

Topic	Joint Proposal	19-0040- Dr 9.2
Critical Resource Area		<p>§ 6001 DEFINITIONS</p> <p>(45) <u>“Critical resource area” means a river corridor, a significant wetland as defined under section 902 of this title, land at or above 2,000 feet, a ridgeline, and land characterized by slopes greater than 15 percent and shallow depth to bedrock.</u></p> <p>(3)(A) "Development" means each of the following:</p> <p>(vi) The construction of improvements for commercial, industrial, or residential use <u>at or above the elevation of 2,500 2,000 feet or in a critical resource area below that elevation.</u></p> <p>(v) <u>A tract or tracts of land, owned or controlled by a person, located in a critical resource area, that have been partitioned or divided for the purpose of resale.</u></p>
Ridgelines	<p>§ 6001 DEFINITIONS</p> <p>(3)(A) "Development" means each of the following:</p> <p>(xi) <u>The construction of improvements for commercial, industrial or residential use at an elevation of at least 1,500 feet and within 200 feet below the elevation of any portion of a ridgeline. For purposes of this subdivision, “ridgeline” means the elongated crest or series of crests at the apex or uppermost point of intersection between two opposite slopes or sides of a mountain and includes all land. This subdivision shall not apply to the construction of improvements for agricultural or forestry uses.</u></p>	<p>§ 6001 DEFINITIONS</p> <p>(50) <u>“Ridgeline” means a line marking or following a ridge, top of a hill, or ledged area, behind which is open space or horizon.</u></p>

<p>Road Rule</p>	<p>§ 6001 DEFINITIONS (3)(A) "Development" means each of the following:</p> <p><u>(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 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 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 for the purpose of accessing a development or subdivision, 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 ten years commencing after July 1, 2020 shall be included. This subdivision shall not apply to a state or municipal road or a road used exclusively for agricultural or forestry purposes.</u></p>	<p>§ 6001 DEFINITIONS (3)(A) "Development" means each of the following:</p> <p><u>(xii) The construction of improvements for a road or roads, incidental to the sale or lease of land, 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, any parcel of land that will be provided access by the road is land involved in the construction of the road. This jurisdiction shall not apply unless the road is to provide access to more than five parcels or is to be more than 800 feet in length. For the purpose of determining the length of a road, the length of all other roads within the tract of land constructed within any continuous period of ten years commencing after July 1, 2020 shall be included.</u></p>
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<p>Exemption of Certain Transportation Projects</p>	<p>§ 6001 DEFINITIONS</p> <p>(3)(A) "Development" means each of the following:</p> <p style="padding-left: 40px;"><u>(II) land that was previously disturbed as the result of construction of a transportation facility shall be excluded provided that the facility subject to this exclusion is a transportation facility, the project is funded in whole or in part by federal aid, and the project complies with the terms of the memorandum of understanding required by 19 V.S.A. § 7(1). This exclusion shall not apply to the creation of new or additional points of access to, or exit from, the interstate highway systems. For purposes of this subdivision, “previously disturbed” land that has been changed by previous installation of transportation facilities including roads, railroads, runways, trails, sidewalks, ditching, drainage features, ledge removal, utility work, clear zones or other similar features associated with such facilities.</u></p>	<p>N/A</p>
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<p>Interstate Interchanges</p>	<p>§ 6001 DEFINITIONS (3)(A) "Development" means each of the following:</p> <p><u>(xiii) The construction of improvements for commercial or industrial use within 2000 feet of a point of access to or exit from the interstate highway system as measured from the midpoint of the interconnecting roadways, unless a regional planning commission has determined, at the request of the municipality where the interchange is located or any municipality with land in the 2,000ft radius, that municipal ordinances or bylaws applicable to properties around the interchange:</u></p> <p><u>(I) Ensure that planned development patterns will maintain the safety and function of the interchange area for all road users, including non-motorized, for example, by limiting curb cuts, and by sharing parking and access points and parcels will be interconnected to adjoining parcels wherever physically possible.</u></p> <p><u>(II) Ensure that development will be undertaken in a way that preserves scenic characteristics both at and beyond the project site. This shall include a determination that site and building design fit the context of the area.</u></p> <p><u>(III) Ensure that development does not destroy or compromise necessary wildlife habitat or endangered species.</u></p> <p><u>(IV) The uses allowed in the area will not impose a burden on the financial capacity of a town or the state.</u></p> <p><u>(V) Allowed land uses must be of a type, scale, and design that complement rather than compete with uses that exist in designated downtowns, village centers, growth centers, or other regional growth areas. Principle retail should be discouraged or prohibited in highway interchange areas.</u></p> <p><u>(VII) Development in this area may not establish or contribute to a pattern of strip development. Where strip development already exists, development in this area must</u></p>	<p>§ 6001 DEFINITIONS <u>(47) "Interchange area" means the land within a 3,000-foot radius of an interstate interchange, except for land within an existing settlement. The radius shall be measured from the midpoint of the interconnecting roadways within the interchange.</u></p> <p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA (a) <u>Criteria.</u> Before granting a permit, the District Commission shall find that the subdivision or development:</p> <p><u>(I) Interchange areas. A permit will be granted for a development or subdivision within an interchange area when it is demonstrated that, in addition to all other applicable criteria, the development or subdivision complies with the Vermont Interstate Interchange Planning and Design Guidelines applicable to the category of land use as identified for that area in the regional plan. As used in this subdivision (I), "Vermont Interstate Interchange Planning and Design Guidelines" refers to the guidelines by that name published by the Agency of Commerce and Community Development in 2004 or such update to those guidelines as the Commissioner of Housing and Community Development may subsequently publish, provided that the update is at least as protective of existing settlements, scenic beauty and aesthetics, farmland, and natural resources as the 2004 guidelines.</u></p> <p>§ 6087. DENIAL OF APPLICATION (b) A permit may not be denied solely for the reasons set forth in subdivisions 6086(a)(5), (6), and (7) of this title. However, reasonable <u>Reasonable</u> conditions and requirements allowable in subsection 6086(c) of this title may be attached to alleviate the burdens created. However, a permit may be denied under subdivision 6086(a)(5) of this title if the permit is for development in an interchange area that is not within an existing settlement.</p>
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	<p><u>be infill that minimizes the characteristics of strip development.</u></p> <p><u>(VIII) Site design must use space efficiently by siting buildings close together, minimizing paved services, locating parking to the side and rear, and minimizing the use of one story buildings.</u></p> <p><u>(IX) The allowed uses, patterns of development, and aesthetics of development in these areas must conform with the regional plan.</u></p> <p><u>(X) The allowed uses, patterns of development, and aesthetics of development in these areas must be consistent with the goals of 24 V.S.A. §4302.</u></p>	
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<p>Floodways</p>	<p>Same definitions as 19-0040</p> <p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>Criterion 1</p> <p>(D) Floodways<u>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>(i) the development or subdivision of lands within a floodway <u>flood hazard area or river corridor</u> will not restrict or divert the flow of flood waters, <u>cause or contribute to fluvial erosion, and will not endanger the health, safety and welfare of the public or of riparian owners during flooding;</u> and</p> <p>(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.</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>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>New Criterion 2</p> <p>(D) Floodways<u>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>(i) the development or subdivision of lands within a floodway <u>flood hazard area or river corridor</u> will not restrict or divert the flow of flood waters, <u>cause or contribute to fluvial erosion, and endanger the health, safety and welfare of the public or of riparian owners during flooding;</u> and</p> <p>(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.</p>
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<p>Rivers Program</p>	<p>§ 754. FLOOD HAZARD AREA RULES; USES EXEMPT FROM MUNICIPAL REGULATION</p> <p>(2) <u>On or before November 1, 2022, the Secretary shall adopt rules pursuant to 3 V.S.A. chapter 25 that designate highest priority river corridors and establish requirements for the issuance and enforcement of permits applicable to uses located in highest priority river corridors. Highest priority river corridors are those that provide critical floodwater storage or are highly vulnerable to flood related erosion.</u></p> <p style="text-align: center;">* * *</p> <p>(B) <u>Beginning November 1, 2021, a person shall not commence construction of a development or subdivision that is subject to a permit under 10 V.S.A. chapter 151 without a permit issued pursuant under the rules required under subsection (a) of this section by the Secretary or by a State agency delegated permitting authority under subsection (g) of this section;</u></p> <p>(C) <u>Beginning November 1, 2023, a person shall not commence or conduct a use that is located in a highest priority river corridor without a permit issued pursuant under the rules required under subsection (a) of this section by the Secretary or by a State agency delegated permitting authority under subsection (g) of this section.</u></p>	
<p>Criterion 5-Traffic</p>	<p>Same as 19-0040</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(5)(A) <u>Transportation.</u> Will not cause unreasonable congestion or unsafe conditions with respect to use of the highways,; waterways,; railways,; airports and airways,; <u>bicycle, pedestrian, and other transit infrastructure;</u> and other means of transportation existing or proposed.</p> <p>(B) As appropriate, will <u>Will</u> incorporate transportation demand management strategies and provide safe <u>use, access, and connections to adjacent lands and facilities</u></p>

		<p>and to existing and planned pedestrian, bicycle, and transit networks and services. In determining appropriateness under this subdivision (B) <u>However</u>, the District Commission shall consider whether <u>may decline to require</u> such a strategy, access, or connection constitutes a measure <u>if it finds</u> that a reasonable person would take <u>not undertake the measure</u> given the type, scale, and transportation impacts of the proposed development or subdivision.</p>
<p>Municipal Impacts</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(6) Will not cause an unreasonable burden on the ability of a municipality to provide educational services. <u>If a municipality fails to respond to a request by the Board within 90 days as to the impacts, they will be presumed not to have an unreasonable burden on educational services.</u></p> <p>(7) Will not place an unreasonable burden on the ability of the local governments to provide municipal or governmental services. <u>If a municipality fails to respond to a request by the Board within 90 days as to the impacts, they will be presumed not to have an unreasonable burden on municipal or governmental services.</u></p>	<p>N/A</p>
<p>Forest Blocks and Connecting Habitat</p>	<p>Same definitions for Connecting habitat and Forest Block</p>	<p>§ 6001 DEFINITIONS</p> <p>(38) <u>“Connecting habitat” refers to land or water, or both, that links patches of habitat within a landscape, allowing the movement, migration, and 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>(39) <u>“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,</u></p>

	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(8) <u>Ecosystem protection; scenic beauty; historic sites.</u></p> <p>(A) Will not have an undue adverse effect on the scenic or natural beauty of the area; aesthetics; <u>or</u> historic sites; or rare and irreplaceable natural areas.</p> <p>(B)(A) Necessary wildlife habitat and endangered species. A permit will not be granted <u>unless</u> if it is demonstrated by any party opposing the applicant that a development or subdivision will <u>not</u> destroy or significantly imperil necessary wildlife habitat or any endangered species; and <u>or, if such destruction or imperilment will occur:</u></p> <p>(i) the economic, social, cultural, recreational, or other benefit to the public from the development or subdivision will not outweigh the economic, environmental,</p>	<p><u>wetlands, or other natural features that do not themselves possess tree cover and improvements constructed for farming, logging, or forestry purposes.</u></p> <p>(40) <u>“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>(41) <u>“Habitat” means the physical and biological environment in which a particular species of plant or wildlife lives.</u></p> <p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(8) <u>Ecosystem protection; scenic beauty; historic sites.</u> 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.</p> <p>(A) Necessary wildlife habitat and endangered species. A permit will not be granted <u>if unless</u> it is demonstrated by any party opposing the applicant that a development or subdivision will <u>not</u> destroy or significantly imperil necessary wildlife habitat or any endangered species; and <u>or, if such destruction or imperilment will occur:</u></p> <p>(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</p>
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<p>or recreational loss to the public from the destruction or imperilment of the habitat or species; or</p> <p>(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>(iii) a reasonably acceptable alternative site is <u>not</u> owned or controlled by the applicant <u>that</u> which 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>(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>(iii) a reasonably acceptable alternative site is <u>not</u> owned or controlled by the applicant which <u>that</u> would allow the development or subdivision to fulfill its intended purpose.</p> <p><u>(B) Forest blocks.</u></p> <p><u>(i) A permit will not be granted for a development or subdivision within or partially within a forest block unless the applicant demonstrates that:</u></p> <p><u>(I) the development or subdivision will avoid fragmentation of the forest block through the design of the project or the location of project improvements, or both; or</u></p> <p><u>(II) it is not feasible to avoid fragmentation of the forest block and the design of the development or subdivision minimizes fragmentation of the forest block.</u></p> <p><u>(ii) Methods for avoiding or minimizing the fragmentation of a forest block may include:</u></p> <p><u>(I) Locating buildings and other improvements and operating the project in a manner that avoids or minimizes incursion into and disturbance of the forest block, including clustering of buildings and associated improvements.</u></p> <p><u>(II) Designing roads, driveways, and utilities that serve the development or subdivision to avoid or minimize fragmentation of the forest block. Such design may be accomplished by following or sharing existing features on the land such as roads, tree lines, stone walls, and fence lines.</u></p> <p><u>(C) Connecting habitat.</u></p> <p><u>(i) A permit will not be granted for a development or subdivision unless the applicant demonstrates that:</u></p> <p><u>(I) the development or subdivision will avoid fragmentation of a connecting habitat through the design of the project or the location of project improvements, or both; or</u></p>
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		<p><u>(II) it is not feasible to avoid fragmentation of the connecting habitat and the design of the development or subdivision minimizes fragmentation of the connector.</u></p> <p><u>(ii) Methods for avoiding or minimizing the fragmentation of a connecting habitat may include:</u></p> <p><u>(I) locating buildings and other improvements at the farthest feasible location from the center of the connector;</u></p> <p><u>(II) designing the location of buildings and other improvements to leave the greatest contiguous portion of the area undisturbed in order to facilitate wildlife travel through the connector; or</u></p> <p><u>(III) when there is no feasible site for construction of buildings and other improvements outside the connector, designing the buildings and improvements to facilitate the continued viability of the connector for use by wildlife.</u></p>
<p>Criterion 9(K)</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(K) Development affecting public investments. A permit will be granted for the development or subdivision of lands adjacent to governmental and public utility facilities, services, and lands, including highways, airports, waste disposal facilities, office and maintenance buildings, fire and police stations, universities, schools, hospitals, prisons, jails, electric generating and transmission facilities, oil and gas pipe lines, parks, hiking trails, and forest and game lands, <u>lands conserved under chapter 155 of this title, and facilities or lands receiving benefits through the Vermont Housing Conservation Board under chapter 15 of this title,</u> when it is demonstrated that, in addition to all other applicable criteria, the development or subdivision will not unnecessarily or unreasonably endanger the public or quasi-public investment in the facility, service, or lands, or materially jeopardize or interfere with the function, efficiency, or safety of, or the public's use or enjoyment of or access to the facility, service, or lands.</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(K) Development affecting public investments. A permit will be granted for the development or subdivision of lands adjacent to governmental and public utility facilities, services, and lands, including highways, airports, waste disposal facilities, office and maintenance buildings, fire and police stations, universities, schools, hospitals, prisons, jails, electric generating and transmission facilities, oil and gas pipe lines, parks, hiking trails, and forest, and game lands, <u>lands conserved under chapter 155 of this title, and facilities or lands receiving benefits through the Vermont Housing and Conservation Board under chapter 15 of this title, the State Designation Program under 24 V.S.A. chapter 76A, or the Vermont Downtown and Village Center Tax Credit Program under 32 V.S.A. chapter 151, subchapter 11J,</u> when it is demonstrated that, in addition to all other applicable criteria, the development or subdivision will not unnecessarily or unreasonably endanger the public or quasi-public investment in the facility, service, or lands, or materially jeopardize or</p>

		interfere with the function, efficiency, or safety of, or the public’s use or enjoyment of or access to the facility, service, or lands.
Criterion 9(F)	(F) Energy conservation. A permit will be granted when it has been demonstrated by the applicant that, in addition to all other applicable criteria, the planning and design of the subdivision or development reflect the principles of energy conservation, including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy. An applicant seeking an affirmative finding under this criterion shall provide evidence that the subdivision or development complies with the applicable building energy standards under 30 V.S.A. § 51 or 53, <u>including the stretch code for residential buildings adopted pursuant to 30 V.S.A. §51(d).</u>	(F) Energy conservation <u>and efficiency</u> . A permit will be granted when it has been demonstrated by the applicant that, in addition to all other applicable criteria, the planning and design of the subdivision or development reflect the principles of energy conservation <u>and energy efficiency</u> , including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy. An applicant seeking an affirmative finding under this criterion shall provide evidence, <u>by certification and established through inspection</u> , that the subdivision or development complies with the applicable building energy standards <u>and stretch codes</u> under 30 V.S.A. § 51 or 53. <u>The Board shall adopt rules establishing an inspection process.</u>
Climate Change Criteria	§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA (9) (M) <u>Climate adaptation. The development or subdivision will employ building orientation, site and landscape design, and building design that are sufficient to enable the improvements to be sited and constructed, including buildings, roads, and other infrastructure, to withstand and adapt to the effects of climate change, including extreme temperature events, wind, and precipitation reasonably projected at the time of application.</u>	§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA (1) <u>Air pollution. Will not result in undue water or air pollution. In making this determination, the District Commission shall at least consider: the air contaminants, greenhouse gas emissions, and noise to be emitted by the development or subdivision, if any; the proximity of the emission source to residences, population centers, and other sensitive receptors; and emission dispersion characteristics at or near the source.</u> (A) <u>Air contaminants. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria, the emission, if any, of air contaminants by the development or subdivision will meet any applicable requirement under the Clean Air Act, 42 U.S.C.</u>

		<p><u>chapter 85, and the air pollution control regulations of the Department of Environmental Conservation.</u></p> <p><u>(B) Greenhouse gas emissions; climate change. A permit will be granted whenever it is demonstrated by the applicant that, in addition to all other applicable criteria:</u></p> <p><u>(i) The construction, use, operation, and maintenance of the development or subdivision will:</u></p> <p><u>(I) avoid the emission of greenhouse gases, including greenhouse gases from the vehicular traffic to be generated by the development or subdivision;</u></p> <p><u>(II) if it is not feasible to avoid such emissions, will minimize them; or</u></p> <p><u>(III) if it is not feasible to avoid or minimize such emissions, will mitigate them in accordance with rules adopted by the Board. Any offsets used shall be third-party verified and enforceable by the applicant and its successors and assigns and by the State of Vermont. The rules shall be adopted in consultation with the Secretary of Natural Resources and shall comply with the greenhouse gas reduction goals of section 578 of this title. The rules shall only allow mitigation when demonstrated by the applicant that it is not feasible to avoid or minimize emissions.</u></p> <p><u>(ii) The development or subdivision will employ design and materials that are sufficient to enable the improvements to be constructed, including buildings, roads, and other infrastructure, to withstand and adapt to the effects of climate change, including extreme temperature events, wind, and precipitation reasonably projected at the time of application.</u></p>
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<p>Criterion 10</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(10) <u>Local plans.</u> Is in conformance with any duly adopted local or plan <u>that has been approved under 24 V.S.A. § 4350, regional plan, or capital program under 24 V.S.A. chapter 117 § 4430. In making this finding, if:</u></p> <p>(A) <u>The Board shall require conformance with the land use maps contained in the local and regional plans and with the written provisions of those plans.</u></p> <p>(B) <u>The Board shall decline to apply a provision of a local or regional plan only if the Board determines that the provision does not afford a person of ordinary intelligence with a reasonable opportunity to understand what the provision directs, requires, or proscribes.</u></p> <p>(C) <u>If the District Commission Board finds applicable provisions of the town plan to be ambiguous, the District Commission Board, for interpretive purposes, shall consider bylaws, but only to the extent that they implement and are consistent with those provisions, and need not consider any other evidence</u></p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(10) <u>Local and regional plans.</u> Is in conformance with any duly adopted local or <u>plan that has been approved under 24 V.S.A. § 4350, regional plan that has been approved by the Board under 24 V.S.A. § 4348, or capital program under 24 V.S.A. chapter 117 § 4430. In making this finding, if:</u></p> <p>(A) <u>A District Commission shall require conformance with the future land use maps contained in the local and regional plans and with the written provisions of those plans.</u></p> <p>(B) <u>A District Commission shall decline to apply a provision of a local or regional plan only if the Commission is persuaded that the provision does not afford a person of ordinary intelligence with a reasonable opportunity to understand what the provision directs, requires, or proscribes.</u></p> <p>(C) <u>If the District Commission finds applicable provisions of the town plan to be ambiguous, the District Commission, for interpretive purposes, shall consider bylaws, but only to the extent that they implement and are consistent with those provisions, and need not consider any other evidence.</u></p>
<p>Municipal Planning</p>	<p>Sec. 11. VERMONT REGIONAL AND MUNICIPAL PLANNING REVIEW</p> <p>(a) <u>On or before December 15, 2020, the Natural Resources Board, in consultation with the Agency of Commerce and Community Development, shall develop shall publish a draft report, with recommendations, that addresses:</u></p> <p>(1) <u>whether Sec. 7 of No. 85 of the Acts and Resolves of 1973 (capability and development findings) should be incorporated into 10 V.S.A. chapter 151 and what changes</u></p>	<p>§ 6000. PURPOSE; CONSTRUCTION</p> <p><u>The purposes of this chapter are to protect and conserve the environment of the State and to support the achievement of the goals of the Capability and Development Plan and of 24 V.S.A. § 4302(c). The chapter shall be construed broadly to effect these purposes.</u></p> <p>In 1973 Acts and Resolves No. 85, Sec. 7(a)(20) is added to read:</p> <p>(20) <u>GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE</u></p>

<p><u>should be made, if any, to the capability and development findings.</u></p> <p><u>(2) whether 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 Agency shall provide a schedule and budget for the proposed update.</u></p> <p><u>(3) whether 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 Agency shall identify the resources and land uses to be mapped and provide a schedule and budget for the proposed update.</u></p> <p><u>(4) makes recommendations on how capability and development findings, the capability and development plan, and 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) how regional plans are reviewed and approved, including any existing or new administrative body to conduct that review; If a review is recommended, what State Agency should perform that review.</u></p> <p><u>(6) whether designations of growth centers and new town centers should be appealable. If these designations are appealable, what 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>Climate change poses serious risks to human health and safety, functioning ecosystems that support a diversity of species and economic growth, and Vermont’s tourist, forestry, and agricultural industries. The primary driver of climate change in Vermont and elsewhere is the increase of atmospheric carbon dioxide from the burning of fossil fuels, which has a warming effect that is amplified because atmospheric water vapor, another greenhouse gas, increases as temperature rises. Vermont should minimize its emission of greenhouse gases and, because the climate is changing, ensure that the design and materials used in development enable projects to withstand an increase in extreme weather events and adapt to other changes in the weather and environment.</u></p> <p>1973 Acts and Resolves No. 85, Sec. 7(a)(2) is amended to read:</p> <p>(2) <u>ECOSYSTEM PROTECTION AND UTILIZATION OF NATURAL RESOURCES</u></p> <p>(A) <u>Healthy ecosystems clean water, purify air, maintain soil, regulate the climate, recycle nutrients, and provide food. They provide raw materials and resources for medicines and other purposes. They are at the foundation of civilization and sustain the economy. These ecosystem services are the state’s natural capital.</u></p> <p>(B) <u>Biodiversity is the key indicator of an ecosystem’s health. A wide variety of species copes better with threats than a limited number of species in large populations.</u></p> <p>(C) <u>Products of the land and the stone and minerals under the land, as well as the beauty of our landscape are principal natural resources of the state.</u></p> <p>(D) <u>Preservation Protection of healthy ecosystems in Vermont, preservation of the agricultural and forest productivity of the land; and the economic viability of agricultural units, conservation of the recreational opportunity afforded by the state’s hills, forests, streams and lakes, wise</u></p>
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	<p><u>(c) On or before March 1, 2021, the Natural Resources Board shall provide a final report to the House Committee on Natural Resources and Energy and 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>use of the state’s non-renewable earth and mineral reserves, and protection of the beauty of the landscape are matters of public good. Uses which threaten or significantly inhibit these <u>healthy ecosystems and the state’s natural and scenic resources</u> should be permitted only when the public interest is clearly benefited thereby.</p> <p>§ 6030. MAP OF WIRELESS TELECOMMUNICATIONS FACILITIES <u>CAPABILITY AND DEVELOPMENT MAPS</u></p> <p>The Board shall maintain a map that shows the location of all wireless telecommunications facilities in the State.</p> <p><u>(a) Updates. On or before January 1, 2021, the Board and the Secretaries of Commerce and Community Development, of Digital Services, of Agriculture, Food and Markets, and of Natural Resources shall complete an update to the capability and development maps created under this chapter in 1971 for reference in applying this chapter. Maps updated pursuant to this section shall be consistent with the Capability and Development Plan and shall include and identify environmental constraints, existing settlements, rural and working lands areas, critical resource areas, facilities and infrastructure, and areas targeted for conservation, public investment, and development. The Board and these Secretaries shall complete further updates to these maps not less frequently than every eight years. The Board shall lead and coordinate the completion of updates pursuant to this section.</u></p> <p><u>(b) Process. When updating maps pursuant to this section, the Board and Secretaries shall, prior to completing the update:</u></p> <ul style="list-style-type: none"> <u>(1) consult with the regional planning commissions; and</u> <u>(2) issue a draft update, provide public notice of the draft update, and offer an opportunity for written public comment and conduct one or more public meetings to receive oral comment on the draft update.</u>
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<p>30 Day Notice Requirement</p>	<p>§ 6084. NOTICE OF APPLICATION; HEARINGS; COMMENCEMENT OF REVIEW</p> <p><u>(a) The plans for the construction of any development or subdivision subject to the permitting requirements of this subchapter must be submitted by the petitioner to the municipal and regional planning commissions, affected state agencies, and adjoining landowners no less than 30 days prior to filing an application under this chapter, unless the municipal and regional planning commissions and affected state agencies waive such requirement.</u></p> <p><u>(1) The municipal or regional planning commission may take one or more of the following actions:</u></p> <p><u>(A) Hold a public hearing on the proposed plans. The planning commission may request that the applicant attend the hearing. The applicant shall have an obligation to comply with such a request.</u></p> <p><u>(B) Make recommendations to the applicant within 30 days of the petitioner's submittal to the planning commission under this subsection.</u></p> <p><u>(C) Once the application is filed with the Board, make recommendations to the Board by the deadline for submitting comments or testimony set forth in the applicable provision of this section, Board rule, or scheduling order issued by the Board.</u></p> <p><u>(2) The application shall address the substantive written comments related to the criteria of subsection 6086(a) of this title received by the petitioner within 30 days of the submittal made under this subsection and the substantive oral comments related to those criteria made at a public hearing under subdivision (1) of this subsection.</u></p> <p><u>(3) This subsection shall not apply to projects that have been designated as using simplified procedures pursuant to 6025(b)(1) or which are administrative amendments</u></p>	<p>N/A</p>
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<p>Conditions on Forest Processing</p>	<p>§ 6001</p> <p><u>(40) “Forest-based enterprise” means an enterprise 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. “Forest-based enterprise” includes sawmills; veneer mills; pulp mills; pellet mills; producers of firewood, woodchips, mulch and fuel wood; and log and pulp concentration yards. “Forest-based enterprise” 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.</u></p> <p><u>(41) “Forest product” means logs, pulpwood, veneer wood, bolt wood, wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and bark.</u></p> <p>§ 6086 ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p><u>(2) Permit conditions on a forest-based enterprise.</u></p> <p><u>(A) A permit condition restricting a forest-based enterprise’s hours of operation shall only be imposed when the absence the condition would result in an impact under the criteria pursuant to subdivision (a)(1), (5), or (8) of this section.</u></p> <p><u>(B) Permits issued for a forest-based enterprise shall allow the enterprise to ship and receive forest products, including delivery from the forestry operation to the enterprise, during hours outside permitted hours of operation, including nights, weekends, and holidays, for a minimum of 60 days per year unless there would be an impact under the criteria pursuant to subdivision (a)(1) or (5) of this section.</u></p> <p><u>(C) In making a determination for conditions under this subdivision (2) as to whether an impact exists, the</u></p>	<p>N/A</p>
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	<p><u>Board shall consider the benefits to forests, forest resources resulting from the forest-based enterprise, and the impact to the operation of the forest-based enterprise that would result from a condition and 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 fuels used for heat. Permits issued for a forest-based enterprise that produces wood chips, pellets, cord wood, and other fuel wood used for heat shall authorize the shipment from the enterprise of wood heat fuels to the end user during hours 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>	
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<p>Prime Ag mitigation for forest-based enterprises</p>	<p>§ 6093. MITIGATION OF PRIMARY AGRICULTURAL SOILS</p> <p style="text-align: center;">* * * Alternative 1 * * *</p> <p><u>(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:</u></p> <p style="padding-left: 40px;"><u>(1) entitled to a ratio of 1:1 protected acres to acres of affected primary agricultural soil; and</u></p> <p style="padding-left: 40px;"><u>(2) be allowed to mitigate impacts to primary agricultural soil by:</u></p> <p style="padding-left: 80px;"><u>(A) paying a mitigation fee computed according to the provisions of subdivision (1) of this subsection (a); or</u></p> <p style="padding-left: 80px;"><u>(B) in accordance with a methodology developed by the Commissioner of Forests, Parks, and Recreation, show that the forest based enterprise will offset the impacts to primary agricultural soils through conservation of an equivalent or greater acreage of forested area.</u></p> <p style="text-align: center;">* * * Alternative 2 * * *</p> <p><u>(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.</u></p>	<p>N/A</p>
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<p>Permit Presumptions</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(d) <u>State and local permits; presumptions.</u></p> <p>(1) <u>State permits.</u></p> <p>(A) The Natural Resources Board may by rule shall allow the acceptance of a permit or permits or approval of any State agency with respect to subdivisions (a)(1) through (5) of this section or in lieu of evidence by the applicant. <u>The presumption established by this subdivision (1) shall only apply to the issues addressed as a part of the terms of the permit.</u></p> <p>(B) <u>In the case of permits issued by the Agency of Natural Resources, technical determinations of the Agency shall be accorded substantial deference by the Board.</u></p> <p>(C) <u>The acceptance of such permit or permits shall create a presumption that the application is not detrimental to the public health and welfare with respect to the specific requirement for which it is accepted.</u></p> <p>(2) <u>Municipal permits.</u></p> <p>(A) <u>The Board may by rule allow</u> a permit or permits of a specified municipal government with respect to subdivisions (a)(1) through (7) and (9) and (10) of this section, or a combination of such permits or approvals, in lieu of evidence by the applicant. <u>The presumption established by this subdivision shall only apply to the issues addressed as a part of the terms of the permit.</u></p> <p>(B) A District Commission, in accordance with rules adopted by the Board, shall accept determinations issued by a development review board under the provisions of 24 V.S.A. § 4420, with respect to local Act 250 review of municipal impacts.</p> <p>(C) The acceptance of such approval, positive determinations, permit, or permits shall create a presumption that the application is not detrimental to the public health and welfare with respect to the specific</p>	<p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(d) <u>Other permits and approvals; presumptions.</u> The Natural Resources Board may by rule allow the acceptance of a permit or permits or approval of any State agency with respect to subdivisions (a)(1) through (5) of this section or a permit or permits of a specified municipal government with respect to subdivisions (a)(1) through (7) and (9) and (10) of this section, or a combination of such permits or approvals, in lieu of evidence by the applicant. A District Commission, in accordance with rules adopted by the Board, shall accept determinations issued by a development review board under the provisions of 24 V.S.A. § 4420, with respect to local Act 250 review of municipal impacts. The acceptance of such approval, positive determinations, permit, or permits shall create a presumption that the application is not detrimental to the public health and welfare with respect to the specific requirement for which it is accepted. In the case of approvals and permits issued by the Agency of Natural Resources, technical determinations of the Agency shall be accorded substantial deference by the Commissions. The acceptance of negative determinations issued by a development review board under the provisions of 24 V.S.A. § 4420, with respect to local Act 250 review of municipal impacts shall create a presumption that the application is detrimental to the public health and welfare with respect to the specific requirement for which it is accepted. Any determinations, positive or negative, under the provisions of 24 V.S.A. § 4420 shall create presumptions only to the extent that the impacts under the criteria are limited to the municipality issuing the decision. Such a rule may be revoked or amended pursuant to the procedures set forth in 3 V.S.A., chapter 25, the Vermont Administrative Procedure Act.</p> <p>(1) The rules adopted by the Board shall not approve the acceptance of a permit or approval of such an agency or a</p>
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<p>requirement for which it is accepted. In the case of approvals and permits issued by the Agency of Natural Resources, technical determinations of the Agency shall be accorded substantial deference by the Commissions. The acceptance of negative determinations issued by a development review board under the provisions of 24 V.S.A. § 4420, with respect to local Act 250 review of municipal impacts shall create a presumption that the application is detrimental to the public health and welfare with respect to the specific requirement for which it is accepted. Any determinations, positive or negative, under the provisions of 24 V.S.A. § 4420 shall create presumptions only to the extent that the impacts under the criteria are limited to the municipality issuing the decision. Such a rule may be revoked or amended pursuant to the procedures set forth in 3 V.S.A., chapter 25, the Vermont Administrative Procedure Act.</p> <p><u>(3) Rulemaking. The Board shall adopt rules to administer the requirements of this subsection.</u></p>	<p>permit of a municipal government unless it <u>each of the following applies:</u></p> <p><u>(A) The permit or approval satisfies the appropriate requirements of subsection (a) of this section.</u></p> <p><u>(B) The Board finds that the permit or approval is part of a program that reliably meets its goals, such as achieving water quality standards.</u></p> <p><u>(2) A presumption created under this subsection may be rebutted by the introduction of evidence contrary to the presumed fact.</u></p> <p><u>(3) In the case of approvals and permits issued by the Agency of Natural Resources:</u></p> <p><u>(A) There shall be no presumption for a permit or approval authorizing the discharge of a pollutant into a water if uses of that water are already impaired by the pollutant.</u></p> <p><u>(B) Admissible evidence of the technical determinations of the Agency shall be accorded substantial deference by the District Commissions.</u></p> <p><u>(4) A District Commission, in accordance with rules adopted by the Board, shall accept determinations issued by a development review board under the provisions of 24 V.S.A. § 4420, with respect to local review of municipal impacts under criteria of this section. The acceptance of such a determination, if positive, shall create a presumption that the application is not detrimental to the public health and welfare with respect to the specific requirement for which it is accepted and, if negative, shall create a presumption that the application is so detrimental. Any determinations, positive or negative, under the provisions of 24 V.S.A. § 4420 shall create presumptions only to the extent that the impacts under the criteria are limited to the municipality issuing the decision.</u></p>
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<p>Master plans</p>	<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 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. 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 style="text-align: center;">* * *</p> <p>(f) In the event that an application involves a project or project impacts that previously have been reviewed, the <u>An applicant may petition in writing the Chair of the Board 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 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. In reviewing this petition, the Board n shall consider the following:</u></p> <p style="padding-left: 40px;"><u>(A) Whether a portion of the project’s impacts have been reviewed by the Board in a previous permit.</u></p> <p style="padding-left: 40px;"><u>(B) Whether the project is being reviewed as a major application, minor application, or administrative amendment.</u></p>	<p>N/A</p>
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	<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 such presumptions. If a presumption is rebutted, the Board may require the applicant to pay the previously waived fee.</u></p> <p><u>(D) Whether the applicant has engaged in any preapplication planning with the district coordinator that will result in a decrease in the amount of time the Board will have to consider the application.</u></p> <p><u>(2) The Board 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> <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>	
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<p>Exemption in Downtowns</p>	<p>§ 6086b Downtown Development Findings- repealed & § 6086(v)- Exemption for DD findings § 6083a Act 250- NDA fees repealed</p> <p>§ 6081. PERMITS REQUIRED; EXEMPTIONS * * *</p> <p>(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 <u>development or subdivision</u> priority housing project 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>(p)(1) No permit or permit amendment is required for any <u>subdivision, development, or change</u> to a project that is located entirely within a downtown development district designated pursuant to 24 V.S.A. § 2793 <u>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 or a new neighborhood area shall be extinguished..</u> , 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.</p> <p>§ 4460. APPROPRIATE MUNICIPAL PANELS * * *</p> <p>(f)(1) This subsection shall apply to a subdivision or <u>development that:</u></p>	<p>MULTITIER JURISDICTION- increased jurisdiction over critical resource areas and rural and working lands; decreased jurisdiction in designated areas that receive enhanced designation</p> <p>§ 6001 DEFINITIONS (3)(A) “Development” means each of the following: (iii) The construction of improvements for commercial or industrial purposes on a tract or tracts of land, owned or controlled by a person, involving more than one acre of land within a municipality that has adopted permanent zoning and subdivision bylaws, if the municipality in which the proposed project is located has elected by ordinance, adopted under 24 V.S.A. chapter 59, <u>to have this jurisdiction apply rural and working lands area.</u> * * *</p> <p>(vi) The construction of improvements for commercial, industrial, or residential use <u>at or above the elevation of 2,500 2,000 feet or in a critical resource area below that elevation.</u></p> <p>(D) The word “development” does not include: (iii) <u>The construction of improvements for commercial or industrial purposes within an area that has obtained an enhanced designation pursuant to 24 V.S.A. chapter 76A.</u></p> <p><u>24 V.S.A. § 2793f. ENHANCED DESIGNATION</u> (a) <u>A municipality that has received or applies for designation of a downtown development district, village center, new town center, or growth center under this chapter may also apply for an enhanced designation pursuant to this section in order to allow the municipality, in lieu of the District</u></p>
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<p><u>(A) was previously permitted pursuant to 10 V.S.A. chapter 151;</u></p> <p><u>(B) is located in a downtown development district or neighborhood development area designated pursuant to chapter 76A of this title; and</u></p> <p><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><u>(A) the construction phase of the project that has already been constructed.</u></p> <p><u>(B) compliance with another state permit that has independent jurisdiction that addresses the condition in the previously issued permit.</u></p> <p><u>(C) federal or state law that is no longer in effect or applicable.</u></p> <p><u>(D) an issue that is addressed by municipal regulation and the project will meet the municipal standards.</u></p> <p><u>(E) 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.</u></p> <p><u>(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.</u></p> <p><u>(3) The appropriate municipal panel’s determinations shall be made following notice and hearing as provided in section 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.</u></p>	<p><u>Commissions under 10 V.S.A. chapter 151, to ensure that land development within the designated area complies with the criteria set forth in 10 V.S.A. § 6086(a). As used in this section, “land development” has the same meaning as in section 4303 of this title.</u></p> <p><u>(b) A municipality seeking an enhanced designation shall:</u></p> <p><u>(1) demonstrate that its bylaws ensure that land development in the designated area complies with the criteria set forth in 10 V.S.A. § 6086(a);</u></p> <p><u>(2) demonstrate that it has the capability to review land development for compliance with those criteria and to enforce its decisions;</u></p> <p><u>(3) identify those areas within the municipality that constitute critical resource areas within the meaning of 10 V.S.A. § 6001; and</u></p> <p><u>(4) satisfy such other requirements as the State Board shall adopt by rule.</u></p> <p><u>(c) The State Board shall adopt rules to implement this section and may grant or conditionally grant an application for enhanced designation if it meets the requirements of this section and the adopted rules.</u></p>
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	<p><u>(4) The appropriate municipal panel’s decision shall be issued in accord with section 4464(b) of this title and shall include specific findings with respect to its determinations pursuant to subdivision (f)(2) of this section.</u></p> <p><u>(5) 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.</u></p>	

<p>Interstate Interchanges</p>	<p>§ 6001 DEFINITIONS</p> <p>(3)(A) "Development" means each of the following:</p> <p><u>(xiii) The construction of improvements for commercial or industrial use within 2000 feet of a point of access to or exit from the interstate highway system as measured from the midpoint of the interconnecting roadways, unless a regional planning commission has determined, at the request of the municipality where the interchange is located or any municipality with land in the 2,000ft radius, that municipal ordinances or bylaws applicable to properties around the interchange:</u></p> <p><u>(I) Ensure that planned development patterns will maintain the safety and function of the interchange area for all road users, including non-motorized, for example, by limiting curb cuts, and by sharing parking and access points and parcels will be interconnected to adjoining parcels wherever physically possible.</u></p> <p><u>(II) Ensure that development will be undertaken in a way that preserves scenic characteristics both at and beyond the project site. This shall include a determination that site and building design fit the context of the area.</u></p> <p><u>(III) Ensure that development does not destroy or compromise necessary wildlife habitat or endangered species.</u></p> <p><u>(IV) The uses allowed in the area will not impose a burden on the financial capacity of a town or the state.</u></p> <p><u>(V) Allowed land uses must be of a type, scale, and design that complement rather than compete with uses that exist in designated downtowns, village centers, growth</u></p>	<p>§ 6001 DEFINITIONS</p> <p><u>(47) "Interchange area" means the land within a 3,000-foot radius of an interstate interchange, except for land within an existing settlement. The radius shall be measured from the midpoint of the interconnecting roadways within the interchange.</u></p> <p>(3)(A) "Development" means each of the following:</p> <p><u>(xi) The construction of improvements for commercial or industrial purposes in an interchange area, unless it is within an existing settlement.</u></p> <p>§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA</p> <p>(a) <u>Criteria.</u> Before granting a permit, the District Commission shall find that the subdivision or development:</p> <p><u>(I) Interchange areas. A permit will be granted for a development or subdivision within an interchange area when it is demonstrated that, in addition to all other applicable criteria, the development or subdivision complies with the Vermont Interstate Interchange Planning and Design Guidelines applicable to the category of land use as identified for that area in the regional plan. As used in this subdivision (I), "Vermont Interstate Interchange Planning and Design Guidelines" refers to the guidelines by that name published by the Agency of Commerce and Community Development in 2004 or such update to those guidelines as the Commissioner of Housing and Community Development may subsequently publish, provided that the update is at least as protective of existing</u></p>
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<p><u>centers, or other regional growth areas. Principle retail should be discouraged or prohibited in highway interchange areas.</u></p> <p><u>(VII) Development in this area may not establish or contribute to a pattern of strip development. Where strip development already exists, development in this area must be infill that minimizes the characteristics of strip development.</u></p> <p><u>(VIII) Site design must use space efficiently by siting buildings close together, minimizing paved services, locating parking to the side and rear, and minimizing the use of one story buildings.</u></p> <p><u>(IX) The allowed uses, patterns of development, and aesthetics of development in these areas must conform with the regional plan.</u></p> <p><u>(X) The allowed uses, patterns of development, and aesthetics of development in these areas must be consistent with the goals of 24 V.S.A. §4302.</u></p>	<p><u>settlements, scenic beauty and aesthetics, farmland, and natural resources as the 2004 guidelines.</u></p> <p>§ 6087. DENIAL OF APPLICATION</p> <p>(b) A permit may not be denied solely for the reasons set forth in subdivisions 6086(a)(5), (6), and (7) of this title. However, reasonable <u>Reasonable</u> conditions and requirements allowable in subsection 6086(c) of this title may be attached to alleviate the burdens created. However, a permit may be denied under subdivision 6086(a)(5) of this title if the permit is for development in an interchange area that is not within an existing settlement.</p>
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<p>Burden of Proof</p>	<p>§ 6088. BURDEN OF PROOF</p> <p>(a) The burden shall be on the applicant with respect to subdivisions 6086(a)(1), (2), (3), (4), (8)(B) and (C), (9), and (10) of this title.</p> <p>(b) The burden shall be on any party opposing the applicant with respect to subdivisions 6086(a)(5) through (8)(A) of this title to show an unreasonable or adverse effect.</p>	<p>§ 6088. <u>BURDEN OF PROOF; PRODUCTION AND PERSUASION</u></p> <p>(a) <u>The initial burden of production, to produce sufficient evidence for a District Commission to make a factual determination, shall be on the applicant with respect to subdivisions 6086(a)(1) through (10) of this title.</u></p> <p>(b) <u>The burden of persuasion, to show that the application meets the relevant standard, shall be on the applicant with respect to subdivisions 6086(a)(1), (2), (3), (4), (8)(A) through (C), (9), and (10) of this title.</u></p> <p>(b)(c) <u>The burden shall be on any party opposing the applicant application with respect to subdivisions 6086(a)(5) through (8), (6), (7), and (8), not including (8)(A) through (8)(C) of this title to show an unreasonable or adverse effect that the application does not meet the relevant standard.</u></p>
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