

S.58

An act relating to Act 250 and oil pipelines

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

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

§ 6001. DEFINITIONS

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(3)(A) “Development” means each of the following:

(i) ~~The~~ 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~~ 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~~ 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 ~~of Title 24~~, to have this jurisdiction apply;

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

(v) ~~The~~ the construction of improvements on a tract of land involving more than 10 acres that is to be used for municipal, county, or state purposes. In computing the amount of land involved, land shall be included that is incident to the use such as lawns, parking areas, roadways, leaching fields, and accessory buildings;

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

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

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

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

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

§ 6081. PERMITS REQUIRED; EXEMPTIONS

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

(b) Subsection (a) of this section shall not apply to a subdivision exempt under the regulations of the ~~department of health~~ Department of Health in effect on January 21, 1970 or any subdivision which has a permit issued prior to June 1, 1970 under the ~~board of health~~ Board of Health regulations, or has pending a bona fide application for a permit under the regulations of the ~~board of health~~ Board of Health on June 1, 1970, with respect to plats on file as of June 1, 1970 provided such permit is granted prior to August 1, 1970.

Subsection (a) of this section shall not apply to development which is not also a subdivision, which has been commenced prior to June 1, 1970, if the construction will be completed by March 1, 1971. Subsection (a) of this section shall not apply to a state highway on which a hearing pursuant to 19 V.S.A. § 222 has been held prior to June 1, 1970. Subsection (a) of this section shall not apply to any telecommunications facility in existence prior to

July 1, 1997, unless that facility is a “development” as defined in subdivision 6001(3) of this title. ~~Subsection (a) of this section shall apply to any substantial change in such excepted subdivision or development.~~ Subsection (a) of this section also shall apply to an oil or petroleum transmission pipeline and associated facilities excepted under this subsection if there is a cognizable physical change to the pipeline or associated facilities, unless the change is solely for the purpose of repair in the usual course of business.

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

§ 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

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(g) When applying the criteria of this section to an oil or petroleum transmission pipeline, the district commission shall not consider the safety of the pipeline and shall issue no permit condition that regulates pipeline safety or has an effect on pipeline safety that is not permitted under the Pipeline Safety Act, 49 U.S.C. §§ 60101–60137.

Sec. 4. APPLICATION

Notwithstanding 1 V.S.A. §§ 213 and 214, this act shall apply to any cognizable physical change to an oil or petroleum pipeline and associated facilities that is made after the act’s effective date regardless of whether a

jurisdictional opinion under 10 V.S.A. chapter 151 (Act 250) was issued prior to that date concerning the applicability of that chapter to the change.

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage.