, or**
16 **designated Vermont neighborhood, or designated neighborhood**
17 **development area seeking conditional use approval will not result in an**
18 **undue adverse effect on the character of the area affected, ~~as provided in~~**
19 **under subdivision 4414(3)(A)(ii) of this title.**

20 *[former Sec. 32 removed; designation of enterprise zones for manufacturing*
21 *with benefits of 45-day processing of ANR permit applications and the option*

1 *of obtaining an Act 250 master plan permit for the zone, with no subsequent*
2 *Act 250 permitting required]*

3 **Sec. 32. 10 V.S.A. § 6086(a)(9)(B) is amended to read:**

4 **(B) Primary agricultural soils. A permit will be granted for the**
5 **development or subdivision of primary agricultural soils only when it is**
6 **demonstrated by the applicant that, in addition to all other applicable**
7 **criteria, either, the subdivision or development will not result in any**
8 **reduction in the agricultural potential of the primary agricultural**
9 **soils; or:**

10 **(i) the development or subdivision will not significantly**
11 **interfere with or jeopardize the continuation of agriculture or forestry on**
12 **adjoining lands or reduce their agricultural or forestry potential; and**

13 **(ii) except in the case of an application for a project located in**
14 **a designated ~~growth-center~~ area listed in subdivision 6093(a)(1) of this**
15 **title, there are no lands other than primary agricultural soils owned or**
16 **controlled by the applicant which are reasonably suited to the purpose of**
17 **the development or subdivision; and**

18 **(iii) except in the case of an application for a project located in**
19 **a designated ~~growth-center~~ area listed in subdivision 6093(a)(1) of this**
20 **title, the subdivision or development has been planned to minimize the**
21 **reduction of agricultural potential of the primary agricultural soils**

1 through innovative land use design resulting in compact development
2 patterns, so that the remaining primary agricultural soils on the project
3 tract are capable of supporting or contributing to an economic or
4 commercial agricultural operation; and

5 (iv) suitable mitigation will be provided for any reduction in
6 the agricultural potential of the primary agricultural soils caused by the
7 development or subdivision, in accordance with section 6093 of this title
8 and rules adopted by the Natural Resources Board.

9 Sec. 33. ACT 250; IMPLEMENTATION OF SETTLEMENT PATTERNS

10 CRITERION

11 (a) The General Assembly finds that:

12 (1) 2014 Acts and Resolves No. 147, Sec. 2 amended 10 V.S.A.
13 § 6086(a)(9)(L) (Criterion 9L) to become a settlement patterns criterion.

14 *[Intent language removed; recitation of prior training efforts removed]*

15 (2) Effective on October 17, 2014, the Board adopted a procedure to
16 implement Criterion 9L (the Criterion 9L Procedure).

17 (b) The General Assembly determines that more opportunity for public
18 comment on the Criterion 9L Procedure, as well as additional education
19 and improved guidance, would be beneficial in implementing the
20 criterion.

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

3 (A) Prior to completing this revision, the Board shall solicit input
4 from affected parties and the public including planners, developers,
5 municipalities, environmental advocacy organizations, **regional planning**
6 **commissions, regional development corporations, and business advocacy**
7 **organizations such as State and regional chambers of commerce.**

8 (B) The Board shall adopt the revision in the form of a **procedure**
9 under 3 V.S.A. chapter 25. [Guidance option removed.]

10 (2) Following the Board’s revision of the Criterion 9L Procedure,
11 ACCD shall work with the NRB and ANR to develop outreach material
12 including illustrative examples **of appropriate development design** and
13 implement a training plan on Criterion 9L for local elected officials, municipal
14 boards, State and regional organizations and associations, environmental
15 groups, consultants, and developers.

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

17 (p) No permit or permit amendment is required for any change to a project
18 that is located entirely within a downtown development district designated
19 pursuant to 24 V.S.A. § 2793 or a growth center designated pursuant to
20 24 V.S.A. § 2793c, if the change consists exclusively of any combination of
21 mixed use and mixed income housing, and the cumulative changes within any

1 continuous period of five years, commencing on or after the effective date of
2 this subsection, remain below the jurisdictional threshold applicable to the
3 municipality specified in ~~subdivision 6001(3)(B)~~ subdivisions
4 6001(3)(A)(iv)(I)(aa) through (ff) of this title. *[Language on manufacturing*
5 *removed.]*

6 **Sec. 35. 10 V.S.A. § 6310 is added to read:**

7 **§ 6310. EASEMENT HOLDER; FEE INTEREST; NONMERGER**

8 **If a holder of a conservation easement is or becomes the owner in fee**
9 **simple of property subject to the easement, the easement shall continue in**
10 **effect and shall not be extinguished.**

11 Second: After the renumbered Sec. 35, by striking out “Sec. 35–39.

12 [Reserved]” and inserting in lieu thereof the following: Secs. 36–39.

13 [Reserved]

14 (Committee vote: _____)

15

16

Senator _____

17

FOR THE COMMITTEE