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H.630

Introduced by Representative McCormack of Burlington

Referred to Committee on

Date:

Subject: Conservation and development; land use; natural resources; Act 250;
housing project jurisdiction; designated centers

Statement of purpose of bill as introduced: This bill proposes to restore full
jurisdiction under 10 V.S.A. chapter 151 (Act 250) over large housing projects
by repealing the language reducing Act 250 jurisdiction in certain designated
areas.

11 An act relating to Act 250 jurisdiction over large housing projects

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 In this chapter:

16 * * *

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

18 * * *

19 (iv) The construction of housing projects such as cooperatives,
20 condominiums, or dwellings, or construction or maintenance of mobile homes

1 or mobile home parks, with 10 or more units, constructed or maintained on a
2 tract or tracts of land, owned or controlled by a person, within a radius of five
3 miles of any point on any involved land, and within any continuous period of
4 five years. ~~However:~~

5 (I) ~~A priority housing project shall constitute a development~~
6 ~~under this subdivision (iv) only if the number of housing units in the project is:~~

7 (aa) ~~[Repealed.]~~

8 (bb) ~~[Repealed.]~~

9 (cc) ~~75 or more, in a municipality with a population of~~
10 ~~6,000 or more but less than 10,000.~~

11 (dd) ~~50 or more, in a municipality with a population of~~
12 ~~3,000 or more but less than 6,000.~~

13 (ee) ~~25 or more, in a municipality with a population of~~
14 ~~less than 3,000.~~

15 (ff) ~~Notwithstanding subdivisions (cc) through (ee) of~~
16 ~~this subdivision (3)(A)(iv)(I), 10 or more if the construction involves the~~
17 ~~demolition of one or more buildings that are listed on or eligible to be listed on~~
18 ~~the State or National Register of Historic Places. However, demolition shall~~
19 ~~not be considered to create jurisdiction under this subdivision if the Division~~
20 ~~for Historic Preservation has determined that the proposed demolition will~~
21 ~~have no adverse effect, will have no adverse effect if specified conditions are~~

1 ~~met, or will have an adverse effect that will be adequately mitigated. Any~~
2 ~~imposed conditions shall be enforceable through a grant condition, deed~~
3 ~~covenant, or other legally binding document. [Repealed.]~~

4 (II) ~~The determination of jurisdiction over a priority housing~~
5 ~~project shall count only the housing units included in that discrete project.~~
6 ~~[Repealed.]~~

7 (III) ~~Housing units in a priority housing project shall not count~~
8 ~~toward determining jurisdiction over any other project. [Repealed.]~~

9 * * *

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

11 * * *

12 (viii)(I) ~~The construction of a priority housing project in a~~
13 ~~municipality with a population of 10,000 or more.~~

14 (II) ~~If the construction of a priority housing project in this~~
15 ~~subdivision (3)(D)(viii) involves demolition of one or more buildings that are~~
16 ~~listed or eligible to be listed on the State or National Register of Historic~~
17 ~~Places, this exemption shall not apply unless the Division for Historic~~
18 ~~Preservation has made the determination described in subdivision (A)(iv)(I)(ff)~~
19 ~~of this subdivision (3) and any imposed conditions are enforceable in the~~
20 ~~manner set forth in that subdivision. [Repealed.]~~

21 * * *

1 ~~any combination of mixed use and mixed income housing, and the cumulative~~
2 ~~changes within any continuous period of five years, commencing on or after~~
3 ~~the effective date of this subsection, remain below any applicable jurisdictional~~
4 ~~threshold specified in subdivision 6001(3)(A)(iv)(I) of this title.~~

5 (2) ~~No permit or permit amendment is required for a priority housing~~
6 ~~project in a designated center other than a downtown development district if~~
7 ~~the project remains below any applicable jurisdictional threshold specified in~~
8 ~~subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions~~
9 ~~of any existing permit or permit amendment issued under this chapter that~~
10 ~~applies to the tract or tracts on which the project will be located. If such a~~
11 ~~priority housing project will not comply with one or more of these conditions,~~
12 ~~an application may be filed pursuant to section 6084 of this title. [Repealed.]~~

13 * * *

14 Sec. 3. 10 V.S.A. § 6084 is amended to read:

15 § 6084. NOTICE OF APPLICATION; HEARINGS, COMMENCEMENT OF
16 REVIEW

17 * * *

18 (f) ~~This subsection concerns an application for a new permit amendment to~~
19 ~~change the conditions of an existing permit or existing permit amendment in~~
20 ~~order to authorize the construction of a priority housing project described in~~
21 ~~subdivision 6081(p)(2) of this title.~~

1 ~~(1) The District Commission may authorize a district coordinator to~~
2 ~~issue such an amendment, without notice and a hearing, if the applicant~~
3 ~~demonstrates that all parties to the existing permit or existing permit~~
4 ~~amendment, which contains the condition or conditions proposed to be~~
5 ~~changed, or their successors in interest have consented to the proposed changes~~
6 ~~to conditions relative to the criteria for which the party obtained party status.~~

7 ~~(2) If the applicant is not able to obtain the consent of a party or parties~~
8 ~~or their successors in interest with respect to one or more of the conditions in~~
9 ~~the existing permit or permit amendment proposed to be changed, the applicant~~
10 ~~shall file a permit application pursuant to this section. However, review by the~~
11 ~~District Commission shall be limited to whether the changes to conditions not~~
12 ~~consented to by the party or parties or their successors in interest enable~~
13 ~~positive findings to be made under subsection 6086(a) and are authorized~~
14 ~~under subsection 6086(e) of this title. [Repealed.]~~

15 Sec. 4. EFFECTIVE DATE

16 This act shall take effect on July 1, 2018.