

1 **BOLD LANGUAGE = CHANGE FROM DRAFT 1.1**

2 Introduced by

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; natural resources; Act 250

6 Statement of purpose of bill as introduced: This bill proposes to make

7 revisions to the State land use law known as Act 250, including:

- 8 • Naming it the Vermont Act on Land Use and the Environment (VALUE).
- 9 • Proposing revisions to Act 250’s Capability and Development Plan to
10 address climate change **and ecosystem protection.**
- 11 • Amending Act 250 to include a purpose section that refers to that plan and
12 the specific statutory goals for municipal and regional planning.
- 13 • Amending the criteria to address climate change, including requiring
14 projects to have net-zero greenhouse gas emissions and to be designed to
15 withstand and adapt to climate change.
- 16 • Amending the criteria to address ecosystem protection through protecting
17 forest blocks and connecting habitat. **The bill also would increase the**
18 **program’s ability to protect ecosystems on ridgelines by reducing the**
19 **elevation threshold from 2,500 to 2,000 feet.**
- 20 • As part of a balancing of interests to support economic development in
21 compact centers while promoting a rural countryside and protecting

1 important natural resources, amending Act 250 jurisdiction to allow
2 municipalities to ensure compliance with the Act 250 criteria in centers
3 receiving an enhanced designation under 24 V.S.A. chapter 76A and
4 increasing Act 250 jurisdiction in critical resource areas and at interstate
5 interchanges. Because the designation under 24 V.S.A. chapter 76A would
6 affect jurisdiction, the bill provides for appeal of designation decisions.

- 7 • Clarifying the definition of “commercial purpose” so that it is not necessary
8 to determine whether monies received are essential to sustain a project.
- 9 • Requiring that, to be used in Act 250, local and regional plans must be
10 approved as consistent with the statutory planning goals and clarifying that
11 local and regional plan provisions apply to a project if they meet the same
12 standard of specificity applicable to statutes.

13 An act relating to the Vermont Act on Land Use and the Environment

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

15 * * * Revisions to Capability and Development Plan * * *

16 Sec. 1. In 1973 Acts and Resolves No. 85, Sec. 7(a)(20) is added to read:

17 (20) GREENHOUSE GAS EMISSIONS AND CLIMATE CHANGE

18 Climate change poses serious risks to human health, functioning ecosystems

19 that support a diversity of species and economic growth, and Vermont’s

20 tourist, forestry, and agricultural industries. The primary driver of climate

1 change in Vermont and elsewhere is the increase of atmospheric carbon
2 dioxide from the burning of fossil fuels, which has a warming effect that is
3 amplified because atmospheric water vapor, another greenhouse gas, increases
4 as temperature rises. Vermont should minimize its emission of greenhouse
5 gases and, because the climate is changing, ensure that the design and
6 materials used in development enable projects to withstand an increase in
7 extreme weather events and adapt to other changes in the weather and
8 environment.

9 **Sec. 2. 1973 Acts and Resolves No. 85, Sec. 7(a)(2) is amended to read:**

10 **(2) ECOSYSTEM PROTECTION AND UTILIZATION OF**
11 **NATURAL RESOURCES**

12 **Healthy ecosystems clean water, purify air, maintain soil, regulate the**
13 **climate, recycle nutrients, and provide food. They provide raw materials**
14 **and resources for medicines and other purposes. They are at the**
15 **foundation of civilization and sustain the economy. These ecosystem**
16 **services are the State’s natural capital.**

17 **Biodiversity is the key indicator of an ecosystem’s health. A wide**
18 **variety of species copes better with threats than a limited number of**
19 **species in large populations.**

20 **Products of the land and the stone and minerals under the land, as well**
21 **as the beauty of our landscape are principal natural resources of the state.**

1 **Preservation Protection of healthy ecosystems in Vermont,**
2 **preservation of the agricultural and forest productivity of the land, and**
3 **the economic viability of agricultural units, conservation of the**
4 **recreational opportunity afforded by the state’s hills, forests, streams and**
5 **lakes, wise use of the state’s non-renewable earth and mineral reserves,**
6 **and protection of the beauty of the landscape are matters of public good.**
7 **Uses which threaten or significantly inhibit these healthy ecosystems and**
8 **the state’s natural and scenic resources should be permitted only when the**
9 **public interest is clearly benefited thereby.**

10 * * * Revisions to State Land Use Law * * *

11 Sec. 3. 10 V.S.A. chapter 151 is amended to read:

12 Subchapter 1. General Provisions

13 § 6001. SHORT TITLE; PURPOSE; CONSTRUCTION

14 (a) This chapter may be cited as the Vermont Act on Land Use and the
15 Environment (VALUE).

16 (b) The purposes of this chapter are to protect and conserve the
17 environment of the State and to support the achievement of the goals of the
18 Capability and Development Plan and of 24 V.S.A. § 4302(c). The chapter
19 shall be construed broadly to effect these purposes.

20 § 6002. DEFINITIONS

21 In this chapter:

1 (1) “Board” means the Natural Resources Board.

2 (2) “Capability and Development Plan” means the Plan prepared
3 pursuant to section 6042 of this title and adopted pursuant to 1973 Acts and
4 Resolves No. 85, Secs. 6 and 7, as amended by this act.

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

6 (i) The construction of improvements on a tract or tracts of land,
7 owned or controlled by a person, involving more than 10 acres of land within a
8 radius of five miles of any point on any involved land, for commercial or
9 industrial purposes.

10 (ii) The construction of improvements for commercial or
11 industrial purposes on more than one acre of land within a municipality that:
12 (I) has not adopted permanent zoning and subdivision bylaws;
13 or
14 (II) has adopted permanent zoning and subdivision bylaws,
15 if the municipality in which the proposed project is located has elected by
16 ordinance, adopted under 24 V.S.A. chapter 59, to have this jurisdiction
17 apply.

18 (iii) The construction of improvements for commercial or
19 industrial purposes on a tract or tracts of land, owned or controlled by a person,
20 involving more than ~~one acre~~ *[amount to be determined]* of land within a
21 ~~municipality that has adopted permanent zoning and subdivision bylaws, if the~~

1 municipality in which the proposed project is located has elected by ordinance,
2 adopted under 24 V.S.A. chapter 59, to have this jurisdiction apply **rural and**
3 **working lands area**. *[Note: this is a placeholder for the jurisdictional tier re*
4 *rural and working lands.]*

5 * * *

6 (vi) The construction of improvements for commercial, industrial,
7 or residential use at or above the elevation of ~~2,500~~ **2,000** feet or in a critical
8 resource area below that elevation. *[Note: the reference to critical resource*
9 *area is a placeholder for the jurisdictional tier re critical resource areas.]*

10 * * *

11 (xi) The construction of improvements for commercial or
12 industrial purposes in an interchange area, unless it is within an existing
13 settlement.

14 * * *

15 (D) The word “development” does not include:

16 (i) The construction of improvements for farming, logging, or
17 forestry purposes below the elevation of ~~2,500~~ **2,000** feet.

18
19 **OPTION 1 FOR ENERGY FACILITIES:**

20 (ii) The construction of improvements for an electric generation
21 facility below the elevation of ~~2,500~~ **2,000** feet or transmission facility that

1 requires a certificate of public good under 30 V.S.A. § 248, a natural gas
2 facility as defined in 30 V.S.A. § 248(a)(3), or a telecommunications facility
3 issued a certificate of public good under 30 V.S.A. § 248a.

4 **OPTION 2 FOR ENERGY FACILITIES:**

5 (ii) The construction of improvements for an electric generation
6 facility, other than a merchant generation facility, or transmission facility that
7 requires a certificate of public good under 30 V.S.A. § 248, a natural gas
8 facility as defined in 30 V.S.A. § 248(a)(3), or a telecommunications facility
9 issued a certificate of public good under 30 V.S.A. § 248a. As used in this
10 subdivision (ii), “merchant generation” means an electric generation facility in
11 which a Vermont electric utility subject to the jurisdiction of the Public Utility
12 Commission under 30 V.S.A. § 203, or group of such utilities, does not have
13 majority ownership or control.

14 _____
15 (iii) The construction of improvements for commercial or
16 industrial purposes within an area that has obtained an enhanced designation
17 pursuant to 24 V.S.A. chapter 76A.

18 * * *

19 * * *

1 (vii) **The construction of improvements below the elevation of**
2 **~~2,500~~ 2,000 feet for the onsite storage, preparation, and sale of compost,**
3 **provided that one of the following applies:**

4 * * *

5 (6) “~~Floodway~~” means ~~the channel of a watercourse which is expected to~~
6 ~~flood on an average of at least once every 100 years and the adjacent land areas~~
7 ~~which are required to carry and discharge the flood of the watercourse, as~~
8 ~~determined by the Secretary of Natural Resources with full consideration given~~
9 ~~to upstream impoundments and flood control projects.~~ “Flood hazard area”
10 shall have the same meaning as under section 752 of this title.

11 (7) “~~Floodway fringe~~” means an area which is outside a floodway and is
12 ~~flooded with an average frequency of once or more in each 100 years as~~
13 ~~determined by the Secretary of Natural Resources with full consideration given~~
14 ~~to upstream impoundments and flood control projects.~~ “River corridor” shall
15 have the same meaning as under section 752 of this title.

16 * * *

17 (12) “Necessary wildlife habitat” means concentrated habitat ~~which~~ that
18 is identifiable and is demonstrated as being decisive to the survival of a species
19 of wildlife at any period in its life, including breeding and migratory periods.

20 * * *

21 (19)(A) “Subdivision” means each of the following:

1 (i) A tract or tracts of land, owned or controlled by a person,
2 located outside an area that has received an enhanced designation under 24
3 V.S.A. chapter 76A, ~~which~~ that the person has partitioned or divided for the
4 purpose of resale into 10 or more lots within a radius of five miles of any point
5 on any lot, or within the jurisdictional area of the same District Commission,
6 within any continuous period of five years. In determining the number of lots,
7 a lot shall be counted if any portion is outside such an area and within five
8 miles or within the jurisdictional area of the same District Commission. [Note:
9 these changes are placeholders for the jurisdictional sub-tier re enhanced
10 designation.]

11 (ii) A tract or tracts of land, owned or controlled by a person,
12 ~~which~~ that the person has partitioned or divided for the purpose of resale into
13 six or more lots, within a continuous period of five years, in a municipality
14 ~~which~~ that does not have duly adopted permanent zoning and subdivision
15 bylaws.

16 **(iii) A tract or tracts of land, owned or controlled by a person,**
17 **that the person has partitioned or divided for the purpose of resale into**
18 **[number of lots to be determined] or more lots, within a continuous period**
19 **of five years, in a a rural and working lands area. [Note: this is a**
20 **placeholder for the jurisdictional tier re rural and working lands.]**

1 (iv) A tract or tracts of land, owned or controlled by a person,
2 ~~which~~ that have been partitioned or divided for the purpose of resale into five
3 or more separate parcels of any size within a radius of five miles of any point
4 on any such parcel, and within any period of ten years, by public auction.

5 (I) In this subdivision ~~(iii)~~ (iv), “public auction” means any
6 auction advertised or publicized in any manner, or to which more than ten
7 persons have been invited.

8 (II) If sales described under this subdivision (iii) are of interests
9 that, when sold by means other than public auction, are exempt from the
10 provisions of this chapter under the provisions of subsection 6081(b) of this
11 title, the fact that these interests are sold by means of a public auction shall not,
12 in itself, create a requirement for a permit under this chapter.

13 (iv) A tract or tracts of land, owned or controlled by a person,
14 located in a critical resource area, that have been partitioned or divided for the
15 purpose of resale. *[Note: this is a placeholder for the jurisdictional tier re*
16 *critical resource areas.]*

17 (B) The word “subdivision” shall not include each of the following:

18 (i) a lot or lots created for the purpose of conveyance to the State
19 or to a qualified organization, as defined under section 6301a of this title, if the
20 land to be transferred includes and will preserve a segment of the Long Trail;

1 (ii) a lot or lots created for the purpose of conveyance to the State
2 or to a “qualified holder” of “conservation rights and interest,” as defined in
3 section 821 of this title.

4 * * *

5 (38) “Connecting habitat” refers to land or water, or both, that links
6 patches of habitat within a landscape, allowing the movement, migration, and
7 dispersal of animals and plants and the functioning of ecological processes. A
8 connecting habitat may include recreational trails and improvements
9 constructed for farming, logging, or forestry purposes.

11 **OPTION 1 FOR FOREST BLOCK**

12 (39) “Forest block” means a contiguous area of forest in any stage of
13 succession and not currently developed for nonforest use that is mapped as an
14 interior forest block within the 2016 interior forest block dataset created as part
15 of resource mapping under section 127 of this title, as that dataset may be
16 updated pursuant to procedures developed in accordance with that section. A
17 forest block may include recreational trails, wetlands, or other natural features
18 that do not themselves possess tree cover and improvements constructed for
19 farming, logging, or forestry purposes.

20 **OPTION 2 FOR FOREST BLOCK**

1 (39) “Forest block” means a contiguous area of forest in any stage of
2 succession and not currently developed for nonforest use. A forest block may
3 include recreational trails, wetlands, or other natural features that do not
4 themselves possess tree cover and improvements constructed for farming,
5 logging, or forestry purposes.

7 (40) “Fragmentation” means the division or conversion of a forest block
8 or connecting habitat by the separation of a parcel into two or more parcels; the
9 construction, conversion, relocation, or enlargement of any building or other
10 structure, or of any mining, excavation, or landfill; and any change in the use
11 of any building or other structure, or land, or extension of use of land.
12 However, fragmentation does not include the division or conversion of a forest
13 block or connecting habitat by a recreational trail or by improvements
14 constructed for farming, logging, or forestry purposes below the elevation of
15 ~~2,500~~ 2,000 feet.

16 (41) “Habitat” means the physical and biological environment in which
17 a particular species of plant or animal lives.

18 (42) As used in subdivisions (38), (39), and (41) of this section,
19 “recreational trail” means a corridor that is not paved and that is used for
20 recreational purposes, including hiking, walking, bicycling, cross-country
21 skiing, snowmobiling, all-terrain vehicle riding, and horseback riding.

1 (43) “Air contaminant” shall have the same meaning as under section
2 552 of this title.

3 (44) “Commercial purpose” means the provision of facilities, goods, or
4 services by a person other than for a municipal or State purpose to others in
5 exchange for payment of a purchase price, fee, contribution, donation, or other
6 object or service having value, regardless of whether the payment is essential
7 to sustain the provision of the facilities, goods, or services.

8 **(45) “Critical resource area” means a river corridor, a significant**
9 **wetland as defined under section 902 of this title, land at or above 2,000**
10 **feet, and land characterized by slopes greater than 15 percent and shallow**
11 **depth to bedrock.**

12 (46) “Greenhouse gas” means carbon dioxide, methane, nitrous oxide,
13 hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other
14 chemical or physical substance that is emitted into the air and that the
15 Secretary of Natural Resources or District Commission reasonably anticipates
16 to cause or contribute to climate change.

17 (47) “Interchange area” means the land within a 3,000-foot radius of an
18 interstate interchange, except for land within an existing settlement. The
19 radius shall be measured from the midpoint of the interconnecting roadways
20 within the interchange.

1 **(48) “Rural and working lands area” means an area that is not an**
 2 **existing settlement or a critical resource area.** *[Note: this is a placeholder*
 3 *definition for the jurisdictional tier re rural and working lands.]*

4 **(49) “Technical determination” means a decision that results from**
 5 **the application of scientific, engineering, or other similar expertise to the**
 6 **facts to determine whether activity for which a permit is requested meets**
 7 **the standards for issuing the permit under statute and rule. The term**
 8 **does not include an interpretation of a statute or rule.**

9 **§ 6001e 6002e. COMMERCIAL COMPOSTING FACILITY;**

10 **CIRCUMVENTION**

11 **Notwithstanding subdivisions ~~6001(3)(D)(vii)(I)-(VI)~~**
 12 **6002(3)(D)(vii)(I)-(VI)** of this title, a permit under this chapter may be
 13 **required for the construction of improvements below the elevation of**
 14 **~~2,500~~ 2,000 feet for the onsite storage, preparation, and sale of compost if**
 15 **the Chair of the District Commission, based on the information available**
 16 **to the Chair, determines that action has been taken to circumvent the**
 17 **requirements of this chapter.**

18 * * *

19 Subchapter 2. Administration

20 * * *

21 **§ 6027. POWERS**

1 (a) The Board and District Commissions shall have supervisory
2 authority in environmental matters respecting projects within their
3 jurisdiction and shall apply their independent judgment in determining
4 facts and interpreting law. They each shall have the power, with respect
5 to any matter within its jurisdiction, to:

6 (1) administer oaths, take depositions, subpoena and compel the
7 attendance of witnesses, and require the production of evidence;

8 (2) allow parties to enter upon lands of other parties for the
9 purposes of inspecting and investigating conditions related to the matter
10 before the Board or Commission;

11 (3) enter upon lands for the purpose of conducting inspections,
12 investigations, examinations, tests, and site evaluations as it deems
13 necessary to verify information presented in any matter within its
14 jurisdiction; and

15 (4) apply for and receive grants from the federal government and
16 from other sources.

17 * * *

18 § 6030. ~~MAP OF WIRELESS TELECOMMUNICATIONS FACILITIES~~

19 CAPABILITY AND DEVELOPMENT MAPS

20 ~~The Board shall maintain a map that shows the location of all wireless~~
21 ~~telecommunications facilities in the State.~~

1 (a) Updates. On or before January 1, 2021, the Board and the Secretaries
2 of Commerce and Community Development, of Digital Services, and of
3 Natural Resources shall complete an update to the capability and development
4 maps created under this chapter in 1971 for reference in applying **subdivision**
5 **6086(a)(9) of this title this chapter.** Maps updated pursuant to this section
6 shall be consistent with the Capability and Development Plan and shall include
7 **and identify** environmental constraints, existing settlements, **rural and**
8 **working lands areas,** critical resource areas, facilities and infrastructure, and
9 areas targeted for conservation, public investment, and development. The
10 Board and these Secretaries shall complete further updates to these maps no
11 less frequently than every eight years. The Board shall lead and coordinate the
12 completion of updates pursuant to this section.

13 (b) Process. When updating maps pursuant to this section, the Board and
14 Secretaries shall, prior to completing the update:

15 (1) consult with the regional planning commissions; and

16 (2) issue a draft update, provide public notice of the draft update, and
17 offer an opportunity for written public comment and conduct one or more
18 public meetings to receive oral comment on the draft update.

19 (c) Availability. The updated maps shall be maintained as a layer in the
20 Vermont Geographic Information System and shall be available to the public.

21 * * *

1 Subchapter 4. Permits

2 * * *

3 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

4 (a) Criteria. Before granting a permit, the District Commission shall find
5 that the subdivision or development:

6 (1) Air pollution. Will not result in undue ~~water or~~ air pollution. In
7 making this determination, the District Commission shall at least consider: the
8 air contaminants and noise to be emitted by the development or subdivision, if
9 any; the proximity of the emission source to residences, population centers,
10 and other sensitive receptors; and emission dispersion characteristics at or near
11 the source.

12 (A) Air contaminants. A permit will be granted whenever it is
13 demonstrated by the applicant that, in addition to all other applicable criteria,
14 the emission, if any, of air contaminants by the development or subdivision
15 will meet any applicable requirement under the Clean Air Act, 42 U.S.C.
16 chapter 85, and the air pollution control regulations of the Department of
17 Environmental Conservation.

18 (B) Greenhouse gas emissions; climate change. A permit will be
19 granted whenever it is demonstrated by the applicant that, in addition to all
20 other applicable criteria:

1 (i) There will be net-zero greenhouse gas emissions from the
2 construction, operation, and maintenance of the development or subdivision
3 and the vehicular traffic that it generates. Any offsets used shall be third-party
4 verified and enforceable by the applicant and its successors and assigns and by
5 the State of Vermont.

6 (ii) The development or subdivision will employ design and
7 materials that are sufficient to enable the improvements to be constructed,
8 including buildings, roads, and other infrastructure, to withstand and adapt to
9 the effects of climate change reasonably projected at the time of application.

10 (2) Water pollution. Will not result in undue water pollution. In making
11 this determination ~~the~~ the District Commission shall at least consider: the
12 elevation of land above sea level; and in relation to the flood plains, the nature
13 of soils and subsoils and their ability to adequately support waste disposal; the
14 slope of the land and its effect on effluents; the availability of streams for
15 disposal of effluents; and the applicable Health and Environmental
16 Conservation Department regulations.

17 (A) Headwaters. A permit will be granted whenever it is
18 demonstrated by the applicant that, in addition to all other applicable criteria,
19 the development or subdivision will meet any applicable Health and
20 Environmental Conservation Department regulation regarding reduction of the

1 quality of the ground or surface waters flowing through or upon lands ~~which~~
2 that are not devoted to intensive development, and which lands are:

3 (i) headwaters of watersheds characterized by steep slopes and
4 shallow soils; or

5 (ii) drainage areas of 20 square miles or less; or

6 (iii) above 1,500 feet elevation; or

7 (iv) watersheds of public water supplies designated by the Agency
8 of Natural Resources; or

9 (v) areas supplying significant amounts of recharge waters to
10 aquifers.

11 (B) Waste disposal. A permit will be granted whenever it is
12 demonstrated by the applicant that, in addition to all other applicable criteria,
13 the development or subdivision will meet any applicable Health and
14 Environmental Conservation Department regulations regarding the disposal of
15 wastes, and will not involve the injection of waste materials or any harmful or
16 toxic substances into ground water or wells.

17 (C) Water conservation. A permit will be granted whenever it is
18 demonstrated by the applicant that, in addition to all other applicable criteria,
19 the design has considered water conservation, incorporates multiple use or
20 recycling where technically and economically practical, utilizes the best

1 available technology for such applications, and provides for continued efficient
2 operation of these systems.

3 (D) ~~Floodways~~ Flood hazard areas; river corridors. A permit will be
4 granted whenever it is demonstrated by the applicant that, in addition to all
5 other applicable criteria:

6 (i) the development or subdivision of lands within a ~~floodway~~
7 flood hazard area or river corridor will not restrict or divert the flow of flood
8 waters, cause or contribute to fluvial erosion, and endanger the health, safety,
9 and welfare of the public or of riparian owners during flooding; ~~and~~

10 (ii) ~~the development or subdivision of lands within a floodway~~
11 ~~fringe will not significantly increase the peak discharge of the river or stream~~
12 ~~within or downstream from the area of development and endanger the health,~~
13 ~~safety, or welfare of the public or riparian owners during flooding.~~

14 (E) Streams. A permit will be granted whenever it is demonstrated
15 by the applicant that, in addition to all other applicable criteria, the
16 development or subdivision of lands on or adjacent to the banks of a stream
17 will, whenever feasible, maintain the natural condition of the stream, and will
18 not endanger the health, safety, or welfare of the public or of adjoining
19 landowners.

20 (F) Shorelines. A permit will be granted whenever it is demonstrated
21 by the applicant that, in addition to all other criteria, the development or

1 subdivision of shorelines must of necessity be located on a shoreline in order to
2 fulfill the purpose of the development or subdivision, and the development or
3 subdivision will, insofar as possible and reasonable in light of its purpose:

4 (i) retain the shoreline and the waters in their natural condition;

5 (ii) allow continued access to the waters and the recreational
6 opportunities provided by the waters;

7 (iii) retain or provide vegetation ~~which~~ that screen the
8 development or subdivision from the waters; and

9 (iv) stabilize the bank from erosion, as necessary, with vegetation
10 cover.

11 (G) Wetlands. A permit will be granted whenever it is demonstrated
12 by the applicant, in addition to other criteria, that the development or
13 subdivision will not violate the rules of the Secretary of Natural Resources, as
14 adopted under chapter 37 of this title, relating to significant wetlands.

15 ~~(2)~~(3) Water supply.

16 (A) Does have sufficient water available for the reasonably
17 foreseeable needs of the subdivision or development.

18 ~~(3)~~(B) Will not cause an unreasonable burden on an existing water
19 supply, if one is to be utilized.

20 * * *

1 (5)(A) Transportation. Will not cause unreasonable congestion or
2 unsafe conditions with respect to use of the highways; waterways; railways;
3 airports and airways; bicycle, pedestrian, and other transit infrastructure; and
4 other means of transportation existing or proposed.

5 (B) ~~As appropriate, will~~ Will incorporate transportation demand
6 management strategies and provide safe access and connections to adjacent
7 lands and facilities and to existing and planned pedestrian, bicycle, and transit
8 networks and services. ~~In determining appropriateness under this subdivision~~
9 ~~(B) However,~~ the District Commission ~~shall consider whether~~ may decline to
10 require such a strategy, access, or connection ~~constitutes a measure~~ if it finds
11 that a reasonable person would ~~take~~ not undertake the measure given the type,
12 scale, and transportation impacts of the proposed development or subdivision.

13
14 * * *

15 (8) Ecosystem protection; scenic beauty; historic sites. Will not have an
16 undue adverse effect on the scenic or natural beauty of the area, aesthetics,
17 historic sites, or rare and irreplaceable natural areas.

18 (A) Necessary wildlife habitat and endangered species. A permit will
19 not be granted ~~if~~ unless it is demonstrated by ~~any party opposing~~ the applicant
20 that a development or subdivision will not destroy or significantly imperil

1 necessary wildlife habitat or any endangered species; ~~and~~ or, if such
2 destruction or imperilment will occur:

3 (i) the economic, social, cultural, recreational, or other benefit to
4 the public from the development or subdivision will ~~not~~ outweigh the
5 economic, environmental, or recreational loss to the public from the
6 destruction or imperilment of the habitat or species; ~~or~~

7 (ii) all feasible and reasonable means of preventing or lessening
8 the destruction, diminution, or imperilment of the habitat or species have ~~not~~
9 been or will not continue to be applied; or

10 (iii) a reasonably acceptable alternative site is not owned or
11 controlled by the applicant ~~which~~ that would allow the development or
12 subdivision to fulfill its intended purpose.

13 (B) Forest blocks.

14 (i) A permit will not be granted for a development or subdivision
15 within or partially within a forest block unless the applicant demonstrates that:

16 (I) the development or subdivision will avoid fragmentation of
17 the forest block through the design of the project or the location of project
18 improvements, or both;

19 (II) it is not feasible to avoid fragmentation of the forest block
20 and the design of the development or subdivision minimizes fragmentation of
21 the forest block; or

1 (III) it is not feasible to avoid or minimize fragmentation of the
2 forest block and the applicant will mitigate the fragmentation in accordance
3 with section 6094 of this title.

4 (ii) Methods for avoiding or minimizing the fragmentation of a
5 forest block may include:

6 (I) Locating buildings and other improvements and operating
7 the project in a manner that avoids or minimizes incursion into and disturbance
8 of the forest block, including clustering of buildings and associated
9 improvements.

10 (II) Designing roads, driveways, and utilities that serve the
11 development or subdivision to avoid or minimize fragmentation of the forest
12 block. Such design may be accomplished by following or sharing existing
13 features on the land such as roads, tree lines, stone walls, and fence lines.

14 (C) Connecting habitat.

15 (i) A permit will not be granted for a development or subdivision
16 unless the applicant demonstrates that:

17 (I) the development or subdivision will avoid fragmentation of
18 a connecting habitat through the design of the project or the location of project
19 improvements, or both;

1 (II) it is not feasible to avoid fragmentation of the connecting
2 habitat and the design of the development or subdivision minimizes
3 fragmentation of the connector; or

4 (III) it is not feasible to avoid or minimize fragmentation of the
5 connecting habitat and the applicant will mitigate the fragmentation in
6 accordance with section 6094 of this title.

7 (ii) Methods for avoiding or minimizing the fragmentation of a
8 connecting habitat may include:

9 (I) locating buildings and other improvements at the farthest
10 feasible location from the center of the connector;

11 (II) designing the location of buildings and other improvements
12 to leave the greatest contiguous portion of the area undisturbed in order to
13 facilitate wildlife travel through the connector; or

14 (III) when there is no feasible site for construction of buildings
15 and other improvements outside the connector, designing the buildings and
16 improvements to facilitate the continued viability of the connector for use by
17 wildlife.

18 * * *

19 (9) Capability and development plan. Is in conformance with a duly
20 adopted capability and development plan, and land use plan when adopted.
21 However, the legislative findings of subdivisions 7(a)(1) through (19) of Act

1 ~~85 of 1973 shall not be used as criteria in the consideration of applications by a~~
2 ~~District Commission.~~

3 * * *

4 (F) Energy conservation and efficiency. A permit will be granted
5 when it has been demonstrated by the applicant that, in addition to all other
6 applicable criteria, the planning and design of the subdivision or development
7 reflect the principles of energy conservation and energy efficiency, including
8 reduction of greenhouse gas emissions from the use of energy, and incorporate
9 the best available technology for efficient use or recovery of energy. An
10 applicant seeking an affirmative finding under this criterion shall provide
11 evidence that the subdivision or development complies with the applicable
12 building energy standards and stretch codes under 30 V.S.A. § 51 or 53.

13 * * *

14 (I) Interchange areas. A permit will be granted for a development or
15 subdivision within an interchange area when it is demonstrated that, in addition
16 to all other applicable criteria, the development or subdivision complies with
17 the Vermont Interstate Interchange Planning and Design Guidelines applicable
18 to the category of land use as identified for that area in the regional plan. As
19 used in this subdivision (I), “Vermont Interstate Interchange Planning and
20 Design Guidelines” refers to the guidelines by that name published by the
21 Agency of Commerce and Community in 2004 or such update to those

1 guidelines as the Commissioner of Housing and Community Development
2 may subsequently publish, provided that the update is at least as protective of
3 existing settlements, scenic beauty and aesthetics, farmland, and natural
4 resources as the 2004 guidelines.

5 * * *

6 (K) Development affecting public investments. A permit will be
7 granted for the development or subdivision of lands adjacent to governmental
8 and public utility facilities, services, and lands, including highways, airports,
9 waste disposal facilities, office and maintenance buildings, fire and police
10 stations, universities, schools, hospitals, prisons, jails, electric generating and
11 transmission facilities, oil and gas pipe lines, parks, hiking trails ~~and~~ forest and
12 game lands, lands conserved under chapter 155 of this title, and facilities or
13 lands receiving benefits through the Vermont Housing and Conservation Board
14 under chapter 15 of this title, the State Designation Program under 24 V.S.A.
15 chapter 76A, or the Vermont Downtown and Village Center Tax Credit
16 Program under 32 V.S.A. chapter 151, subchapter J, when it is demonstrated
17 that, in addition to all other applicable criteria, the development or subdivision
18 will not unnecessarily or unreasonably endanger the public or quasi-public
19 investment in the facility, service, or lands, or materially jeopardize or interfere
20 with the function, efficiency, or safety of, or the public's use or enjoyment of
21 or access to the facility, service, or lands.

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(10) Local and regional plans. Is in conformance with any duly adopted local ~~or~~ plan that has been approved under 24 V.S.A. § 4350, regional plan that has been approved by the Board under 24 V.S.A. § 4348, or capital program under 24 V.S.A. chapter 117 § 4430. In making this finding, if:

(A) A District Commission shall require conformance with the future land use maps contained in the local and regional plans and with the written provisions of those plans.

(B) A District Commission shall decline to apply a provision of a local or regional plan only if the Commission is persuaded that the provision does not afford a person of ordinary intelligence with a reasonable opportunity to understand what the provision directs, requires, or proscribes.

(C) If the District Commission finds applicable provisions of the town plan to be ambiguous, the District Commission, for interpretive purposes, shall consider bylaws, but only to the extent that they implement and are consistent with those provisions, and need not consider any other evidence.

* * *

(c) Conditions. A permit may contain such requirements and conditions as are allowable proper exercise of the police power and which are appropriate within the respect to subdivisions (a)(1) through (10) of this section, including those set forth in 24 V.S.A. §§ 4414(4), 4424(a)(2), 4414(1)(D)(i), 4463(b),

1 and 4464, the dedication of lands for public use, and the filing of bonds to
2 ~~insure~~ ensure compliance. The requirements and conditions incorporated from
3 Title 24 may be applied whether or not a local plan has been adopted. General
4 requirements and conditions may be established by rule of the Natural
5 Resources Board.

6 **(d) Other permits and approvals; presumptions. The Natural**
7 **Resources Board may by rule allow the acceptance of a permit or permits**
8 **or approval of any State agency with respect to subdivisions (a)(1)**
9 **through (5) of this section or a permit or permits of a specified municipal**
10 **government with respect to subdivisions (a)(1) through (7) and (9) and**
11 **(10) of this section, or a combination of such permits or approvals, in lieu**
12 **of evidence by the applicant. ~~A District Commission, in accordance with~~**
13 **~~rules adopted by the Board, shall accept determinations issued by a~~**
14 **~~development review board under the provisions of 24 V.S.A. § 4420, with~~**
15 **~~respect to local Act 250 review of municipal impacts.~~ The acceptance of**
16 **such approval, ~~positive determinations,~~ permit, or permits shall create a**
17 **presumption that the application is not detrimental to the public health**
18 **and welfare with respect to the specific requirement for which it is**
19 **accepted. ~~In the case of approvals and permits issued by the Agency of~~**
20 **~~Natural Resources, technical determinations of the Agency shall be~~**
21 **~~accorded substantial deference by the Commissions.~~ The acceptance of**

1 ~~negative determinations issued by a development review board under the~~
2 ~~provisions of 24 V.S.A. § 4420, with respect to local Act 250 review of~~
3 ~~municipal impacts shall create a presumption that the application is~~
4 ~~detrimental to the public health and welfare with respect to the specific~~
5 ~~requirement for which it is accepted. Any determinations, positive or~~
6 ~~negative, under the provisions of 24 V.S.A. § 4420 shall create~~
7 ~~presumptions only to the extent that the impacts under the criteria are~~
8 ~~limited to the municipality issuing the decision. Such a rule may be~~
9 ~~revoked or amended pursuant to the procedures set forth in 3 V.S.A.,~~
10 ~~chapter 25, the Vermont Administrative Procedure Act.~~

11 (1) The rules adopted by the Board shall not approve the acceptance
12 of a permit or approval of such an agency or a permit of a municipal
13 government unless ~~it~~ each of the following applies:

14 (A) The permit or approval satisfies the appropriate
15 requirements of subsection (a) of this section.

16 (B) The Board finds that the permit or approval is part of a
17 program that reliably meets its goals, such as achieving water quality
18 standards.

19 (2) A presumption created under this subsection may be rebutted by
20 the introduction of evidence contrary to the presumed fact.

1 **(3) In the case of approvals and permits issued by the Agency of**
2 **Natural Resources:**

3 **(A) There shall be no presumption for a permit or approval**
4 **authorizing the discharge of a pollutant into a water if uses of that water**
5 **are already impaired by the pollutant.**

6 **(B) Admissible evidence of the technical determinations of the**
7 **Agency shall be accorded substantial deference by the District**
8 **Commissions.**

9 **(4) A District Commission, in accordance with rules adopted by the**
10 **Board, shall accept determinations issued by a development review board**
11 **under the provisions of 24 V.S.A. § 4420, with respect to local review of**
12 **municipal impacts under criteria of this section. The acceptance of such a**
13 **determination, if positive, shall create a presumption that the application**
14 **is not detrimental to the public health and welfare with respect to the**
15 **specific requirement for which it is accepted and, if negative, shall create a**
16 **presumption that the application is so detrimental. Any determinations,**
17 **positive or negative, under the provisions of 24 V.S.A. § 4420 shall create**
18 **presumptions only to the extent that the impacts under the criteria are**
19 **limited to the municipality issuing the decision.**

20 * * *

21 § 6087. DENIAL OF APPLICATION

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(b) A permit may not be denied solely for the reasons set forth in subdivisions 6086(a)(5), (6), and (7) of this title. ~~However, reasonable~~ Reasonable conditions and requirements allowable in subsection 6086(c) of this title may be attached to alleviate the burdens created. However, a permit may be denied under subdivision 6086(a)(5) of this title if the permit is for development in an interchange area that is not within an existing settlement.

* * *

§ 6088. BURDEN OF PROOF

(a) The burden shall be on the applicant with respect to subdivisions 6086(a)(1), (2), (3), (4), (8)(A) through (C), (9), and (10) of this title.

(b) ~~The~~ Except for subdivisions 6086(a)(8)(A) through (C) of this title, the burden shall be on any party opposing the applicant with respect to subdivisions 6086(a)(5) through (8) of this title to show an unreasonable or adverse effect.

§ 6089. APPEALS

(a) Appeals of any act or decision of a District Commission under this chapter or a district coordinator under subsection 6007(c) of this title shall be made to the Environmental Division in accordance with chapter 220 of this title. For the purpose of this section, a decision of the Chair of a District Commission under section 6001e of this title on whether action

1 has been taken to circumvent the requirements of this chapter shall be
2 considered an act or decision of the District Commission.

3 **(b) In an appeal of an act or decision described in subsection (a) of this**
4 **section, an appellant shall have the burden of proof on the issues raised in**
5 **his or her appeal. The applicant, whether or not an appellant, shall have a**
6 **burden to produce evidence sufficient to inform the Division of the nature,**
7 **elements, context, and impacts of the project to which the appeal relates.**

8 **§ 6090. RECORDING; DURATION AND REVOCATION OF PERMITS**

9 **(a) Recording.** In order to afford adequate notice of the terms and
10 conditions of land use permits, permit amendments and revocations of
11 permits, they shall be recorded in local land records. Recordings under
12 this chapter shall be indexed as though the permittee were the grantor of a
13 deed.

14 **(b) Permits for specified period.**

15 **(1) Any permit granted under this chapter for extraction of mineral**
16 **resources, operation of solid waste disposal facilities, or logging above**
17 **2,500 feet, shall be for a specified period determined by the Board in**
18 **accordance with the rules adopted under this chapter as a reasonable**
19 **projection of the time during which the land will remain suitable for use if**
20 **developed or subdivided as contemplated in the application, and with due**
21 **regard for the economic considerations attending the proposed**

1 **development or subdivision. Other permits issued under this chapter shall**
2 **be for an indefinite term, as long as there is compliance with the**
3 **conditions of the permit.**

4 **(2) Expiration dates contained in permits issued before July 1, 1994**
5 **(involving developments that are not for extraction of mineral resources,**
6 **operation of solid waste disposal facilities, or logging above ~~2,500~~ 2,000**
7 **feet) are extended for an indefinite term, as long as there is compliance**
8 **with the conditions of the permits.**

9 **(c) Change to nonjurisdictional use; release from permit.**

10 **(1) On application signed by each permittee, the District**
11 **Commission may release land subject to a permit under this chapter from**
12 **the obligations of that permit and the obligation to obtain amendments to**
13 **the permit, on finding each of the following:**

14 **(A) The use of the land as of the date of the application is not the**
15 **same as the use of the land that caused the obligation to obtain a permit**
16 **under this chapter.**

17 **(B) The use of the land as of the date of the application does not**
18 **constitute development or subdivision as defined in section 6001 of this**
19 **title and would not require a permit or permit amendment but for the fact**
20 **that the land is already subject to a permit under this chapter.**

1 (C) The permittee or permittees are in compliance with the
2 permit and their obligations under this chapter.

3 (D) Each municipality in which the land is located has adopted
4 permanent zoning and subdivision bylaws.

5 (2) It shall be a condition of each affirmative decision under this
6 subsection that a subsequent proposal of a development or subdivision on
7 the land to which the decision applies shall be subject to this chapter as if
8 the land had never previously received a permit under the chapter.

9 (3) An application for a decision under this subsection shall be made
10 on a form prescribed by the Board. The form shall require evidence
11 demonstrating that the application complies with subdivisions (1)(A)
12 through (D) of this subsection. The application shall be processed in the
13 manner described in section 6084 of this title and may be treated as a
14 minor application under that section. However, in determining whether
15 to treat as minor an application under this subsection, the District
16 Commission shall apply the criteria of this subsection and not of
17 subsection 6086(a) of this title.

18 * * *

19 § 6094. MITIGATION OF FOREST BLOCKS AND **HABITAT**

20 **CONNECTORS CONNECTING HABITAT**

1 (a) A District Commission may consider a proposal to mitigate, through
2 compensation, the fragmentation of a forest block or connecting habitat if the
3 applicant demonstrates that it is not feasible to avoid or minimize
4 fragmentation of the block or connector in accordance with the respective
5 requirements of subdivision 6086(a)(8)(B) or (C) of this title. A District
6 Commission may approve the proposal only if it finds that the proposal will
7 meet the requirements of the rules adopted under this section and will preserve
8 a forest block or connecting habitat of similar quality and character to the
9 block or connector affected by the development or subdivision.

10 (b) The Board, in consultation with the Secretary of Natural Resources,
11 shall adopt rules governing mitigation under this section.

12 (1) The rules shall state the acreage ratio of forest block or connecting
13 habitat to be preserved in relation to the block or connector affected by the
14 development or subdivision.

15 (2) Compensation measures to be allowed under the rules shall be based
16 on the ratio of land developed pursuant to subdivision (1) of this subsection
17 and shall include:

18 (A) Preservation of a forest block or connecting habitat of similar
19 quality and character to the block or connector that the development or
20 subdivision will affect.

1 (B) Deposit of an offsite mitigation fee into the Vermont Housing
2 and Conservation Trust Fund under section 312 of this title.

3 (i) This mitigation fee shall be derived as follows:

4 (I) Determine the number of acres of forest block or connecting
5 habitat, or both, affected by the proposed development or subdivision.

6 (II) Multiply this number of affected acres by the ratio set forth
7 in the rules.

8 (III) Multiply the resulting product by a “price-per-acre” value,
9 which shall be based on the amount that the Commissioner of Forests, Parks
10 and Recreation determines to be the recent, per-acre cost to acquire
11 conservation easements for forest blocks and connecting habitats of similar
12 quality and character in the same geographic region as the proposed
13 development or subdivision.

14 (ii) The Vermont Housing and Conservation Board shall use such
15 a fee to preserve a forest block or connecting habitat of similar quality and
16 character to the block or connector affected by the development or subdivision.

17 (C) Such other compensation measures as the rules may authorize.

18 (c) The mitigation of impact on a forest block or a connecting habitat, or
19 both, shall be structured also to mitigate the impacts, under the criteria of
20 subsection 6086(a) of this title other than subdivisions (8)(B) and (C), to land
21 or resources within the block or connector.

1 (d) All forest blocks and connecting habitats preserved pursuant to this
2 section shall be protected by permanent conservation easements that grant
3 development rights and include conservation restrictions and are conveyed to a
4 qualified holder, as defined in section 821 of this title, with the ability to
5 monitor and enforce easements in perpetuity.

6 * * *

7 * * * Resource Mapping; Forest Blocks * * *

8 Sec. 4. 10 V.S.A. § 127 is amended to read:

9 § 127. RESOURCE MAPPING

10 ~~On or before January 15, 2013, the~~ The Secretary of Natural Resources
11 (the Secretary) shall complete and maintain resource mapping based on the
12 Geographic Information System (GIS) or other technology. The mapping shall
13 identify natural resources throughout the State, including forest blocks, that
14 may be relevant to the consideration of energy projects and projects subject to
15 chapter 151 of this title. The Center for Geographic Information shall be
16 available to provide assistance to the Secretary in carrying out the ~~GIS-based~~
17 resource mapping.

18 (b) ~~The Secretary of Natural Resources~~ shall consider the ~~GIS-based~~
19 resource maps developed under subsection (a) of this section when providing
20 evidence and recommendations to the Public Utility Commission under 30

1 V.S.A. § 248(b)(5) and when commenting on or providing recommendations
2 under chapter 151 of this title to District Commissions on other projects.

3 (c) The Secretary shall establish and maintain written procedures that
4 include a process and science-based criteria for updating resource maps
5 developed under subsection (a) of this section. Before establishing or revising
6 these procedures, the Secretary shall provide an opportunity for affected parties
7 and the public to submit relevant information and recommendations.

8 * * * Enhanced Designation; Appeal * * *

9 Sec. 5. 24 V.S.A. § 2793f is added to read:

10 § 2793f. ENHANCED DESIGNATION

11 (a) A municipality that has received or applies for designation of a
12 downtown development district, village center, new town center, or growth
13 center under this chapter may also apply for an enhanced designation pursuant
14 to this section in order to allow the municipality, in lieu of the District
15 Commissions under 10 V.S.A. chapter 151, to ensure that land development
16 within the designated area complies with the criteria set forth in 10 V.S.A. §
17 6086(a). As used in this section, “land development” has the same meaning as
18 in section 4303 of this title.

19 (b) A municipality seeking an enhanced designation shall:

20 (1) demonstrate that its bylaws ensure that land development in the
21 designated area complies with the criteria set forth in 10 V.S.A. § 6086(a);

1 (2) demonstrate that it has the capability to review land development for
2 compliance with those criteria and to enforce its decisions;

3 (3) identify those areas within the municipality that constitute critical
4 resource areas within the meaning of 10 V.S.A. § 6001; and

5 (4) satisfy such other requirements as the State Board shall adopt by
6 rule.

7 (c) The State Board shall adopt rules to implement this section and may
8 grant or conditionally grant an application for enhanced designation if it meets
9 the requirements of this section and the adopted rules.

10 Sec. 6. 24 V.S.A. § 2798 is amended to read:

11 § 2798. DESIGNATION DECISIONS; ~~NONAPPEAL~~ APPEAL

12 (a) The A person aggrieved by a designation decisions decision of the State
13 Board under this chapter are not subject to appeal one or more of sections 2793
14 through 2793f of this title may appeal to the Natural Resources Board
15 established under 10 V.S.A. chapter 151 within 30 days of the decision. If the
16 decision pertains to designation of a growth center under section 2793c of this
17 title, the period for filing an appeal shall be tolled by the filing of a request for
18 reconsideration under that section and shall commence to run in full on the
19 State Board's issuance of a decision on that request.

20 (b) The Natural Resources Board shall conduct a de novo hearing on the
21 decision under appeal and shall proceed in accordance with the contested case

1 requirements of the Vermont Administrative Procedure Act. The Natural
2 Resources Board shall issue a final decision within 90 days of the filing of the
3 appeal. The provisions of 10 V.S.A. § 6024 regarding assistance to the Natural
4 Resources Board from other departments and agencies of the State shall apply
5 to appeals under this section.

6 * * * Regional and Municipal Planning * * *

7 Sec. 7. 24 V.S.A. § 4348(f) is amended to read:

8 (f) A regional plan or amendment shall be adopted by not less than a 60
9 percent vote of the commissioners representing municipalities, in accordance
10 with the bylaws of the regional planning commission, and immediately
11 submitted to the legislative bodies of the municipalities that comprise the
12 region.

13 (1) The plan or amendment shall be considered duly adopted ~~and shall~~
14 ~~take effect~~ 35 days after the date of adoption, unless, within 35 days of the date
15 of adoption, the regional planning commission receives certification from the
16 legislative bodies of a majority of the municipalities in the region vetoing the
17 proposed plan or amendment. In case of such a veto, the plan or amendment
18 shall be deemed rejected.

19 (2) Upon adoption, the regional planning commission shall submit the
20 plan or amendment to the Natural Resources Board established under 10
21 V.S.A. chapter 151, which shall approve the plan or amendment if it

1 determines that the plan or amendment is consistent with the goals of section
2 4302 of this title. The plan or amendment shall take effect on the issuance of
3 such approval. The Natural Resources Board shall issue its decision within 30
4 days after receiving the plan or amendment.

5 Sec. 8. 24 V.S.A. § 4348a is amended to read:

6 § 4348a. ELEMENTS OF A REGIONAL PLAN

7 (a) A regional plan shall be consistent with the goals established in section
8 4302 of this title and shall include the following:

9 * * *

10 (2) A land use element, which shall consist of a map and statement of
11 present and prospective land uses, that:

12 (A) Indicates those areas proposed for forests, recreation, agriculture
13 (using the agricultural lands identification process established in 6 V.S.A. § 8),
14 residence, commerce, industry, public, and semi-public uses, open spaces,
15 areas reserved for flood plain, and areas identified by the State, regional
16 planning commissions, or municipalities that require special consideration for
17 aquifer protection; for wetland protection; for the maintenance of forest blocks,
18 wildlife habitat, and habitat connectors; or for other conservation purposes.

19 (B) Indicates those areas within the region that are likely candidates
20 for designation under sections 2793 (downtown development districts), 2793a

1 (village centers), 2793b (new town centers), and 2793c (growth centers) of this
2 title.

3 * * *

4 (F) Indicates those areas that are important as forest blocks and
5 habitat connectors and plans for land development in those areas to minimize
6 forest fragmentation and promote the health, viability, and ecological function
7 of forests. A plan may include specific policies to encourage the active
8 management of those areas for wildlife habitat, water quality, timber
9 production, recreation, or other values or functions identified by the regional
10 planning commission.

11 (G) Indicates those areas that constitute critical resource areas as
12 defined in 10 V.S.A. § 6001.

13 * * *

14 Sec. 9. 24 V.S.A. § 4382 is amended to read:

15 § 4382. THE PLAN FOR A MUNICIPALITY

16 (a) A plan for a municipality ~~may~~ shall be consistent with the goals
17 established in section 4302 of this title and compatible with approved plans of
18 other municipalities in the region and with the regional plan and shall include
19 the following:

20 * * *

21 * * * Revision Authority; Effective Date * * *

1 Sec. 10. REVISION AUTHORITY

2 (a) In 10 V.S.A. § 6002 as amended by Sec. 3 of this act, the Office of
3 Legislative Council shall:

4 (1) in subdivision (2), replace the reference to “this act” with the
5 specific citation to this act as enacted; and

6 (2) reorganize and renumber the definitions so that they are in
7 alphabetical order and, in the Vermont Statutes Annotated, shall revise all
8 cross-references to those definitions accordingly.

9 (b) In the Vermont Statutes Annotated, the Office of Legislative Council
10 shall replace references to “Act 250” with “the Vermont Act on Land Use and
11 the Environment” or “VALUE”, as appropriate;

12 (c) In 10 V.S.A. § 6086, the Office of Legislative Council shall insert the
13 following subsection and subdivision headings:

14 (1) In subdivision (a)(4): Soil erosion; capacity of land to hold water.

15 (2) In subdivision (a)(6): Educational services.

16 (3) In subdivision (a)(7): Local governmental services.

17 (4) In subsection (b): Partial findings.

18 ~~(5) In subsection (d): Other permits and approvals; presumptions.~~

19 ~~(6) (5) In subsection (e): Temporary improvements; film or TV.~~

20 ~~(7) (6) In subsection (f): Stay of construction.~~

21 Sec. 11. EFFECTIVE DATE

1 This act shall take effect on July 1, 2019. On or before September 1, 2019,
2 the Natural Resources Board shall file with the Secretary of State proposed
3 rules to implement Sec. 3, 10 V.S.A. § 6094.

DRAFT