

Senators:

Per the discussion yesterday, here is draft language to address development in flood areas in the interim exemptions for the Committee to discuss:

1. No permit or permit amendment is required for up to 50 units or fewer of housing on a tract or tracts of land involving 10 acres or less in designated Village Centers with permanent zoning and subdivision, including a 1/4 mile radius around the designated village center. The exemption shall not apply in mapped river corridors and floodplains. The exemption shall sunset when a Tier 1B designation is granted for a municipality or by July 1, 2027.
  
1. No permit or permit amendment is required for up to 75 units or fewer of housing in designated downtowns, including a 1/2 mile radius around the designated downtown, designated new town centers, neighborhood development areas and growth centers. The exemption shall not apply in mapped river corridors and floodplains. The exemption shall sunset when a Tier 1B designation is granted for a municipality or by July 1, 2027.

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Dear Chair Bray and Senator Watson;

We support the language provided by Jon below. A few final thoughts from Catherine and I for consideration below.

1. As a follow-up to the discussion last evening about the extent of the interim exemptions in relation to adjoining municipalities, I have a suggestion to make sure that the interim exemption will work in Chittenden County's urban area, particularly our transit-served corridors that may be beyond the 1/2 or 1/4 mile buffer from downtowns or village centers. Suggested additional language is in green.

Interim Tier 1B would exempt housing up to 50 units on 10 or less acres from Act 250 in the following areas: Village Centers with permanent zoning or subdivision regulations, including an additional 1/4 mile boundary and in areas of municipalities that are within a census-designated

urbanized area with over 50,000 residents and within ¼ mile of a transit route. To expire upon adoption of Regional Plan, no later than December 31, 2026.

2. We would like confirmation that these exemptions would also apply to amended Act 250 permits.
3. On another topic, that we haven't discussed; in Section 35 of H.687, version 3.1; we suggest that it be clarified that no Act 250 permit is required for an ADU or a duplex. We are concerned that within subdivisions that have an Act 250 permit, they will not be able create a duplex without going back to Act 250. Here's the suggested small edit.

(bb) No permit or permit amendment is required for the construction of improvements for an accessory dwelling unit or duplex as defined in 24 V.S.A. § 4303.

FYI, existing duplex definition in 4303:

(39) "Duplex" means a residential building that has two dwelling units in the same building and neither unit is an accessory dwelling unit.

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