

1 H.687

2 Representatives Bongartz of Manchester, Sheldon of Middlebury, move that  
3 the House concur with the Senate proposal of amendment with further proposal  
4 of amendment as follows:

5 First: By adding a new Sec. 1a to read as follows:

6 Sec. 1a. PURPOSE

7 The purpose of this act is to further assist the State in achieving the  
8 conservation vision and goals for the State established in 10 V.S.A. § 2802  
9 and 24 V.S.A. § 4302. It provides a regulatory framework that supports the  
10 vision for Vermont of human and natural community resilience and  
11 biodiversity protection in the face of climate change, as described in 2023 Acts  
12 and Resolves No. 59. It would strengthen the administration of the Act 250  
13 program by changing the structure, function, and name of the Natural  
14 Resources Board. The program updates established in this act would be used  
15 to guide State financial investment in human and natural infrastructure.

16 Second: In Sec. 3, 10 V.S.A. § 6032, in subsection (b), by striking out  
17 “July 31”and inserting in lieu thereof “June 30”

18 Third: In Sec. 5, 10 V.S.A. § 6027, by adding a new subsection (o) to read  
19 as follows:

20 (o) Beginning on January 1, 2026, the Board shall hear appeals of  
21 jurisdictional opinions. The Board shall adopt rules for the appeals of

1 jurisdictional opinions that shall prohibit ex parte communications between  
2 District Coordinators and the Board on such appeals. Appeals of the Board’s  
3 decisions on jurisdictional opinions shall be made to the Supreme Court.

4 Fourth: In Sec. 8, 10 V.S.A. § 6086(h), in the second sentence, by striking  
5 out “and shall be notarized”

6 Fifth: In Sec. 9, 10 V.S.A. § 6083a, by adding a new subsection to be  
7 subsection (k) to read as follows:

8 (k) All persons filing an appeal of a jurisdictional opinion shall pay a fee of  
9 \$295.00, plus publication costs, unless the Board approves a waiver of fees  
10 based on indigency.

11 Sixth: In Sec. 11, Land Use Review Board appointments; revision  
12 authority, by striking out subsection (a) in its entirety and inserting in lieu  
13 thereof a new subsection (a) to read as follows:

14 (a) The Governor shall appoint the members of the Land Use Review  
15 Board on or before January 1, 2025, and the terms of any Natural Resources  
16 Board member not appointed consistent with the requirements of 10 V.S.A.  
17 § 6021(a)(1)(A) or (B) shall expire on that day.

18 Seventh: In Sec. 11, Land Use Review Board appointments; revision  
19 authority, in subsection (b), by striking out “July” and inserting in lieu thereof  
20 of “January”



1 unless the underlying jurisdictional opinion was not properly served on persons  
2 listed in subdivisions 6085(c)(1)(A) through (D) of this title and on persons on  
3 a subdivision 6085(c)(1)(E) list approved under subsection 6007(c) of this title.

4 Ninth: By adding a Sec. 11c to read as follows:

5 Sec. 11c. 10 V.S.A. chapter 220 is amended to read:

6 CHAPTER 220. CONSOLIDATED ENVIRONMENTAL APPEALS

7 § 8501. PURPOSE

8 It is the purpose of this chapter to:

9 (1) consolidate existing appeal routes for municipal zoning and  
10 subdivision decisions and acts or decisions of the Secretary of Natural  
11 Resources, ~~district environmental coordinators,~~ and District Commissions,  
12 excluding enforcement actions brought pursuant to chapters 201 and 211 of  
13 this title and the adoption of rules under 3 V.S.A. chapter 25;

14 (2) standardize the appeal periods, the parties who may appeal these acts  
15 or decisions, and the ability to stay any act or decision upon appeal, taking into  
16 account the nature of the different programs affected;

17 (3) encourage people to get involved in the Act 250 permitting process  
18 at the initial stages of review by a District Commission by requiring  
19 participation as a prerequisite for an appeal of a District Commission decision  
20 to the Environmental Division;

1           (4) ~~assure~~ ensure that clear appeal routes exist for acts and decisions of  
2 the Secretary of Natural Resources; and

3           (5) consolidate appeals of decisions related to renewable energy  
4 generation plants and telecommunications facilities with review under,  
5 respectively, 30 V.S.A. §§ 248 and 248a, with appeals and consolidation of  
6 proceedings pertaining to telecommunications facilities occurring only while  
7 30 V.S.A. § 248a remains in effect.

8 § 8502. DEFINITIONS

9           As used in this chapter:

10           (1) “District Commission” means a District Environmental Commission  
11 established under chapter 151 of this title.

12           (2) ~~“District coordinator” means a district environmental coordinator~~  
13 ~~attached to a District Commission established under chapter 151 of this title.~~

14 [Repealed.]

15           (3) “Environmental Court” or “Environmental Division” means the  
16 Environmental Division of the Superior Court established by 4 V.S.A. § 30.

17           (4) ~~“Natural Resources~~ Land Use Review Board” or “Board” means the  
18 Board established under chapter 151 of this title.

19           (5) “Party by right” means the following:

20           (A) the applicant;

21           (B) the landowner, if the applicant is not the landowner;

1 (C) the municipality in which the project site is located and the  
2 municipal and regional planning commissions for that municipality;

3 (D) if the project site is located on a boundary, any Vermont  
4 municipality adjacent to that border and the municipal and regional planning  
5 commissions for that municipality;

6 (E) the solid waste management district in which the land is located,  
7 if the development or subdivision constitutes a facility pursuant to subdivision  
8 6602(10) of this title; and

9 (F) any State agency affected by the proposed project.

10 (6) “Person” means any individual; partnership; company; corporation;  
11 association; joint venture; trust; municipality; the State of Vermont or any  
12 agency, department, or subdivision of the State; any federal agency; or any  
13 other legal or commercial entity.

14 (7) “Person aggrieved” means a person who alleges an injury to a  
15 particularized interest protected by the provisions of law listed in section 8503  
16 of this title; attributable to an act or decision by a ~~district coordinator~~, District  
17 Commission, the Secretary, or the Environmental Division that can be  
18 redressed by the Environmental Division or the Supreme Court.

19 (8) “Secretary” means the Secretary of Natural Resources or the  
20 Secretary’s duly authorized representative. As used in this chapter,  
21 “Secretary” ~~shall also mean~~ means the Commissioner of Environmental

1 Conservation; the Commissioner of Forests, Parks and Recreation; and the  
2 Commissioner of Fish and Wildlife; with respect to those statutes that refer to  
3 the authority of that commissioner or department.

4 § 8503. APPLICABILITY

5 (a) This chapter shall govern all appeals of an act or decision of the  
6 Secretary, excluding enforcement actions under chapters 201 and 211 of this  
7 title and rulemaking, under the following authorities and under the rules  
8 adopted under those authorities:

9 \* \* \*

10 (b) This chapter shall govern:

11 (1) all appeals from an act or decision of a District Commission under  
12 chapter 151 of this title, excluding appeals of application fee refund requests;

13 ~~(2) appeals from an act or decision of a district coordinator under~~  
14 ~~subsection 6007(e) of this title; [Repealed.]~~

15 (3) appeals from findings of fact and conclusions of law issued by the  
16 Natural Resources Board in its review of a designated growth center for  
17 conformance with the criteria of subsection 6086(a) of this title, pursuant to  
18 authority granted at 24 V.S.A. § 2793c(f).

19 \* \* \*

1 (e) This chapter shall not govern appeals from rulemaking decisions by the  
2 ~~Natural Resources~~ Land Use Review Board under chapter 151 of this title or  
3 enforcement actions under chapters 201 and 211 of this title.

4 \* \* \*

5 § 8504. APPEALS TO THE ENVIRONMENTAL DIVISION

6 (a) Act 250 and Agency appeals. Within 30 days of the date of following  
7 the act or decision, any person aggrieved by an act or decision of the Secretary,  
8 or a District Commission, or a district coordinator under the provisions of law  
9 listed in section 8503 of this title, or any party by right, may appeal to the  
10 Environmental Division, except for an act or decision of the Secretary under  
11 subdivision 6086b(3)(E) of this title or governed by section 8506 of this title.

12 \* \* \*

13 (c) Notice of the filing of an appeal.

14 (1) Upon filing an appeal from an act or decision of the District  
15 Commission, the appellant shall notify all parties who had party status as of the  
16 end of the District Commission proceeding, all friends of the Commission, and  
17 the Natural Resources Board that an appeal is being filed. In addition, the  
18 appellant shall publish notice not more than 10 days after providing notice as  
19 required under this subsection, at the appellant’s expense, in a newspaper of  
20 general circulation in the area of the project that is the subject of the decision.

21 \* \* \*





1 (2) the decision being appealed is the denial of party status; or

2 (3) the Supreme Court determines that:

3 (A) there was a procedural defect that prevented the person from  
4 participating in the proceeding; or

5 (B) some other condition exists that would result in manifest injustice  
6 if the person’s right to appeal were disallowed.

7 \* \* \*

8 Tenth: In Sec. 21, 10 V.S.A. § 6001, by adding subdivision (19) to read as  
9 follows:

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

11 \* \* \*

12 (iv) A tract or tracts of land, owned or controlled by a person, that  
13 the person has partitioned or divided for the purpose of resale into one or more  
14 lots within a radius of five miles of any point on any lot, within Tier 3, within  
15 any continuous period of five years.

16 Eleventh: In Sec. 22, Tier 3 rulemaking, by striking out subsection (a) and  
17 inserting in lieu thereof a new subsection (a) to read:

18 (a) The Land Use Review Board, in consultation with the Secretary of  
19 Natural Resources, shall adopt rules to implement the requirements for the  
20 administration of 10 V.S.A. § 6001(3)(A)(xiii) and 10 V.S.A. § 6001(46) and  
21 (19). It is the intent of the General Assembly that these rules identify critical

1 natural resources for protection. The Board shall review the definition of Tier  
2 3 area; determine the critical natural resources that shall be included in Tier 3,  
3 giving due consideration to river corridors, headwater streams, habitat  
4 connectors of statewide significance, riparian areas, class A waters, natural  
5 communities; any additional critical natural resources that should be added to  
6 the definition; and how to define the boundaries. Rules adopted by the Board  
7 shall include:

8 (1) any necessary clarifications to how the Tier 3 definition is used in  
9 10 V.S.A. chapter 151;

10 (2) any necessary changes to how 10 V.S.A. § 6001(3)(A)(xiii) should  
11 be administered, and when jurisdiction should be triggered to protect the  
12 functions and values of resources of critical natural resources;

13 (3) the process for how Tier 3 areas will be mapped or identified by the  
14 Agency of Natural Resources and the Board;

15 (4) other policies or programs that shall be developed to review  
16 development impacts to Tier 3 areas if they are not included in 10 V.S.A.  
17 § 6001(46); and

18 (5) if a critical natural resource area is not recommended for protection  
19 under Tier 3, it shall be identified in the rule, and a rationale shall be provided  
20 as to why the critical resource was not selected for Tier 3 protection.

1        Twelfth: By striking out Sec. 24, 10 V.S.A. § 6001(3)(D)(viii)(III), in its  
2        entirety and inserting in lieu thereof a new Sec. 23 to read as follows:

3        Sec. 24. 10 V.S.A. § 6001(3)(D)(viii)(III) is amended to read:

4                (III) Notwithstanding any other provision of law to the contrary, until  
5        ~~July 1, 2026~~ January 1, 2028, the construction of a priority housing project  
6        located entirely within a designated downtown development district,  
7        designated neighborhood development area, or a designated growth center.

8        Thirteenth: By striking out Sec. 25, repeals, in its entirety and inserting in  
9        lieu thereof a new Sec. 25 to read as follows:

10       Sec. 25. REPEAL

11       2023 Acts and Resolves No. 47, Sec. 19c is repealed.

12       Fourteenth: By adding a Sec. 25a to read as follows:

13       Sec. 25a. 2023 Acts and Resolves No. 47, Sec. 16a is amended to read:

14       Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS

15       In order to qualify for the exemptions established in 10 V.S.A. § 6001

16       ~~(3)(A)(xi) and (3)(D)(viii)(III)~~ and 10 V.S.A. § 6081(dd), a person shall

17       request a jurisdictional opinion under 10 V.S.A. § 6007 on or before ~~June 30~~

18       December 31, 2026. The jurisdictional opinion shall require the project to

19       substantially complete construction on or before June 30, 2029 in order to

20       remain exempt.

1        Fifteenth: By striking out Sec. 27, 10 V.S.A. § 6033, in its entirety and  
2        inserting in lieu thereof a new Sec. 27 to read as follows:

3        Sec. 27. 10 V.S.A. § 6033 is added to read:

4        § 6033. REGIONAL PLAN FUTURE LAND USE MAP REVIEW

5        (a) The Board shall review requests from regional planning commissions to  
6        approve or disapprove portions of future land use maps for the purposes of  
7        changing jurisdictional thresholds under this chapter by identifying areas on  
8        future land use maps for Tier 1B area status and to approve designations  
9        pursuant to 24 V.S.A. chapter 139. The Board may produce guidelines for  
10       regional planning commissions seeking Tier 1B area status. If requested by the  
11       regional planning commission, the Board shall complete this review  
12       concurrently with regional plan approval. A municipality may have multiple  
13       noncontiguous areas receive Tier 1B area status. A request for Tier 1B area  
14       status made by a regional planning commission separate from regional plan  
15       approval shall follow the process set forth in 24 V.S.A. § 4348.

16       (b) The Board shall review the portions of future land use maps that  
17       include downtowns or village centers, planned growth areas, and village areas  
18       to ensure they meet the requirements under 24 V.S.A. §§ 5803 and 5804 for  
19       designation as downtown and village centers and neighborhood areas.

20       (c) To obtain a Tier 1B area status under this section the regional planning  
21       commission shall demonstrate to the Board that the municipalities with Tier 1B

1 areas meet the following requirements as included in subdivision 24 V.S.A.

2 § 4348a(a)(12)(C):

3 (1) The municipality has requested to have the area mapped for Tier  
4 1B.

5 (2) The municipality has a duly adopted and approved plan and a  
6 planning process that is confirmed in accordance with 24 V.S.A. § 4350.

7 (3) The municipality has adopted permanent zoning and subdivision  
8 bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

9 (4) The area excludes identified flood hazard and fluvial erosion  
10 areas, except those areas containing preexisting development in areas suitable  
11 for infill development as defined in § 29-201 of the Vermont Flood Hazard  
12 Area and River Corridor Rule unless the municipality has adopted flood hazard  
13 and river corridor bylaws applicable to the entire municipality that are  
14 consistent with the standards established pursuant to subsection 755(b) of this  
15 title (flood hazard) and subsection 1428(b) of this title (river corridor).

16 (5) The municipality has water supply, wastewater infrastructure, or  
17 soils that can accommodate a community system for compact housing  
18 development in the area proposed for Tier 1B.

19 (6) The municipality has municipal staff or contracted capacity  
20 adequate to support development review and zoning administration in the Tier  
21 1B area.

1       Sixteenth: In Sec. 28, 10 V.S.A. § 6034, in subsection (b), by striking out  
2       subdivision (1) in entirety and inserting in lieu thereof a new subdivision (1) to  
3       read as follows:

4               (1) To obtain a Tier 1A area status under this section, a municipality  
5       shall demonstrate to the Board that it has each of the following:

6               (A) A municipal plan that is approved in accordance with 24 V.S.A.  
7       § 4350.

8               (B) The boundaries are consistent with downtown or village centers  
9       and planned growth areas as defined 24 V.S.A. § 4348a(a)(12) in an approved  
10       regional plan future land use map with any minor amendments.

11              (C) The municipality has adopted flood hazard and river corridor  
12       bylaws, applicable to the entire municipality, that are consistent with or  
13       stronger than the standards established pursuant to subsection 755(b) of this  
14       title (flood hazard) and subsection 1428(b) of this title (river corridor) or the  
15       proposed Tier 1A area excludes the flood hazard areas and river corridor.

16              (D) The municipality has adopted permanent zoning and subdivision  
17       bylaws that do not include broad exemptions that exclude significant private or  
18       public land development from requiring a municipal land use permit.

19              (E) The municipality has permanent land development regulations for  
20       the Tier 1A area that further the smart growth principles of 24 V.S.A. chapters  
21       76A, adequately regulate the physical form and scale of development, provide

1 reasonable provision for a portion of the areas with sewer and water to allow at  
2 least four stories, and conform to the guidelines established by the Board.

3 (F) The Tier 1A area is compatible with the character of adjacent  
4 National Register Historic Districts, National or State Register Historic Sites,  
5 and other significant cultural and natural resources identified by local or State  
6 government.

7 (G) The municipality has identified and planned for the maintenance  
8 of significant natural communities, rare, threatened, and endangered species  
9 located in the Tier 1A area or excluded those areas from the Tier 1A area.

10 (H) Public water and wastewater systems have the capacity to  
11 support additional development within the Tier 1A area.

12 (I) Municipal staff adequate to support coordinated comprehensive  
13 and capital planning, development review, and zoning administration in the  
14 Tier 1A area.

15 Seventeenth: In Sec. 31, 10 V.S.A. § 6081, by striking out subsection (dd)  
16 in its entirety and inserting in lieu thereof a new subsection (dd) to read as  
17 follows:

18 (dd) Interim housing exemptions.

19 (1) Notwithstanding any other provision of law to the contrary, until  
20 January 1, 2027, no permit or permit amendment is required for the  
21 construction of housing projects such as cooperatives, condominiums,



1  dwellings, or mobile homes, with 75 or units fewer, constructed or maintained  
2  on a tract or tracts of land, located entirely within the areas of a designated new  
3  town center, a designated growth center, or a designated neighborhood  
4  development area served by municipal sewer and water. Housing units  
5  constructed pursuant to this subdivision shall not count towards the total units  
6  constructed in other areas. This exemption shall not apply to areas within  
7  mapped river corridors and floodplains.

8  (2)(A) Notwithstanding any other provision of law to the contrary, until  
9  January 1, 2027, no permit or permit amendment is required for the  
10  construction of housing projects such as cooperatives, condominiums,  
11  dwellings, or mobile homes, with 50 or fewer units, constructed or maintained  
12  on a tract or tracts of land of 10 acres or less, located entirely within a  
13  designated village center with permanent zoning and subdivision bylaws  
14  served by municipal sewer and water.

15  (3) Notwithstanding any other provision of law to the contrary, until  
16  January 1, 2027, no permit or permit amendment is required for the  
17  construction of housing projects such as cooperatives, condominiums,  
18  dwellings, or mobile homes, constructed or maintained on a tract or tracts of  
19  land, located entirely within a designated downtown development district with  
20  permanent zoning and subdivision bylaws served by municipal sewer and  
21  water. Housing units constructed pursuant to this subdivision shall not count

1 towards the total units constructed in other areas. This exemption shall not  
2 apply to areas within mapped river corridors and floodplains.

3 Eighteenth: By striking out Sec. 32, 10 V.S.A. § 6001(50) and (51), in its  
4 entirety and inserting in lieu thereof a new Sec. 32 to read as follows:

5 Sec. 32. 10 V.S.A. § 6001(50) is added to read :

6 (50) “Accessory dwelling unit” means a distinct unit that is clearly  
7 subordinate to a single-family dwelling, located on an owner-occupied lot and  
8 has facilities and provisions for independent living, including sleeping, food  
9 preparation, and sanitation, provided there is compliance with all of the  
10 following:

11 (A) the unit does not exceed 30 percent of the habitable floor area of  
12 the single-family dwelling or 900 square feet, whichever is greater; and

13 (B) the unit is located within or appurtenant to an existing single-  
14 family dwelling.

15 Nineteenth: In Sec. 52, 24 V.S.A. § 4412, in subdivision (1)(D), by striking  
16 out the third sentence in its entirety and inserting in lieu thereof:

17 In any district that allows year-round residential development, duplexes  
18 shall be an allowed use with ~~the same~~ dimensional standards as that are not  
19 more restrictive than is required for a single-unit dwelling, including no  
20 additional land or lot area than would be required for a single-unit dwelling.



1        Thirty second: By striking out Sec. 114, effective dates, and inserting in  
2        lieu thereof the following:

3        Sec. 114. EFFECTIVE DATES

4        This act shall take effect on passage, except that:

5                (1) Secs. 12 (10 V.S.A. § 6001), 13 (10 V.S.A. § 6086(a)(8)), and 20 (10  
6        V.S.A. § 6001) shall take effect on December 31, 2026;

7                (2) Sec. 19 (10 V.S.A. § 6001(3)(A)(xii)) shall take effect on July 1,  
8        2026;

9                (3) Sec. 83 (grand list contents, 32 V.S.A. § 4152(a)) shall take effect on  
10        July 1, 2029; and

11                (4) Secs. 73 (property transfer tax rates) and 83a (property transfer tax  
12        exemption for abandoned property) shall take effect on August 1, 2024.

13                (5) Sec. 75 (clean water surcharge) shall take effect on July 1, 2027.

14                and that after passage the title of the bill remain: “An act relating to  
15        community resilience and biodiversity protection through land use”