

1 H.664

2 Introduced by Representatives Toll of Danville, Conquest of Newbury,
3 Crawford of Burke, McAllister of Highgate, Pellett of Chester,
4 Rodgers of Glover, Scheuermann of Stowe, South of
5 St. Johnsbury, Till of Jericho and Wheeler of Derby

6 Referred to Committee on

7 Date:

8 Subject: Conservation and development; natural resources; Act 250

9 Statement of purpose: This bill proposes to clarify Act 250 jurisdiction over
10 the construction of improvements when the construction involves land in a
11 so-called "10-acre town" and land in a "one-acre town." It also proposes to
12 provide that, when a one-acre town becomes a 10-acre town, the municipality
13 will assume jurisdiction over previously issued Act 250 permits for
14 developments involving 10 acres or less of land.

15 An act relating to Act 250 jurisdiction in towns that do and do not have both
16 permanent zoning and subdivision bylaws

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

18 Sec. 1. 10 V.S.A. § 6001 is amended to read:

19 § 6001. DEFINITIONS

20 When used in this chapter:

* * *

(3)(A) "Development" means:

(i) The construction of improvements on a tract or tracts of land, owned or controlled by a person, involving more than 10 acres of land within a radius of five miles of any point on any involved land, for commercial or industrial purposes in a municipality that has adopted permanent zoning and subdivision bylaws.

(ii) The construction of improvements for commercial or industrial purposes on more than one acre of land within a municipality that has not adopted permanent zoning and subdivision bylaws.

(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 chapter 59 of Title 24, to have this jurisdiction apply.

* * *

(F) When the construction of improvements involves land that is in a 10-acre town and land that is in a one-acre town, jurisdiction under this chapter:

1 (i) Shall apply to the land in the 10-acre town only if all of the
2 land involved in the construction of improvements is more than 10 acres.

3 (ii) Shall apply to the land in the one-acre town only if all of the
4 land involved in the construction of improvements is more than one acre.

5 * * *

6 (31) "10-acre town" means a municipality described in subdivision
7 (3)(A)(i) of this section. The term "10-acre town" does not include a
8 municipality described in subdivision (3)(A)(iii) of this section.

9 (32) "One-acre town" means a municipality described in subdivision
10 (3)(A)(ii) or (iii) of this section.

11 Sec. 2. 10 V.S.A. § 6081(t) is added to read:

12 (t) Notwithstanding the existence of a permit under this chapter issued
13 during the time a municipality was a one-acre town, no permit amendment
14 shall be required under this chapter for the construction of improvements for
15 commercial or industrial purposes involving 10 acres or less of land on and
16 after the date the municipality becomes a 10-acre town.

17 Sec. 3. 24 V.S.A. § 4412 is amended to read:

18 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

19 Notwithstanding any existing bylaw, the following land development
20 provisions shall apply in every municipality:

21 * * *

1 (10) “One-acre town” Act 250 permits. A municipality that has adopted
2 under this chapter both permanent zoning and subdivision bylaws shall have
3 authority to amend and enforce permits issued under chapter 151 of Title 10
4 for developments involving 10 acres or less of land during the time the
5 municipality was a one-acre town. Any such amendment shall be subject to
6 the provisions of subdivision 4414(3) of this title (conditional uses). For the
7 purpose of this section, “one-acre town” means a municipality described under
8 subdivision 6001(3)(A)(ii) of Title 10. This subdivision (10) shall not apply to
9 a municipality described in subdivision 6001(3)(A)(iii) of Title 10.

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on July 1, 2010.