

1 H.27

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; Act 250; oil or petroleum
6 pipeline

7 Statement of purpose of bill as introduced: This bill proposes to require an Act
8 250 permit for a new oil pipeline or for an existing oil pipeline if a physical
9 change is made to the existing pipeline that is not solely for the purpose of
10 repair.

11 An act relating to Act 250 and oil pipelines

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

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

14 § 6001. DEFINITIONS

15 * * *

16 (3)(A) "Development" means each of the following:

17 (i) ~~The~~ the construction of improvements on a tract or tracts of
18 land, owned or controlled by a person, involving more than 10 acres of land
19 within a radius of five miles of any point on any involved land, for commercial

1 or industrial purposes in a municipality that has adopted permanent zoning and
2 subdivision bylaws;

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

6 (iii) ~~The~~ the construction of improvements for commercial or
7 industrial purposes on a tract or tracts of land, owned or controlled by a person,
8 involving more than one acre of land within a municipality that has adopted
9 permanent zoning and subdivision bylaws, if the municipality in which the
10 proposed project is located has elected by ordinance, adopted under 24 V.S.A.
11 chapter 59 ~~of Title 24~~, to have this jurisdiction apply;

12 (iv) ~~The~~ the construction of housing projects such as cooperatives,
13 condominiums, or dwellings, or construction or maintenance of mobile homes
14 or trailer parks, with 10 or more units, constructed or maintained on a tract or
15 tracts of land, owned or controlled by a person, within a radius of five miles of
16 any point on any involved land, and within any continuous period of
17 five years;

18 (v) ~~The~~ the construction of improvements on a tract of land
19 involving more than 10 acres that is to be used for municipal, county, or state
20 purposes. In computing the amount of land involved, land shall be included

1 that is incident to the use such as lawns, parking areas, roadways, leaching
2 fields, and accessory buildings;

3 (vi) ~~The~~ the construction of improvements for commercial,
4 industrial, or residential use above the elevation of 2,500 feet;

5 (vii) ~~Exploration~~ the exploration for fissionable source materials
6 beyond the reconnaissance phase or the extraction or processing of fissionable
7 source material;

8 (viii) ~~The~~ the drilling of an oil and gas well;

9 (ix) the construction of an oil or petroleum transmission pipeline
10 and associated facilities.

11 * * *

12 Sec. 2. 10 V.S.A. § 6081 is amended to read:

13 § 6081. PERMITS REQUIRED; EXEMPTIONS

14 (a) No person shall sell or offer for sale any interest in any subdivision
15 located in this state, or commence construction on a subdivision or
16 development, or commence development without a permit. This section shall
17 not prohibit the sale, mortgage, or transfer of all, or an undivided interest in all,
18 of a subdivision unless the sale, mortgage, or transfer is accomplished to
19 circumvent the purposes of this chapter.

20 (b) Subsection (a) of this section shall not apply to a subdivision exempt
21 under the regulations of the ~~department of health~~ Department of Health in

1 effect on January 21, 1970 or any subdivision which has a permit issued prior
2 to June 1, 1970 under the ~~board of health~~ Board of Health regulations, or has
3 pending a bona fide application for a permit under the regulations of the ~~board~~
4 ~~of health~~ Board of Health on June 1, 1970, with respect to plats on file as of
5 June 1, 1970 provided such permit is granted prior to August 1, 1970.

6 Subsection (a) of this section shall not apply to development which is not also
7 a subdivision, which has been commenced prior to June 1, 1970, if the
8 construction will be completed by March 1, 1971. Subsection (a) of this
9 section shall not apply to a state highway on which a hearing pursuant to
10 19 V.S.A. § 222 has been held prior to June 1, 1970. Subsection (a) of this
11 section shall not apply to any telecommunications facility in existence prior to
12 July 1, 1997, unless that facility is a “development” as defined in subdivision
13 6001(3) of this title. Subsection (a) of this section shall apply to any
14 substantial change in such excepted subdivision or development. Subsection
15 (a) of this section also shall apply to an excepted oil or petroleum transmission
16 pipeline and associated facilities if there is any physical change to the pipeline
17 or associated facilities unless the change is solely for the purpose of repair in
18 the usual course of business and does not alter the capacity, function, or
19 operation of the pipeline.

20 * * *

1 Sec. 3. 10 V.S.A. § 6086 is amended to read:

2 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

3 * * *

4 (g) When applying the criteria of this section to an oil or petroleum
5 transmission pipeline, the district commission shall not consider the safety of
6 the pipeline and shall issue no permit condition that regulates pipeline safety or
7 has the effect of regulating pipeline safety.

8 Sec. 4. APPLICATION

9 This act shall apply to any physical change to an oil or petroleum pipeline
10 and associated facilities that is made after the act's effective date regardless of
11 whether a jurisdictional opinion under 10 V.S.A. chapter 151 (Act 250) was
12 issued prior to that date concerning the applicability of that chapter to the
13 physical change unless the requestor sought and the district coordinator
14 employed the process under 10 V.S.A. § 6007(c) for issuance of a
15 jurisdictional opinion that constitutes a final determination.

16 Sec. 5. EFFECTIVE DATE

17 This act shall take effect on passage.