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Topic	As Passed House	As Passed SNRE	Administration Proposal
<p>Definition of “Mixed Income Housing”</p>	<p>Not included</p>	<p>10 V.S.A. § 6001 is amended to read: * * *</p> <p>(27) “Mixed income housing” means a housing project in which the following apply:</p> <p>(A) Owner-occupied housing. <del>At the option of the applicant, owner-occupied housing may be characterized by either of the following:</del></p> <p>(i) <del>at least 15 percent of the housing units have a purchase price that at the time of first sale does not exceed 85 percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency; or</del></p> <p>(ii) <u>At the time of initial sale at least 20 percent of the housing units have a purchase price that at the time of first sale does not exceed 90 percent of the new construction, targeted area purchase price limits established and published annually by the Vermont Housing Finance Agency meet the requirements of affordable owner-occupied housing under subdivision (29)(A) of this section, adjusted for the number of bedrooms, as established and published annually by the Vermont Housing Finance Agency.</u></p> <p>(B) Rental housing. <del>At least 20 percent of the housing units that are rented constitute affordable housing and have a duration of affordability of</del> <u>For not less than 15 years following the date that rental housing is initially placed in service, at least 20 percent of the housing units meet the requirements of affordable</u></p>	<p>Same as SNRE</p>

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		<p><u>rental housing under subdivision (29)(B) of this section, adjusted for the number of bedrooms, as established and published annually by the Vermont Housing Finance Agency.</u></p>	
<p>Def of PHP</p>	<p>Not included</p>	<p>(35) “Priority housing project” means a discrete project located on a single tract or multiple contiguous tracts of land that consists exclusively of:          (A) mixed income housing or mixed use, or any combination thereof, and is located entirely within a <del>designated downtown development district,</del> designated new town center, <u>or</u> designated growth center, <del>or designated village center that is also a designated neighborhood development area</del> under 24 V.S.A. chapter 76A; <del>or</del>          (B) <del>mixed income housing and is located entirely within a designated Vermont neighborhood or designated neighborhood development area under 24 V.S.A. chapter 76A.</del></p>	<p>Same as SNRE</p>
<p>Downtown exemption</p>	<p>§ 6081. PERMITS REQUIRED; EXEMPTIONS          * * *          (o) If a designation pursuant to 24 V.S.A. chapter 76A is removed, subsection (a) of this section shall apply to any subsequent substantial change to a <del>priority housing project development or subdivision</del> that was originally exempt pursuant to subdivision 6001(3)(A)(iv)(I) of this title <u>or subsection (p) of this section</u> on the basis of that designation.</p>	<p>§ 6081. PERMITS REQUIRED; EXEMPTIONS          * * *          (o) If a designation pursuant to 24 V.S.A. chapter 76A is removed, subsection (a) of this section shall apply to any subsequent substantial change to a <del>priority housing project development or subdivision</del> that was originally exempt pursuant to subdivision 6001(3)(A)(iv)(I) of this title <u>or subsection (p) of this section</u> on the basis of that designation.</p>	<p>Same as House</p>

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(p)(1) No permit or permit amendment is required for any subdivision, development, or change to a project that is located entirely within a downtown development district designated pursuant to 24 V.S.A. § 2793 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 this subsection, remain below any applicable jurisdictional threshold specified in subdivision 6001(3)(A)(iv)(I) of this title village center that has received enhanced designation under 24 V.S.A. § 2793a(e), or a neighborhood development area designated pursuant to 24 V.S.A. § 2793e. Upon receiving notice and a copy of the permit issued by the appropriate municipal panel pursuant to 24 V.S.A. § 4460(f) a previously issued permit for a development or subdivision located in a downtown development area village center that has received an enhanced designation or a new neighborhood area shall be extinguished.

\* \* \*

(v) ~~A permit or permit amendment shall not be required for a development or subdivision in a designated downtown development district for which the District Commission has issued positive findings and conclusions under section 6086b of this title on all~~

(p)(1) No permit or permit amendment is required for any subdivision, development, or change to a project that is located entirely within a downtown development district designated pursuant to 24 V.S.A. § 2793, 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 this subsection, remain below any applicable jurisdictional threshold specified in subdivision 6001(3)(A)(iv)(I) of this title or a neighborhood development area designated pursuant to 24 V.S.A. § 2793e. Existing permits in these areas may seek to be released from jurisdiction pursuant to subsection 6090(c) of this title.

(2) No permit or permit amendment is required for a priority housing project in a designated center other than a downtown development district if the project remains below any applicable jurisdictional threshold specified in subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions of any existing permit or permit amendment issued under this chapter that applies to the tract or tracts on which the project will be located. If such a priority housing project will not comply with one or more of these conditions, an application may be filed pursuant to section 6084 of this title.

\* \* \*

(v) ~~A permit or permit amendment shall not be required for a development or~~

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	<p><del>the criteria listed in that section. A person shall obtain new or amended findings and conclusions from the District Commission under section 6086b of this title prior to commencement of a material change, as defined in the rules of the Board, to a development or subdivision for which the District Commission has issued such findings and conclusions. A person may seek a jurisdictional opinion under section 6007 of this title concerning whether such a change is a material change. [Repealed.]</del></p>	<p><del>subdivision in a designated downtown development district for which the District Commission has issued positive findings and conclusions under section 6086b of this title on all the criteria listed in that section. A person shall obtain new or amended findings and conclusions from the District Commission under section 6086b of this title prior to commencement of a material change, as defined in the rules of the Board, to a development or subdivision for which the District Commission has issued such findings and conclusions. A person may seek a jurisdictional opinion under section 6007 of this title concerning whether such a change is a material change. [Repealed.]</del></p>	
<p>Enhanced Village Centers</p>	<p>§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD</p> <p><u>(e)(1) A village center designated by the State Board pursuant to subsection (a) of this section is eligible to apply to the State Board to receive an enhanced designation. This enhanced designation shall allow the village center to be exempt from 10 V.S.A. chapter 151.</u></p> <p><u>(2) To receive enhanced designation under this subdivision, village center shall have:</u></p> <p><u>(A) a duly adopted and regionally approved municipal plan; and</u></p> <p><u>(B) duly adopted permanent zoning and subdivision bylaws that include flood hazard and river corridor bylaws.</u></p>	<p>Not included</p>	<p>§ 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD</p> <p><u>(e)(1) A village center designated by the State Board pursuant to subsection (a) of this section is eligible to apply to the State Board to receive an enhanced designation. This enhanced designation shall allow the village center to be exempt from 10 V.S.A. chapter 151.</u></p> <p><u>(2) To receive enhanced designation under this subdivision, village center shall have:</u></p> <p><u>(A) a duly adopted and regionally approved municipal plan;</u></p> <p><u>(B) a municipal wastewater treatment facility and public community drinking water system that serves the designated center; and</u></p>

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			(C) <u>duly adopted permanent zoning and subdivision bylaws that include flood hazard and river corridor bylaws.</u>
Repeal §§ related to downtowns and NDAs	Same	Sec. 3. REPEALS <u>The following are repealed:</u> <u>(1) 10 V.S.A. § 6083a(d) (neighborhood development area fees).</u> <u>(2) 10 V.S.A. § 6086b (downtown development).</u>	Same
Release from Juris and Extinguish Permits	§ 6090. RECORDING; DURATION <b>AND REVOCATION</b> OF PERMITS  <u>(c) Change to nonjurisdictional use; release from permit.</u> <u>(1) On an application signed by each permittee, the Board may release land subject to a permit under this chapter from the obligations of that permit and the obligation to obtain amendments to the permit, on finding each of the following:</u> <u>(A) The use of the land as of the date of the application is not the same as the use of the land that caused the obligation to obtain a permit under this chapter or the municipality where the land is located has adopted permanent zoning and subdivision bylaws, but had not when the permit was issued.</u> <u>(B) The use of the land as of the date of the application does not constitute development or subdivision as defined in section 6001 of this title and would not require a permit or permit</u>	§ 6090. RECORDING; DURATION AND REVOCATION OF PERMITS  <u>(c) Change to nonjurisdictional use; release from permit.</u> <u>(1) On an application signed by each permittee, the District Commission may release land subject to a permit under this chapter from the obligations of that permit and the obligation to obtain amendments to the permit on finding each of the following:</u> <u>(A) One of the following is true:</u> <u>(i) the use of the land as of the date of the application is not the same as the use of the land that caused the obligation to obtain a permit under this chapter;</u> <u>(ii) the municipality where the land is located has adopted permanent zoning and subdivision bylaws, but had not when the permit was issued; or</u> <u>(iii) the land is located in a designated downtown or neighborhood development area that is exempt from this chapter.</u>	Same as House, except changed Board to District Commission; Release from juris for DDDs and NDAs under 24 V.S.A. § 4460 <u>(c) Change to nonjurisdictional use; release from permit.</u> <u>(1) On an application signed by each permittee, the District Commission may release land subject to a permit under this chapter from the obligations of that permit and the obligation to obtain amendments to the permit and from jurisdiction under this chapter on finding each of the following:</u> <u>(A) One of the following is true:</u> <u>(i) the use of the land as of the date of the application is not the same as the use of the land that caused the obligation to obtain a permit under this chapter; or</u> <u>(ii) the municipality where the land is located has adopted permanent zoning and subdivision bylaws, but had not when the permit was issued.</u> <u>(B) The use of the land as of the date of the application does not constitute development or subdivision as defined in section 6001 of this title and would not</u>

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<p><u>amendment but for the fact that the land is already subject to a permit under this chapter.</u></p> <p><u>(C) The permittee or permittees are in compliance with the permit and their obligations under this chapter.</u></p> <p><u>(2) It shall be a condition of each affirmative decision under this subsection that a subsequent proposal of a development or subdivision on the land to which the decision applies shall be subject to this chapter as if the land had never previously received a permit under the chapter.</u></p> <p><u>(3) An application for a decision under this subsection shall be made on a form prescribed by the Board. The form shall require evidence demonstrating that the application complies with subdivisions (1)(A) through (C) of this subsection. The application shall be processed in the manner described in section 6084 of this title and may be treated as a minor application under that section. In determining whether to treat as minor an application under this subsection, the Board shall apply the criteria of this subsection and not of subsection 6086(a) of this title.</u></p>	<p><u>(B) The use of the land as of the date of the application does not constitute development or subdivision as defined in section 6001 of this title and would not require a permit or permit amendment but for the fact that the land is already subject to a permit under this chapter.</u></p> <p><u>(C) The permittee or permittees are in compliance with the permit and their obligations under this chapter.</u></p> <p><u>(2) It shall be a condition of each affirmative decision under this subsection that a subsequent proposal of a development or subdivision on the land to which the decision applies shall be subject to this chapter as if the land had never previously received a permit under the chapter.</u></p> <p><u>(3) An application for a decision under this subsection shall be made on a form prescribed by the Board. The form shall require evidence demonstrating that the application complies with subdivisions (1)(A) through (C) of this subsection. The application shall be processed in the manner described in section 6084 of this title and may be treated as a minor application under that section. <b>In addition to those required to be notified under section 6084, the District Commission shall send notice at the same time to all other parties to the permit and to all current adjacent landowners.</b></u></p> <p><u>(4) The District Commission shall evaluate the conditions in the existing permit and determine whether the permit conditions are still necessary to mitigate impacts under the criteria of subsection</u></p>	<p><u>require a permit or permit amendment but for the fact that the land is already subject to a permit under this chapter.</u></p> <p><u>(C) The permittee or permittees are in compliance with the permit and their obligations under this chapter.</u></p> <p><u>(2) It shall be a condition of each affirmative decision under this subsection that a subsequent proposal of a development or subdivision on the land to which the decision applies shall be subject to this chapter as if the land had never previously received a permit under the chapter.</u></p> <p><u>(3) An application for a decision under this subsection shall be made on a form prescribed by the Board. The form shall require evidence demonstrating that the application complies with subdivisions (1)(A) through (C) of this subsection. The application shall be processed in the manner described in section 6084 of this title and may be treated as a minor application under that section. <b>In addition to those required to be notified under section 6084, the District Commission shall send notice at the same time to all other parties to the permit and to all current adjacent landowners.</b></u></p>
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		<p>6086(a). If the District Commission finds that the permit conditions are still necessary, it shall deny the application or approve the application on the condition that the necessary conditions are added to the land's municipal permit.</p>	
	<p>§ 4460. APPROPRIATE MUNICIPAL PANELS</p> <p style="text-align: center;">* * *</p> <p><u>(f)(1) This subsection shall apply to a subdivision or development that:</u></p> <p style="padding-left: 40px;"><u>(A) was previously permitted pursuant to 10 V.S.A. chapter 151;</u></p> <p style="padding-left: 40px;"><u>(B) is located in a downtown development district, village center that has received enhanced designation, or neighborhood development area designated pursuant to chapter 76A of this title; and</u></p> <p style="padding-left: 40px;"><u>(C) has applied for a permit or permit amendment required by zoning regulations or bylaws adopted pursuant to this subchapter.</u></p> <p><u>(2) The appropriate municipal panel reviewing an application for a municipal permit or permit amendment pursuant to this subsection shall include conditions contained within a permit previously issued pursuant to 10 V.S.A. chapter 151 unless the panel determines that the permit condition pertains to any of the following:</u></p> <p style="padding-left: 40px;"><u>(A) the construction phase of the project that has already been completed;</u></p> <p style="padding-left: 40px;"><u>(B) compliance with another State permit that has independent</u></p>	<p>Not included</p>	<p>§ 4460. APPROPRIATE MUNICIPAL PANELS</p> <p style="text-align: center;">* * *</p> <p><u>(f)(1) This subsection shall apply to a subdivision or development that:</u></p> <p style="padding-left: 40px;"><u>(A) was previously permitted pursuant to 10 V.S.A. chapter 151;</u></p> <p style="padding-left: 40px;"><u>(B) is located in a downtown development district, enhanced village center, or neighborhood development area designated pursuant to chapter 76A of this title; and</u></p> <p style="padding-left: 40px;"><u>(C) has applied for a permit or permit amendment required by zoning regulations or bylaws adopted pursuant to this subchapter.</u></p> <p><u>(2) The appropriate municipal panel reviewing a municipal permit or permit amendment pursuant to this subsection shall include conditions contained within a permit previously issued pursuant to 10 V.S.A. chapter 151 unless the panel determines that the permit condition pertains to any of the following:</u></p> <p style="padding-left: 40px;"><u>(A) the construction phase of the project that has already been constructed;</u></p> <p style="padding-left: 40px;"><u>(B) compliance with another State permit that has independent jurisdiction;</u></p> <p style="padding-left: 40px;"><u>(C) federal or State law that is no longer in effect or applicable;</u></p>

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<p><u>jurisdiction that addresses the condition in the previously issued permit:</u></p> <p>(C) federal or State law that is no longer in effect or applicable;</p> <p>(D) an issue that is addressed by municipal regulation, and the project will meet the municipal standards; and</p> <p>(E) a physical or use condition that is no longer in effect or applicable, or that will no longer be in effect or applicable once the new project is approved.</p> <p>(3) After issuing or amending a permit containing conditions pursuant to this subsection, the appropriate municipal panel shall provide notice and a copy of the permit to the Natural Resources Board.</p> <p>(4) The appropriate municipal panel’s determinations shall be made following notice and a public hearing as provided in subdivision 4464(a)(1) of this title and to those persons requiring notice pursuant to 10 V.S.A. § 6084(b). The notice shall explicitly reference the existing Act 250 permit.</p> <p>(5) The appropriate municipal panel’s decision shall be issued in accord with subsection 4464(b) of this title and shall include specific findings with respect to its determinations pursuant to subdivision (f)(2) of this section.</p> <p>(6) Any final action by the appropriate municipal panel affecting a condition of a permit previously issued pursuant to 10 V.S.A. chapter 151 shall</p>		<p>(D) an issue that is addressed by municipal regulation and the project will meet the municipal standards; or</p> <p>(E) a physical or use condition that is no longer in effect or applicable, or that will no longer be in effect or applicable once the new project is approved.</p> <p>(3) After issuing or amending a permit containing conditions pursuant to this subsection, the appropriate municipal panel shall provide notice and a copy of the permit to the Natural Resources Board.</p> <p>(4) The appropriate municipal panel shall comply with the notice and hearing requirements provided in subdivision 4464(a)(1) of this title. In addition, notice shall be provided to those persons requiring notice under 10 V.S.A. § 6084(b) and shall explicitly reference the existing Act 250 permit.</p> <p>(5) The appropriate municipal panel’s decision shall be issued in accord with subsection 4464(b) of this title and shall include specific findings with respect to its determinations pursuant to subdivision (2) of this subsection.</p> <p>(6) Any final action by the appropriate municipal panel affecting a condition of a permit previously issued pursuant to 10 V.S.A. chapter 151 shall be recorded in the municipal land records.</p>
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	<p><u>be recorded in the municipal land records.</u></p>		
<p>Appeals</p>	<p>§ 2798. DESIGNATION DECISIONS; <del>NONAPPEAL</del> <u>APPEAL</u></p> <p>(a) <del>The A person aggrieved by a designation decisions decision of the State Board under this chapter are not subject to appeal</del> section 2793, 2793a, or 2793e of this title may appeal to the <u>Natural Resources Board</u> established under 10 V.S.A. chapter 151 within 30 days of the decision.</p> <p>(b) <u>The Natural Resources Board shall conduct a de novo hearing on the decision under appeal and shall proceed in accordance with the contested case requirements of the Vermont Administrative Procedure Act. The Natural Resources Board shall issue a final decision within 90 days of the filing of the appeal. The provisions of 10 V.S.A. § 6024 regarding assistance to the Natural Resources Board from other departments and agencies of the State shall apply to appeals under this section.</u></p>	<p>Same</p>	<p>§ 2798. DESIGNATION DECISIONS; <del>NONAPPEAL</del> <u>APPEAL</u></p> <p><del>The A person aggrieved by a designation decisions decision of the State Board under this chapter are not subject to appeal</del> section 2793, <u>2793a(e)</u>, or 2793e of this title may appeal to the <u>Environmental Division</u> pursuant to 10 V.S.A. chapter 220.</p>
		<p><u>§ 6089. APPEALS (NRB)</u></p> <p>(a) Appeals of any act or decision of a District Commission under this chapter or a district coordinator under subsection 6007(c) of this title shall be made to the Environmental Division in accordance with chapter 220 of this title. For the purpose of this section, a decision of the Chair of a District Commission under</p>	<p><u>§ 8503. APPLICABILITY (E-Court)</u></p> <p>(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:</p>

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		<p>section 6001e of this title on whether action has been taken to circumvent the requirements of this chapter shall be considered an act or decision of the District Commission.</p> <p><u>(b)(1) A determination by the Downtown Development Board designating a downtown development district or neighborhood development area pursuant to 24 V.S.A. chapter 76A is appealable to the Natural Resources Board.</u></p> <p><u>(2) Procedure.</u></p> <p><u>(A) An appeal under this subsection may be brought by any person aggrieved by the determination of the Downtown Development Board.</u></p> <p><u>(B) A notice of appeal must be filed within 30 days of the determination by the Downtown Development Board.</u></p> <p><u>(C) The Natural Resources Board shall conduct all appeals under this section as contested cases pursuant to 3 V.S.A. chapter 25 and procedural rules adopted by the Natural Resources Board.</u></p>	<p>(1) The following provisions of this title:</p> <p style="text-align: center;">* * *</p> <p><u>(V) Section 6094 (allocation of costs by the Commissioner of Fish and Wildlife).</u></p> <p style="text-align: center;">* * *</p> <p><u>(h) This chapter shall govern designation decisions made by the Downtown Board pursuant to 24 V.S.A. §§ 2793, 2793a(e), or 2793e.</u></p>
<p>Municipal Response</p>	<p>Same, but different subsection number</p>	<p>10 V.S.A. 6086(g) is added to read:</p> <p><u>(g) If a municipality fails to respond to a request by the applicant within 90 days as to the impacts related to subdivision (a)(6) or (7) of this section, the application will be presumed not to have an unreasonable burden on educational, municipal, or governmental services.</u></p>	<p>Same</p>

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<p>Criterion 1(D)</p>	<p>§ 6001. DEFINITIONS * * *</p> <p>(6) “Floodway” means the channel of a watercourse which is expected to flood on an average of at least once every 100 years and the adjacent land areas which are required to carry and discharge the flood of the watercourse, as determined by the Secretary of Natural Resources with full consideration given to upstream impoundments and flood control projects “Flood hazard area” has the same meaning as under section 752 of this title.</p> <p>(7) “Floodway fringe” means an area which is outside a floodway and is flooded with an average frequency of once or more in each 100 years as determined by the Secretary of Natural Resources with full consideration given to upstream impoundments and flood control projects “River corridor” has the same meaning as under section 752 of this title.</p>	<p>Same</p>	<p>Same</p>
	<p>House bill divided Criterion 1 so that air and water pollution were separate. Senate did not, but the language is the same.</p>	<p>10 V.S.A. § 6086(a)(1)(D) is amended to read:</p> <p>(D) <u>Floodways Flood hazard areas; river corridors.</u> A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria:</p> <p>(+) the development or subdivision of lands within a <u>floodway flood hazard area or river corridor</u> will not restrict or divert the flow of flood waters, <u>cause or contribute to fluvial erosion,</u> and endanger the health, safety, and welfare of</p>	<p>Same as SNRE version</p>

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		<p>the public or of riparian owners during flooding; and  <del>(ii) the development or subdivision of lands within a floodway fringe will not significantly increase the peak discharge of the river or stream within or downstream from the area of development and endanger the health, safety, or welfare of the public or riparian owners during flooding.</del></p>	
<p>Recreational Trails</p>	<p>10 V.S.A. § 442(3) is amended to read:          (3) “Trails” means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar activities. Trails may be used for recreation, transportation, and other compatible purposes. <u>“Trails” does not include land primarily used for the operation of a motor vehicle. For purposes of this definition, “motor vehicle” shall not include all-terrain vehicles or snowmobiles.</u></p>	<p>10 V.S.A. § 442(3) is amended to read:          (3) “Trails” means land used for hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, horseback riding, and other similar activities. Trails may be used for recreation, transportation, and other compatible purposes, <u>but the primary purpose shall not be</u> the operation of a motor vehicle. <u>As used in this subdivision, “motor vehicle” shall not include all-terrain vehicles or snowmobiles.</u></p>	<p>Same as SNRE</p>
	<p>§ 6001. DEFINITIONS          * * *  <u>(50) “Recreational trail” shall have the same meaning as “trails” in subdivision 442(3) of this title.</u>  <u>(51) “Vermont trails system trail” means a recreational trail recognized by the Agency of Natural Resources pursuant to section 443 of this title. The construction, operation, and maintenance of a Vermont trails system</u></p>	<p>§ 6001. DEFINITIONS          * * *  <u>(38) “Recreational trail” has the same meaning as “trails” in subdivision 442(3) of this title.</u>  <u>(39) “Vermont trails system trail” means a recreational trail recognized by the Agency of Natural Resources pursuant to chapter 20 of this title. For purposes of this chapter, the construction, operation, and maintenance of a Vermont trails</u></p>	<p>Same as SNRE</p>

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	<p><u>trail shall be for a municipal or State purpose <b>under this chapter.</b></u></p>	<p><u>system trail shall be for a municipal, <b>county,</b> or State purpose.</u></p>	
	<p>10 V.S.A. § 6001(3)(A) is amended to read:</p> <p>(3)(A) “Development” means each of the following:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(xiii) <u>The construction of improvements for a Vermont trails system trail on a tract or tracts of land involving more than 10 acres.</u></p> <p style="padding-left: 40px;">(I) <u>This subdivision shall be the exclusive mechanism for determining jurisdiction over a <b>new or proposed</b> recreational trail that <b>is or will be a part of</b> the Vermont trails system.</u></p> <p style="padding-left: 40px;">(II) <u>This subdivision shall apply to the construction of improvements made on or after July 1, 2020.</u></p> <p style="padding-left: 40px;">(III) <u>For purposes of this subdivision, involved land includes infrastructure that <b>is necessary for the operation of the trail,</b> including restrooms, parking areas, shelters, picnic areas, kiosks, and interpretive and directional signage. Involved land does not include any recreational trail constructed before July 1, 2020.</u></p> <p style="padding-left: 40px;">(IV) <u>The total acreage of involved land shall include any ground disturbance and clearing that will occur. Area where no ground will be disturbed or cleared shall not be considered involved land.</u></p>	<p>10 V.S.A. § 6001(3)(A) is amended to read:</p> <p>(3)(A) “Development” means each of the following:</p> <p style="text-align: center;">* * *</p> <p style="padding-left: 40px;">(xi) <u>The construction of improvements for a Vermont trails system trail on a tract or tracts of land involving more than 10 acres.</u></p> <p style="padding-left: 40px;">(I) <u>This subdivision <b>(xi)</b> shall be the exclusive mechanism for determining jurisdiction over a recreational trail that is a Vermont trails system trail and shall only apply to the construction of improvements made on or after July 1, 2020.</u></p> <p style="padding-left: 40px;">(II) <u>For purposes of this subdivision (xi), involved land includes:</u></p> <p style="padding-left: 80px;">(aa) <u>land that is <b>physically altered,</b> including any ground disturbance and clearing that will occur; and</u></p> <p style="padding-left: 80px;">(bb) <u>infrastructure that is incidental to the operation of the trail, including restrooms, parking areas, shelters, picnic areas, kiosks, and interpretive and directional signage.</u></p> <p style="padding-left: 40px;">(III) <u>For purposes of this subdivision (xi), involved land does not include land where no ground will be disturbed or cleared or any Vermont trails system trail constructed before July 1, 2020.</u></p>	<p>Same as SNRE</p>

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	<p>(V) Development and subdivisions requiring a permit under another provision of this chapter shall include recreational trails for determining the amount of involved land that relates to that development but shall not consider the construction of improvements related to the trail as a part of the review of that permit application.</p>		
	<p>(vi) Recreational trails. Jurisdiction over a recreational trail shall extend only to the recreational trail and infrastructure that is necessary for the operation of the trail. Jurisdiction shall not extend to the rest of a parcel or parcels where a recreational trail is located.</p>	<p>(vi) Recreational trails. When jurisdiction over a trail has been established pursuant to subdivision (A) of this subdivision (3), jurisdiction shall extend only to the recreational trail and infrastructure that is incidental to the operation of the trail. Jurisdiction shall not extend to the remainder of a parcel or parcels where a recreational trail is located, unless otherwise determined to be jurisdictional pursuant to another provision of this chapter.</p>	<p>Same as SNRE</p>
	<p>§ 6081. PERMITS REQUIRED; EXEMPTIONS * * * (y) No permit or permit amendment shall be required for the construction of improvements on a tract of land that would provide access across a trail provided that the access is not related to the use of the permitted recreational trail and would not establish jurisdiction under 10 V.S.A, chapter 151 on its own.</p>	<p>§ 6081. PERMITS REQUIRED; EXEMPTIONS * * * (y) No permit or permit amendment shall be required for the construction of improvements on a tract of land that would provide access across a recreational trail, provided that the access is not related to the use of the permitted recreational trail and would not establish jurisdiction under this chapter on its own. (z) Notwithstanding 1 V.S.A. §213 and § 214, and until January 1, 2022, no permit is required for a Vermont trails</p>	<p>Same as SNRE</p>

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		<p>system trail recognized pursuant to chapter 20 of this title if the trail was in existence prior to July 1, 2020.</p>	
	<p>Sec. 14a. RECREATIONAL TRAILS RECOMMENDATIONS AND REPORT                  On or before December 15, 2020, the Agency of Natural Resources shall report to the House Committee on Natural Resources, Fish, and Wildlife and to the Senate Committee on Natural Resource and Energy with legislative recommendations for a best management practices driven program for Vermont trails system trails that includes technical assistance, education, and oversight from the Agency of Natural Resources. The report shall include recommendations for a strategic plan and comprehensive mapping, legislative authority to administer the program, and potential funding sources. The Agency of Natural Resources shall consult with stakeholders on the proposed program, including the Vermont Trail Alliance, the Forest Partnership, and the Vermont Agency of Transportation.</p>	<p>Sec. 22. RECREATIONAL TRAILS RECOMMENDATIONS AND REPORT                  On or before December 15, 2020, the Agency of Natural Resources shall report to the House Committee on Natural Resources, Fish, and Wildlife and to the Senate Committee on Natural Resource and Energy with legislative recommendations for a best management practices driven program for Vermont trails system trails that is administered by the Agency of Natural Resources. The report shall include recommendations for revisions to 10 V.S.A. chapter 20, including revisions to mapping, legislative authority to administer the program, potential funding sources, staffing needs, and whether to include other recreational trails. The Agency of Natural Resources shall consult with stakeholders on the proposed program, including the Vermont Trail Alliance, the Forest Partnership, and the Vermont Agency of Transportation.</p>	<p>Same as SNRE</p>
	<p>(b) 10 V.S.A. § 6001(3)(A)(xiii) shall be repealed on January 1, 2022.</p>	<p>Same</p>	<p>Same</p>
<p>Forest Blocks</p>	<p>(38) “Connecting habitat” refers to land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and</p>	<p>(40) “Connecting habitat” means land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and dispersal of</p>	<p>(40) “Connecting habitat” means land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and dispersal of</p>

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	<p><u>dispersal of wildlife and plants and the functioning of ecological processes. A connecting habitat may include recreational trails and improvements constructed for farming, logging, or forestry purposes.</u></p> <p><u>(39) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.</u></p> <p><u>(40) “Fragmentation” means the division or conversion of a forest block or connecting habitat by the separation of a parcel into two or more parcels; the construction, conversion, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure, or land, or extension of use of land. However, fragmentation does not include the division or conversion of a forest block or connecting habitat by a recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.</u></p> <p><u>(41) “Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.</u></p> <p><u>(42) As used in subdivisions (38), (39), and (40) of this section, “recreational trail” means a corridor that</u></p>	<p><u>wildlife and plants and the functioning of ecological processes. A connecting habitat may include recreational trails and improvements constructed for farming, logging, or forestry purposes.</u></p> <p><u>(41) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.</u></p> <p><u>(42) “Fragmentation” means the division or conversion of a forest block or connecting habitat by the separation of a parcel into two or more parcels; the construction, conversion, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure, or land, or extension of use of land. However, fragmentation does not include the division or conversion of a forest block or connecting habitat by a recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.</u></p> <p><u>(43) “Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.</u></p>	<p><u>wildlife and plants and the functioning of ecological processes. A connecting habitat may include features including recreational trails and improvements constructed for farming, logging, or forestry purposes.</u></p> <p><u>(41) “Forest block” means a contiguous area of forest in any stage of succession and not currently developed for nonforest use. A forest block may include features including recreational trails, wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.</u></p> <p><u>(42) “Fragmentation” means the division or conversion of a forest block or connecting habitat by the separation of a parcel into two or more parcels; the construction, conversion, relocation, or enlargement of any building or other structure, or of any mining, excavation, or landfill; and any change in the use of any building or other structure, or land, or extension of use of land. However, fragmentation does not include the division or conversion of a forest block or connecting habitat by a recreational trail or by improvements constructed for farming, logging, or forestry purposes below the elevation of 2,500 feet.</u></p> <p><u>(43) “Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.</u></p>
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	<p>is not paved and that is used for recreational purposes, including hiking, walking, bicycling, cross-country skiing, snowmobiling, all-terrain vehicle riding, and horseback riding.</p>		
	<p>(8) <u>Ecosystem protection; scenic beauty; historic sites.</u>                  (A) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, or historic sites or rare and irreplaceable natural areas.                  (A)(B) Necessary wildlife habitat and endangered species. A permit will not be granted if unless it is demonstrated by any party opposing the applicant that a development or subdivision will not destroy or significantly imperil necessary wildlife habitat or any endangered species; and or, if such destruction or imperilment will occur:                  (i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or                  (ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or</p>	<p>(8) <u>Ecosystem protection; scenic beauty; historic sites.</u>                  (A) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.                  (A)(B) Necessary wildlife habitat and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; and                  (i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or                  (ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or                  (iii) a reasonably acceptable alternative site is owned or controlled by the applicant which that would allow the development or subdivision to fulfill its intended purpose.                  (C) Will not result in an undue adverse impact on forest blocks and</p>	<p>(8) <u>Ecosystem protection; scenic beauty; historic sites.</u>                  (A) Will not have an undue adverse effect on the scenic or natural beauty of the area, aesthetics, historic sites or rare and irreplaceable natural areas.                  (A)(B) Necessary wildlife habitat and endangered species. A permit will not be granted if it is demonstrated by any party opposing the applicant that a development or subdivision will destroy or significantly imperil necessary wildlife habitat or any endangered species; and                  (i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental, or recreational loss to the public from the destruction or imperilment of the habitat or species; or                  (ii) all feasible and reasonable means of preventing or lessening the destruction, diminution, or imperilment of the habitat or species have not been or will not continue to be applied; or                  (iii) a reasonably acceptable alternative site is owned or controlled by the applicant which that would allow the development or subdivision to fulfill its intended purpose.                  (C) Will not result in an undue adverse impact on forest blocks and</p>

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<p>(iii) a reasonably acceptable alternative site is <u>not</u> owned or controlled by the applicant <del>which</del> <u>that</u> would allow the development or subdivision to fulfill its intended purpose.</p> <p><u>(C) Will not result in an undue adverse impact on forest blocks, connecting habitat, or rare and irreplaceable natural areas. If a project as proposed would result in an undue adverse impact, a permit may only be granted if effects are avoided, minimized, and mitigated in accordance with rules adopted by the Board.</u></p>	<p>connecting habitat. If a project as proposed would result in <u>fragmentation</u>, a permit may only be granted if effects are avoided, minimized, and mitigated in accordance with rules adopted by the Board.</p>	<p>connecting habitat. If a project as proposed would result in <u>an undue adverse impact</u>, a permit may only be granted if impacts are avoided, minimized, and mitigated in accordance with rules adopted by the Board.</p>
<p>Sec. 15. CRITERION 8(C) RULEMAKING</p> <p><u>(a) The Natural Resources Board (Board), in consultation with the Agency of Natural Resources shall adopt rules to implement the requirements for the administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall include:</u></p> <p><u>(1) How forest blocks and connecting habitat are further defined, including their size, location, and function, which may include:</u></p> <p><u>(A) information that will be available to the public to determine where forest blocks and connecting habitat are located; or</u></p> <p><u>(B) advisory mapping resources, how they will be made available, how they will be used, and how they will be updated.</u></p>	<p>Same</p>	<p>Sec. 21. CRITERION 8(C) RULEMAKING</p> <p><u>(a) The Natural Resources Board (Board), in consultation with the Agency of Natural Resources shall adopt rules to implement the requirements for the administration of 10 V.S.A. § 6086(a)(8)(C). Rules adopted by the Board shall include:</u></p> <p><u>(1) How forest blocks and connecting habitat are further defined, including their size, location, and function, which may include:</u></p> <p><u>(A) information that will be available to the public to determine where forest blocks and connecting habitat are located; or</u></p> <p><u>(B) advisory mapping resources, how they will be made available, how they will be used, and how they will be updated.</u></p> <p><u>(2) Standards establishing how fragmentation of forest block or connecting</u></p>

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<p>(2) <u>Standards establishing how fragmentation of forest block or connecting habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines and fence lines.</u></p> <p>(3) <u>Criteria to identify when a forest block or connecting habitat is eligible for mitigation.</u></p> <p>(4) <u>Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:</u></p> <p style="padding-left: 40px;">(A) <u>appropriate ratios for compensation;</u></p> <p style="padding-left: 40px;">(B) <u>appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and</u></p> <p style="padding-left: 40px;">(C) <u>appropriate uses of on-site and off-site mitigation.</u></p> <p>(b) <u>The Board shall convene a working group to provide input to the rule prior to prefiling with the Interagency Committee on Administrative Rules. The Board shall convene the working group on or before September 1, 2020.</u></p> <p>(c) <u>The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before September 1, 2021.</u></p>	<p>(2) <u>Standards establishing how fragmentation of forest block or connecting habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines and fence lines.</u></p> <p>(3) <u>Criteria to identify when a forest block or connecting habitat is eligible for mitigation.</u></p> <p>(4) <u>Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:</u></p> <p style="padding-left: 40px;">(A) <u>appropriate ratios for compensation;</u></p> <p style="padding-left: 40px;">(B) <u>appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and</u></p> <p style="padding-left: 40px;">(C) <u>appropriate uses of on-site and off-site mitigation.</u></p> <p>(b) <u>The Board shall convene a working group to provide input to the rule prior to prefiling with the Interagency Committee on Administrative Rules. The Board shall convene the working group on or before September 1, 2020.</u></p> <p>(c) <u>The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before September 1, 2021.</u></p>	<p>habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines, and fence lines.</p> <p>(3) <u>Criteria to identify when a forest block or connecting habitat is eligible for mitigation.</u></p> <p>(4) <u>Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:</u></p> <p style="padding-left: 40px;">(A) <u>appropriate ratios for compensation;</u></p> <p style="padding-left: 40px;">(B) <u>appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and</u></p> <p style="padding-left: 40px;">(C) <u>appropriate uses of on-site and off-site mitigation.</u></p> <p>(b) <u>The Board shall convene a working group to provide input to the rule prior to prefiling with the Interagency Committee on Administrative Rules. The Board shall convene the working group on or before <b>October 15, 2021.</b></u></p> <p>(c) <u>The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before <b>February 15, 2022.</b></u></p>	<p>habitat is avoided or minimized, which may include steps to promote proactive site design of buildings, roadways and driveways, utility location, and location relative to existing features such as roads, tree lines, and fence lines.</p> <p>(3) <u>Criteria to identify when a forest block or connecting habitat is eligible for mitigation.</u></p> <p>(4) <u>Standards for how impacts to a forest block or connecting habitat may be mitigated. Standards may include:</u></p> <p style="padding-left: 40px;">(A) <u>appropriate ratios for compensation;</u></p> <p style="padding-left: 40px;">(B) <u>appropriate forms of compensation such as conservation easements, fee interests in land, and other forms of compensation; and</u></p> <p style="padding-left: 40px;">(C) <u>appropriate uses of on-site and off-site mitigation.</u></p> <p>(b) <u>The Board shall convene a working group to provide input to the rule prior to prefiling with the Interagency Committee on Administrative Rules. The Board shall convene the working group on or before <b>October 15, 2021.</b></u></p> <p>(c) <u>The Board shall file a final proposed rule with the Secretary of State and Legislative Committee on Administrative Rules on or before <b>February 15, 2022.</b></u></p>
<p>§ 127. RESOURCE MAPPING</p>	<p>Same</p>	<p>Same</p>	<p>Same</p>

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	<p>(a) <del>On or before January 15, 2013, the</del> <u>The Secretary of Natural Resources (the Secretary)</u> shall complete and <u>maintain</u> resource mapping based on the Geographic Information System (GIS) or other technology. The mapping shall identify natural resources throughout the State, <u>including forest blocks</u>, that may be relevant to the consideration of energy projects <u>and projects subject to chapter 151 of this title</u>. The Center for Geographic Information shall be available to provide assistance to the Secretary in carrying out the <del>GIS-based</del> resource mapping.</p> <p>(b) The Secretary <del>of Natural Resources</del> shall consider the <del>GIS-based</del> resource maps developed under subsection (a) of this section when providing evidence and recommendations to the Public Utility Commission under 30 V.S.A. § 248(b)(5) and when commenting on or providing recommendations under chapter 151 of this title to District Commissions on other projects.</p> <p>(c) <u>The Secretary shall establish and maintain written procedures that include a process and science-based criteria for updating resource maps developed under subsection (a) of this section. Before establishing or revising these procedures, the Secretary shall provide opportunities for affected parties and the public to submit relevant information and recommendations.</u></p>		
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Road Rule	<p>(xii) The construction of a road or roads and any associated driveways to provide access to or within a tract of land of more than one acre owned or controlled by a person. For the purposes of determining jurisdiction under this subdivision, any new development or subdivision on a parcel of land that will be provided access by the road and associated driveways is land involved in the construction of the road. Jurisdiction under this subdivision shall not apply unless the length of the road and any associated driveways in combination is greater than 2,000 feet. As used in this subdivision, “roads” shall include any new road or improvement to a Class IV road by a private person, including roads that will be transferred to or maintained by a municipality after their construction or improvement. For the purpose of determining the length of any road and associated driveways, the length of all other roads and driveways within the tract of land constructed within any continuous period of 10 years commencing after July 1, 2020 shall be included. This subdivision shall not apply to a State or municipal road, a utility corridor of an electric transmission or distribution company, or a road used primarily for farming or forestry purposes. The conversion of a road used for farming or forestry purposes that also meets the requirements of this subdivision shall constitute development.</p>	<p>(x) The construction of a road or roads and any associated driveways to provide access to or within a tract of land of more than one acre owned or controlled by a person. For the purposes of determining jurisdiction under this subdivision, any new development or subdivision on a parcel of land that will be provided access by the road and associated driveways is land involved in the construction of the road. Jurisdiction under this subdivision shall not apply unless the length of the road and any associated driveways in combination is greater than 2,000 feet. As used in this subdivision, “roads” shall include any new road or improvement to a Class IV road by a private person, including roads that will be transferred to or maintained by a municipality after their construction or improvement. For the purposes of this subdivision, maintenance of a road shall not constitute “improvement.” For the purpose of determining the length of any road and associated driveways, the length of all other roads and driveways within the tract of land constructed within any continuous period of 10 years commencing after July 1, 2020 shall be included. This subdivision shall not apply to a State or municipal road, a utility corridor of an electric transmission or distribution company, a road used primarily for farming or forestry purposes, or a road in a designated downtown or neighbor development area. The conversion of a road used for farming or forestry purposes that also meets the</p>	<p>(x) The construction of a road or roads and any associated driveways to provide access to or within a tract or tracts of land of more than one acre owned or controlled by a person. Jurisdiction under this subdivision shall not apply unless the length of the road and any associated driveways in combination is greater than 2,000 feet. As used in this subdivision, “roads” shall include any new road or improvement to a Class IV road by a private person, including roads that will be transferred to or maintained by a municipality after their construction or improvement. For the purpose of determining the length of any road and associated driveways, the length of all other roads and driveways within the tract or tracts of land constructed within any continuous period of 10 years commencing after July 1, 2020 shall be included. This subdivision shall not apply to a State or municipal road, a utility corridor of an electric transmission or distribution company, a road used primarily for farming or forestry purposes, or a road located entirely in an enhanced village center, designated downtown, or neighbor development area. The conversion of a road used for farming or forestry purposes that also meets the requirements of this subdivision shall constitute development.</p>
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		<p><u>requirements of this subdivision shall constitute development.</u></p>	
<p>Forestry/Wood Products</p>	<p>(47) <b>“Forest-based enterprise”</b> means an <b>enterprise</b> that aggregates forest products from forestry operations and adds value through processing or marketing in the forest products supply chain or directly to consumers through retail sales. <b>“Forest-based enterprise”</b> includes sawmills; veneer mills; pulp mills; pellet mills; producers of firewood, woodchips, mulch and fuel wood; and log and pulp concentration yards. <b>“Forest-based enterprise”</b> does not include facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving forest products from forestry operations.</p> <p>(48) <b>“Forest product”</b> means logs, pulpwood, veneer wood, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and bark.</p>	<p>(44) <b>“Wood products manufacturer”</b> means a <b>manufacturer</b> that aggregates wood products from forestry operations and adds value through processing or marketing in the wood products supply chain or directly to consumers through retail sales. <b>“Wood products manufacturer”</b> includes sawmills; veneer mills; pulp mills; pellet mills; producers of firewood, woodchips, mulch, and fuel wood; and log and pulp concentration yards. <b>“Wood products manufacturer”</b> does not include facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving wood products from forestry operations.</p> <p>(45) <b>“Wood product”</b> means logs, pulpwood, veneer wood, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and bark.</p>	<p>Same as House</p>
	<p>(2) Permit conditions on a <b>forest-based enterprise</b>.</p> <p>(A) A permit condition that sets hours of operation for a <b>forest-based enterprise</b> shall only be imposed to mitigate an impact under subdivision (a)(1), (5), or (8) of this section.</p> <p>(B) Unless an impact under subdivision (a)(1) or (5) of this section would result, a permit issued to a forest-based enterprise shall allow the enterprise to ship and receive forest</p>	<p>(2) Permit conditions on a <b>wood products manufacturer</b>.</p> <p>(A) A permit condition that sets hours of operation for a <b>wood products manufacturer</b> shall only be imposed to mitigate an impact under subdivision (a)(1), (5), or (8) of this section.</p> <p>(B) If an adverse impact under subdivisions (a)(1), (5), or (8) of this section would result, a permit with conditions shall allow the manufacturer to operate while mitigating these impacts. A</p>	<p>(2) Permit conditions on a forest-based enterprise.</p> <p>(A) A permit condition that sets hours of operation for a <b>forest-based enterprise</b> shall only be imposed to mitigate an impact under subdivision (a)(1), (5), or (8) of this section.</p> <p>(B) Unless an impact under subdivision (a)(1), (5), or (8) of this section would result, a permit issued to a forest-based enterprise shall allow the enterprise to ship and receive forest products outside</p>

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<p>products <u>outside regular hours of operation</u>. These permits shall allow for deliveries of forest products from forestry operations to the enterprise outside of permitted hours of operation, including nights, weekends, and holidays, <u>for a minimum of 60 days per year</u>.</p> <p><u>(C) In making a determination under this subdivision (2) as to whether an impact exists, the District Commission shall consider the enterprise's role in sustaining forestland use and the impact of the permit condition on the forest-based enterprise. Conditions shall impose the minimum restriction necessary to address the undue adverse impact.</u></p> <p><u>(3) Permit conditions on the delivery of wood heat fuels. A permit issued to a forest-based enterprise that produces wood chips, pellets, cord wood, or other fuel wood used for heat shall allow shipment of that fuel wood from the enterprise to the end user outside permitted hours of operation, including nights, weekends, and holidays, from October 1 through April 30 of each year.</u></p> <p><u>(4) Forest-based enterprises holding a permit may request an amendment to existing permit conditions related to hours of operation and seasonal restrictions to be consistent with subdivisions (2) and (3) of this subsection. Requests for condition amendments under this subsection shall not be subject to Act 250 Rule 34E.</u></p>	<p>permit with conditions that mitigate these impacts shall allow for deliveries of wood products from forestry operations to the manufacturer outside of permitted hours of operation, including nights, weekends, and holidays, <u>for the number of days demonstrated by the manufacturer as necessary to enable business operations, not to exceed 90 days per year.</u></p> <p><u>(3) Permit with conditions on the delivery of wood heat fuels. A permit with conditions issued to a wood products manufacturer that produces wood chips, pellets, cord wood, or other fuel wood used for heat shall allow shipment of that fuel wood from the manufacturer to the end user outside permitted hours of operation, including nights, weekends, and holidays, from October 1 through April 30 of each year. Permits with conditions shall mitigate the undue adverse impacts while enabling the operations of the manufacturer.</u></p> <p><u>(4) Wood products manufacturer holding a permit may request an amendment to existing permit conditions related to hours of operation and seasonal restrictions to be consistent with subdivisions (2) and (3) of this subsection. Requests for condition amendments under this subsection shall not be subject to Act 250 Rule 34(E).</u></p>	<p>regular hours of operation. These permits shall allow for deliveries of forest products from forestry operations to the enterprise outside of permitted hours of operation, including nights, weekends, and holidays, for a minimum of 60 days per year.</p> <p><u>(C) In making a determination under this subdivision (2) as to whether an impact exists, the District Commission shall consider the enterprise's role in sustaining forestland use and the impact of the permit condition on the forest-based enterprise. Conditions shall impose the minimum restriction necessary to address the undue adverse impact.</u></p> <p><u>(3) Permit conditions on the delivery of wood heat fuels. A permit issued to a forest-based enterprise that produces wood chips, pellets, cord wood, or other fuel wood used for heat shall allow shipment of that fuel wood from the enterprise to the end user outside permitted hours of operation, including nights, weekends, and holidays, from October 1 through April 30 of each year.</u></p>
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	<p>§ 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS * * *</p> <p>(c) Mitigation and offsets for forest-based enterprises. Notwithstanding any provision of this chapter to the contrary, a conversion of primary agricultural soils by a forest-based enterprise permitted under this chapter shall be entitled to a ratio of 1:1 protected acres to acres of affected primary agricultural soil.</p>	<p>Not included</p>	<p>Same as House</p>
<p>Billback Authority</p>	<p>§ 6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND WILDLIFE</p> <p>(a) Notwithstanding any other provision of law, the Department of Fish and Wildlife shall have the authority to bill the applicant for the costs of participating in any major permit application before a District Commission, including the costs of employee application review, submissions, comments, and testimony before a District Commission related to impacts on wildlife, necessary wildlife habitat, or connecting habitat. The Department may recover those costs from the applicant after notice to the applicant, including an estimate of the costs of the personnel or services.</p> <p>(b) From time to time, the Department charging an applicant for personnel of services under this section shall provide the applicant with detailed</p>	<p>§ 6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND WILDLIFE</p> <p>(a) Notwithstanding any other provision of law, the Department of Fish and Wildlife shall have the authority to bill the applicant for the costs of participating in any major permit application before a District Commission, including the costs of employee application review, submissions, comments, and testimony before a District Commission related to impacts on natural resources under subsection 6086(a) of this title, including on wildlife, necessary wildlife habitat, or connecting habitat. The Department may recover those costs from the applicant after notice to the applicant, including an estimate of the costs of the personnel or services.</p> <p>(b) From time to time, the Department shall provide the applicant with detailed statements showing the amount of money</p>	<p>§ 6094. ALLOCATION OF COSTS; DEPARTMENT OF FISH AND WILDLIFE</p> <p>(a) Notwithstanding any other provision of law, the Department of Fish and Wildlife shall have the authority to bill the applicant for the costs of participating in any permit application before a District Commission, including the costs of employee application review, submissions, comments, and testimony before a District Commission related to impacts on natural resources under subsection 6086(a) of this title, including on wildlife, necessary wildlife habitat, or connecting habitat. The Department may recover those costs from the applicant after notice to the applicant, including an estimate of the costs of the personnel or services.</p> <p>(b) From time to time, the Department shall provide the applicant with detailed statements showing the amount of money contracted for or expended on personnel</p>



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	<p><u>statements showing the amount of money expended or contracted for in the work of such personnel and services. All funds collected from applicants under this section shall be paid directly to the Department.</u></p> <p><u>(c) An applicant to which costs are allocated under this section may petition the <b>Natural Resources Board</b> to review the costs allocated. The <b>Natural Resources Board</b> shall conduct a hearing to determine the reasonableness of the costs. The <b>Board</b> shall consider the size and complexity of the project and may revise the cost allocations if determined unreasonable.</u></p>	<p><u>contracted for or expended on personnel and services. All funds <b>for services</b> under this section shall be paid directly to the Department.</u></p> <p><u>(c) An applicant to which costs are allocated under this section may petition the <b>District Commission</b> to review the costs allocated. The <b>District Commission</b> shall conduct a hearing to determine reasonableness of the costs. The <b>District Commission</b> shall consider the size and complexity of the project and may revise the cost allocations if determined unreasonable.</u></p> <p><u>(d) <b>District Commission decisions regarding the reasonableness of fees may be appealed, by the Department or the applicant, to the Natural Resources Board in accordance with rules adopted by the Board.</b></u></p>	<p><u>and services. All funds for services under this section shall be paid directly to the Department.</u></p> <p><u>(c) An applicant to which costs are allocated under this section may appeal costs assessed by <b>the Commissioner</b> to the <b>Environmental Division pursuant to 10 V.S.A. chapter 220.</b></u></p>
		<p><u>10 V.S.A. § 6027(h) is amended to read:</u></p> <p><u>(h) The Natural Resources Board may hear appeals of fee refund requests under section 6083a of this title and of allocation of costs under section 6094.</u></p>	<p><u>§ 8503. APPLICABILITY</u></p> <p><u>(a) This chapter shall govern all appeals of an act or decision of the Secretary, excluding enforcement actions under chapters 201 and 211 of this title and rulemaking, under the following authorities and under the rules adopted under those authorities:</u></p> <p><u>(1) The following provisions of this title:</u></p> <p style="text-align: center;"><u>* * *</u></p> <p style="text-align: center;"><u>(V) Section 6094 (allocation of costs by the Commissioner of Fish and Wildlife).</u></p> <p style="text-align: center;"><u>* * *</u></p>

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			<p><u>(h) This chapter shall govern designation decisions made by the Downtown Board pursuant to 24 V.S.A. §§ 2793, 2793a(e), or 2793e.</u></p>
			<p><b>§ 6024. INTRAGOVERNMENTAL COOPERATION</b>          Other departments and agencies of State government shall cooperate with the Board and make available to it data, facilities, and personnel as may be needed to assist the Board in carrying out its duties and functions, <u>except that the Agency of Natural Resources may participate in proceedings under this chapter to the extent that resources are available.</u> There shall be established a regular schedule of project review that shall assure that all affected departments and agencies recognize and pursue their respective responsibilities. State employees whose job is to assist applicants in the permitting process established under this chapter, shall endeavor to assist all applicants regardless of the size and value of the projects involved.</p>
			<p>10 V.S.A. § 8504(o) is amended to read:          (o) With respect to review of an act or decision of the Secretary pursuant to 3 V.S.A. § 2809 or 10 V.S.A. § 6094, the Division may reverse the act or decision or amend an allocation of costs to an applicant only if the Division determines that the act, decision, or allocation was arbitrary, capricious, or an abuse of discretion. In the absence of such a determination, the Division shall require</p>

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			the applicant to pay the Secretary all costs assessed pursuant to 3 V.S.A. § 2809.
Industrial parks	<p>§ 6083a. ACT 250 FEES * * *</p> <p>(5) For projects involving the review of a master plan, <u>the fee established in subdivision (1) of this section shall be due for any portion of the proposed project for which construction approval is sought and a fee equivalent to \$0.10 per \$1,000.00 of total estimated construction costs in current dollars</u> <del>in addition to the fee established in subdivision (1) of this subsection for any portion of the project seeking construction approval shall be due for all other portions of the proposed project.</del> <u>If construction approval is sought in future permit applications, the fee established in subdivision (1) of this subsection shall be due, except to the extent that it is waived pursuant to subsection (f) of this section.</u></p> <p>* * *</p> <p>(f) <del>In the event that an application involves a project or project impacts that previously have been reviewed, the</del> <u>An applicant may petition the Chair of the District Commission to waive all or part of the application fee. If an application fee was paid previously in accordance with subdivisions (a)(1) through (4) of this section, the Chair may waive all or part of the fee for a new or revised project if the Chair finds that the impacts of the project have been</u></p>	Not included	Same as House

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	<p><del>reviewed in an applicable master permit application, or that the project is not significantly altered from a project previously reviewed, or that there will be substantial savings in the review process due to the scope of review of the previous applications.</del></p> <p><u>(1) In reviewing this petition, the District Commission shall consider the following:</u></p> <p><u>(A) Whether a portion of the project's impacts have been reviewed in a previous permit.</u></p> <p><u>(B) Whether the project is being reviewed as a major application, minor application, or administrative amendment.</u></p> <p><u>(C) Whether the applicant relies on any presumptions permitted under subsection 6086(d) of this title and has, at the time of the permit application, already obtained the permits necessary to trigger the presumptions. If a presumption is rebutted, the District Commission may require the applicant to pay the previously waived fee.</u></p> <p><u>(D) Whether the applicant has engaged in any preapplication planning that will result in a decrease in the amount of time the District Commission will have to consider the application.</u></p> <p><u>(2) The District Commission shall issue a written decision in response to any application for a fee waiver. The written decision shall address each of the factors in subdivision (1) of this subsection.</u></p>		
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	<p><u>(3) If the classification of an application is changed from an administrative amendment or minor application to a major application, the Board may require the applicant to pay the previously waived fee.</u></p> <p>(g) A Commission or the Natural Resources Board may require any permittee to file a certification of actual construction costs and may direct the payment of a supplemental fee in the event that an application understated a project's construction costs. Failure to file a certification or to pay a supplemental fee shall be grounds for permit revocation. <u>A written request for an application fee partial refund may be submitted to the district commission to which the fee was paid within 90 days of the date that the applicant files a certification pursuant to this section showing that the actual construction costs are less than the estimated construction costs for which the original permit fee was calculated.</u></p>		
			<p>10 V.S.A. § 8503(b)(1) is amended to read:          (1) all appeals from an act or decision of a District Commission under chapter 151 of this title, excluding appeals of application fee refund and waiver requests;</p>
<p>Studies</p>			<p><b>VERMONT ENVIRONMENTAL APPEALS REVIEW</b>          On or before December 15, 2021, the Secretary of Natural Resources shall make</p>

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			<p>recommendations to the House Committees on Natural Resources, Fish, and Wildlife and Judiciary and the Senate Committees on Natural Resources and Energy and Judiciary as to whether permits issued by the Secretary should be reviewed on the administrative record developed by the Secretary. In making these recommendations, the Secretary shall consult with lawyers and other interested persons who participate in Agency of Natural Resources Permitting processes.</p>
			<p><b>STUDY ON THE ROLE OF THE NATURAL RESOURCES BOARD, COMPOSITION, AND ACT 250 PERMITTING</b></p> <p>(a) On or before January 15, 2021, the Chair of the Natural Resources Board shall make recommendations to the House Committee on Natural Resources, Fish, and and the Senate Committees on Natural Resources and Energy on:</p> <p>(1) The current role of the Natural Resources Board, District Commissions, and District Coordinators in the Act 250 permitting process.</p> <p>(2) The strengths and challenges of the current structure of the Natural Resources Board based on the stakeholder outreach.</p> <p>(3) Recommendations to improve the current structure of the Natural Resources Board.</p> <p>(b) In making these recommendations, the Chair shall consult with state agencies involved in Act 250, regional planning commissions, municipalities, and persons who have participated in the Act 250 process, including concerned citizens,</p>

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			<p><u>developers, and nongovernmental organizations.</u></p>
	<p><u>VERMONT REGIONAL AND MUNICIPAL PLANNING REVIEW</u>                  (a) On or before <u>December 15, 2020</u>, the Natural Resources Board, in consultation with the Agency of Commerce and Community Development, shall submit a draft report, with recommendations, that addresses:                  (1) <u>How Sec. 7 of 1973 Acts and Resolves No. 85 (Capability and Development Plan Findings) should be incorporated into 10 V.S.A. chapter 151 and what changes should be made, if any, to the Capability and Development Plan Findings.</u>                  (2) <u>How the State should update the Capability and Development Plan authorized by 10 V.S.A. chapter 151, subchapter 3. If the recommendation is to update the Capabilities and Development Plan, the report shall provide a schedule and budget for the proposed update.</u>                  (3) <u>How 10 V.S.A. chapter 151 should require the creation of Capability and Development maps. If the recommendation is to require the creation of Capability and Development maps, the report shall identify the resources and land uses to be mapped and provide a schedule and budget for the proposed update.</u>                  (4) <u>How Capability and Development Plan Findings, the Capability and Development Plan, and</u></p>	<p>Not included</p>	<p><u>VERMONT REGIONAL AND MUNICIPAL PLANNING REVIEW</u>                  (a) On or before <u>June 15, 2021</u>, the Natural Resources Board, in consultation with the Agency of Commerce and Community Development, shall submit a draft report, with recommendations, that addresses:                  (1) <u>How Sec. 7 of 1973 Acts and Resolves No. 85 (Capability and Development Plan Findings) should be incorporated into 10 V.S.A. chapter 151 and what changes should be made, if any, to the Capability and Development Plan Findings.</u>                  (2) <u>How the State should update the Capability and Development Plan authorized by 10 V.S.A. chapter 151, subchapter 3. If the recommendation is to update the Capabilities and Development Plan, the report shall provide a schedule and budget for the proposed update.</u>                  (3) <u>How 10 V.S.A. chapter 151 should require the creation of Capability and Development maps. If the recommendation is to require the creation of Capability and Development maps, the report shall identify the resources and land uses to be mapped and provide a schedule and budget for the proposed update.</u>                  (4) <u>How Capability and Development Plan Findings, the Capability and Development Plan, and Capability and Development maps would be used in permitting under 10 V.S.A. chapter 151</u></p>

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	<p><u>Capability and Development maps would be used in permitting under 10 V.S.A. chapter 151 and how these would relate to the criteria considered under 10 V.S.A. § 6086(a).</u></p> <p><u>(5) Whether designations of village centers, growth centers, and new town centers should be appealable. If these designations are appealable, which tribunal should hear the appeal.</u></p> <p><u>(b) The Natural Resources Board shall have a public comment period of at least 30 days on the draft report required by subsection (a) of this section. The Board shall hold at least one public informational meeting on the draft report. Notice provided by the Board shall include affected State agencies, municipalities, regional planning commissions, the Vermont Planners Association, the Vermont Planning and Development Association, and other interested persons.</u></p> <p><u>(c) On or before <b>March 1, 2021</b>, the Natural Resources Board shall provide a final report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy. The final report shall incorporate recommendations from the public engagement process under subsection (b) of this section and shall contain a response to stakeholder comments as a part of the final report.</u></p>		<p><u>and how these would relate to the criteria considered under 10 V.S.A. § 6086(a).</u></p> <p><u>(5) Whether designations of village centers, growth centers, and new town centers should be appealable. If these designations are appealable, which tribunal should hear the appeal.</u></p> <p><u>(b) The Natural Resources Board shall have a public comment period of at least 30 days on the draft report required by subsection (a) of this section. The Board shall hold at least one public informational meeting on the draft report. Notice provided by the Board shall include affected State agencies, municipalities, regional planning commissions, the Vermont Planners Association, the Vermont Planning and Development Association, and other interested persons.</u></p> <p><u>(c) On or before <b>December 15, 2021</b>, the Natural Resources Board shall provide a final report to the House Committee on Natural Resources, Fish, and Wildlife and the Senate Committee on Natural Resources and Energy. The final report shall incorporate recommendations from the public engagement process under subsection (b) of this section and shall contain a response to stakeholder comments as a part of the final report.</u></p>
<p>State Designation Board</p>		<p>24 V.S.A. § 2792(a) is amended to read:</p> <p>(a) A “Vermont Downtown Development Board,” also referred to as</p>	



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		<p>the “State Board,” is created to administer the provisions of this chapter. The State Board shall be composed of the following members or their designees: * * *</p> <p>(12) <u>The executive director of the Vermont Housing and Conservation Board or designee.</u></p>	
<p>Downtown Development District Requirements- SNRE version adds affordable housing element</p>		<p>§ 2793. DESIGNATION OF DOWNTOWN DEVELOPMENT DISTRICTS * * *</p> <p>(4) <u>A housing element in its plan in accordance with subdivision 4382(10) of this title that achieves the purposes of subdivision 4302(11) of this title and that includes clear implementation steps for achieving mixed income housing, including affordable housing, a timeline for implementation, responsibility for each implementation step, and potential funding sources.</u></p> <p>(5) <u>Adopted one of the following to promote the availability of affordable housing opportunities in the municipality:</u>  <u>(A) inclusionary zoning as provided in subdivision 4414(7) of this title;</u>  <u>(B) a restricted housing trust fund with designated revenue streams;</u>  <u>(C) a housing commission as provided in section 4433 of this title; or</u>  <u>(D) impact fee exemptions or reductions for affordable housing as provided in section 5205 of this title.</u></p> <p>(c) A designation issued under this section shall be effective for eight years and may be renewed on application by the</p>	

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		<p>municipality. The State Board also shall review a community’s designation four years after issuance or renewal and may review compliance with the designation requirements at more frequent intervals. Any community applying for renewal shall explain how the designation under this section has furthered the goals of the town plan and shall submit an approved town plan map that depicts the boundary of the designated district. <u>Beginning on July 1, 2022, any community under review or seeking renewal shall comply with subdivisions (b)(4) and (5) of this section.</u> If at any time the State Board determines that the downtown development district no longer meets the standards for designation established in subsection (b) of this section, it may take any of the following actions:</p>	
<p>NDA Requirements In SNRE version adds same affordable housing requirement as DDD requirement and allows infill in flood hazard areas</p>		<p>§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF NEIGHBORHOOD DEVELOPMENT AREAS * * *</p> <p>(c) Application for designation of a neighborhood development area. The State Board shall approve a neighborhood development area if the application demonstrates and includes all of the following elements: * * *</p> <p>(5) The proposed neighborhood development area consists of those portions of the neighborhood planning area that are appropriate for new and infill</p>	

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housing, excluding identified flood hazard and fluvial erosion areas, except those areas containing preexisting development and areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule. In determining what areas are most suitable for new and infill housing, the municipality shall balance local goals for future land use, the availability of land for housing within the neighborhood planning area, and the smart growth principles. Based on those considerations, the municipality shall select an area for neighborhood development area designation that:

(A) Avoids or that minimizes to the extent feasible the inclusion of “important natural resources” as defined in subdivision 2791(14) of this title and flood hazard areas and river corridors. If an “important natural resource” is included within a proposed neighborhood development area, the applicant shall identify the resource, explain why the resource was included, describe any anticipated disturbance to such resource, and describe why the disturbance cannot be avoided or minimized. If the neighborhood development area includes flood hazard areas or river corridors, the local bylaws must contain provisions consistent with the Agency of Natural Resources rules required under 10 V.S.A. § 754(a) to ensure that new infill development within a neighborhood development area occurs outside the floodway, new development is elevated or

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floodproofed at least two feet above Base Flood Elevation, or otherwise reasonably safe from flooding, and will not cause or contribute to fluvial erosion hazards within the river corridor. If the neighborhood development area includes flood hazard areas or river corridors, local bylaws shall also contain provisions to protect river corridors outside of the neighborhood development area consistent with the Agency of Natural Resources model river corridor bylaws.

\* \* \*

(12) A housing element in its plan in accordance with subdivision 4382(10) of this title that achieves the purposes of subdivision 4302(11) of this title and that includes clear implementation steps for achieving mixed-income housing, including affordable housing, a timeline for implementation, responsibility for each implementation step, and potential funding sources.

(13) The application includes information in the proposed neighborhood development area that the municipality has adopted one of the following to promote the availability of affordable housing opportunities in the municipality:

(A) inclusionary zoning as provided in subdivision 4414(7) of this title;

(B) a restricted housing trust fund with designated revenue streams;

(C) a Housing Commission as provided in section 4433 of this title; or

(D) impact fee exemptions or reductions for affordable housing as provided in section 5205 of this title.

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\* \* \*

(5) Beginning on July 1, 2022, any community under review or seeking renewal shall comply with subdivisions (c)(12) and (13) of this section.

(f) Neighborhood development area incentives for developers. Once a municipality has a designated neighborhood development area or has a Vermont neighborhood designation pursuant to section 2793d of this title, any a proposed development within that area shall be eligible for each of the benefits listed in this subsection. These benefits shall accrue upon approval by the district coordinator, who shall review, provided that the project meets the density requirements set forth in subdivision (c)(7) of this section to determine benefit eligibility and issue a jurisdictional opinion under 10 V.S.A. chapter 151 on whether the density requirements are met, as determined by the administrative officer, as defined in chapter 117 of this title. These benefits are:

\* \* \*

(h) Alternative designation. If a municipality has completed all of the planning and assessment steps of this section but has not requested designation of a neighborhood development area, an owner of land within a neighborhood planning area may apply to the State Board for neighborhood development area designation status for a portion of land within the neighborhood planning area. The applicant shall have the responsibility to demonstrate that all of the requirements

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		<p>for a neighborhood development area designation have been satisfied and to notify the municipality that the applicant is seeking the designation. The State Board shall provide the municipality with at least 14 days' prior written notice of the Board's meeting to consider the application, and the municipality shall submit to the State Board the municipality's response, if any, to the application before or during that meeting. On approval of a neighborhood development area designation under this subsection, the applicant may proceed to obtain a jurisdictional opinion from the district coordinator under subsection (f) of this section in order to obtain <u>shall be eligible for the benefits granted to neighborhood development areas, subject to approval by the administrative officer, as provided in subsection (f) of this section.</u></p>	
Effective Dates	<p><u>This act shall take effect on passage, except that 10 V.S.A. § 6086(a)(8) (Ecosystem protection; scenic beauty; historic sites) shall take effect on September 1, 2021.</u></p>	<p><u>This act shall take effect on July 1, 2020, except that Sec. 25, 10 V.S.A. § 6086(a)(8), shall take effect on September 15, 2021.</u></p>	<p><u>This act shall take effect upon passage, except that Sec. 34, 10 V.S.A. § 6086(a)(8), shall take effect on February 15, 2022.</u></p>