

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. 30–37 to read:

8 Sec. 30. [Deleted.]

9 Sec. 31. [Deleted.]

10 Sec. 32. [Deleted.]

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

12 CRITERION

13 (a) The General Assembly finds that:

14 (1) 2014 Acts and Resolves No. 147, Sec. 2 amended 10 V.S.A.

15 § 6086(a)(9)(L) (Criterion 9L) to become a settlement patterns criterion.

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

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

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. [Deleted.]

17 Sec. 35. 24 V.S.A. § 4471(e) is amended to read:

18 (e) ~~Vermont neighborhood~~ Neighborhood development area.

19 Notwithstanding subsection (a) of this section, a determination by an
20 appropriate municipal panel shall not be subject to appeal if the determination
21 is that a proposed residential development within a designated downtown

1 development district, designated growth center, ~~or~~ designated Vermont
2 neighborhood, or designated neighborhood development area seeking
3 conditional use approval will not result in an undue adverse effect on the
4 character of the area affected, ~~as provided in~~ under subdivision 4414(3)(A)(ii)
5 of this title.

6 Sec. 36. 10 V.S.A. § 6086(a)(9)(B) is amended to read:

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

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

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

20 (iii) except in the case of an application for a project located in a
21 designated ~~growth center~~ area listed in subdivision 6093(a)(1) of this title, the

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

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

10 Sec. 37. 10 V.S.A. § 6310 is added to read:

11 § 6310. CONSERVATION EASEMENT HOLDER; NONMERGER

12 If a holder of a conservation easement is or becomes the owner in fee
13 simple of property subject to the easement, the easement shall continue in
14 effect and shall not be extinguished.

15 Second: After Sec. 37, by striking out “Sec. 35–39. [Reserved]” and
16 inserting in lieu thereof the following: Secs. 38–39. [Reserved]

17 (Committee vote: _____)

18 _____

19 Senator _____

20 FOR THE COMMITTEE