

1 H.725

2 Introduced by Representatives Hubert of Milton, Bouchard of Colchester,
3 Condon of Colchester, Degree of St. Albans City, Fagan of
4 Rutland City, Hebert of Vernon, Lewis of Derby, Myers of
5 Essex, Perley of Enosburgh and Savage of Swanton

6 Referred to Committee on

7 Date:

8 Subject: Conservation and development; natural resources; land use; Act 250;
9 municipal government

10 Statement of purpose: This bill proposes a process by which a municipality
11 may apply to the district commission for findings of fact and conclusions of
12 law determining whether the town or portions of the town comply with one or
13 more criteria of 10 V.S.A. chapter 151 (Act 250). When considering
14 subsequent individual permit applications in an area subject to those findings
15 and conclusions, the district commission would be bound by the findings and
16 conclusions, and would be required to issue a decision within 90 days.

17 An act relating to Act 250 review in towns with plans and zoning bylaws

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

1 Sec. 1. 10 V.S.A. § 6048 is added to read:

2 § 6048. TOWN WITH PLANS; AREA FINDINGS; EXPEDITED REVIEW

3 (a) Any municipality that has in effect a plan and zoning bylaws adopted
4 under 24 V.S.A. chapter 117 may apply, through its legislative body, to a
5 district commission for findings of fact and conclusions of law determining
6 whether the municipality or a designated area within the municipality complies
7 with one or more criteria listed in section 6086(a) of this title. The municipal
8 plan and zoning bylaws shall be included with any application. The applicant
9 municipality shall specify any and all criteria under section 6086(a) of this title
10 for which findings and conclusions are requested and the nature and scope of
11 the findings that are being requested and shall provide such supporting
12 information as the district commission reasonably may require. The land use
13 panel may issue rules concerning the information to be submitted with such an
14 application.

15 (b) The district commission shall review the application in light of the
16 municipal plan and zoning bylaws and shall issue findings of fact and
17 conclusions of law for each criterion under section 6086(a) of this title
18 requested by the municipality in its application.

19 (1) In issuing its findings and conclusions, the district commission may
20 determine that the entire area that is the subject of the application or only a
21 portion of that area complies with one or more of the requested criteria.

1 (2) When issuing a conclusion under this section that the municipality or
2 an area within the municipality complies with a criterion of section 6086(a) of
3 this title, the district commission may include conditions under section 6086(c)
4 of this title that will be incorporated into any subsequent permit issued for a
5 development or subdivision within the municipality or area of the municipality
6 to ensure compliance with the criterion.

7 (c) When considering an application for an individual permit submitted
8 under section 6083 of this title for a development or subdivision located in a
9 municipality or an area within a municipality for which the district commission
10 has issued findings and conclusions under subdivision (b) of this section, the
11 district commission shall:

12 (1) be bound by any findings of fact or conclusions of law issued under
13 this section regarding the municipality or an area within the municipality, but
14 shall consider de novo any of the criteria of section 6086(a) of this title that
15 were not considered in the review of the municipality's application; and

16 (2) issue a decision within 90 days of a complete application.

17 Sec. 2. EFFECTIVE DATE

18 This act shall take effect on July 1, 2012.