

1 S.278

2 Introduced by Senators Parent and Brock

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; Act 250; airports; primary  
6 agricultural soils

7 Statement of purpose of bill as introduced: This bill proposes to exempt  
8 certain airports from the requirement to mitigate the reduction of primary  
9 agricultural soils.

10 An act relating to airport expansion and primary agricultural soil mitigation

11 It is hereby enacted by the General Assembly of the State of Vermont:

12 Sec. 1. 10 V.S.A. § 6093 is amended to read:

13 § 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS

14 (a) Mitigation for loss of primary agricultural soils. Suitable mitigation for  
15 the conversion of primary agricultural soils necessary to satisfy subdivision  
16 6086(a)(9)(B)(iv) of this title shall depend on where the project tract is located.

17 \* \* \*

18 (4) Industrial parks.

19 (A) Notwithstanding any provision of this chapter to the contrary, a  
20 conversion of primary agricultural soils located in an industrial park permitted

1 under this chapter and in existence as of January 1, 2006, shall be allowed to  
2 pay a mitigation fee computed according to the provisions of subdivision (1) of  
3 this subsection (a), except that it shall be entitled to a ratio of 1:1 protected  
4 acres to acres of affected primary agricultural soil. If an industrial park is  
5 developed to the fullest extent before any expansion, this ratio shall apply to  
6 any contiguous expansion of such an industrial park that totals ~~no~~ not more  
7 than 25 percent of the area of the park or ~~no~~ not more than 10 acres, whichever  
8 is larger; provided any expansion based on percentage does not exceed 50  
9 acres. Any expansion larger than that described in this subdivision shall be  
10 subject to the mitigation provisions of this subsection at ratios that depend  
11 upon the location of the expansion.

12 (B) In any application to a District Commission to amend a permit  
13 for an existing industrial park, the most efficient and full use of land shall be  
14 allowed consistent with all applicable criteria of subsection 6086(a) of this  
15 title. Industrial park expansions and industrial park infill shall not be subject to  
16 requirements established in subdivision 6086(a)(9)(B)(iii) or 6086(a)(9)(C)(iii)  
17 of this title.

18 (5) State-owned airports. Notwithstanding 1 V.S.A. § 214 or any  
19 provision of this chapter to the contrary, the conversion of primary agricultural  
20 soils by a development or subdivision by a State-owned airport shall not be  
21 required to conduct mitigation or pay a mitigation fee under this section if:

1           (A)(i) the development or subdivision is the result of land  
2           acquisition, improvement, or maintenance authorized under 5 V.S.A. chapter  
3           15, subchapter 6; or

4           (ii) the development or subdivision was authorized under the  
5           Federal Aviation Administration airport master plan for the State-owned  
6           airport; and

7           (B) the State-owned airport obtains any permit or permit amendment  
8           that may be required under this chapter for the development or subdivision.

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10       Sec. 2. EFFECTIVE DATE

11       This act shall take effect on passage.