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H.687

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

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

Sec. 1a. PURPOSE

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

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

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

1 (a) The Land Use Review Board, in consultation with the Secretary of
2 Natural Resources, shall adopt rules to implement the requirements for the
3 administration of 10 V.S.A. § 6001(3)(A)(xiii) and 10 V.S.A. § 6001(46) and
4 (19). It is the intent of the General Assembly that these rules identify critical
5 natural resources for protection. The Board shall review the definition of Tier
6 3 area; determine the critical natural resources that shall be included in Tier 3,
7 giving due consideration to river corridors, headwater streams, habitat
8 connectors of statewide significance, riparian areas, class A waters, natural
9 communities; any additional critical natural resources that should be added to
10 the definition; and how to define the boundaries. Rules adopted by the Board
11 shall include:

12 (1) any necessary clarifications to how the Tier 3 definition is used in
13 10 V.S.A. chapter 151;

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

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

19 (4) other policies or programs that shall be developed to review
20 development impacts to Tier 3 areas if they are not included in 10 V.S.A.
21 § 6001(46); and

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

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

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

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

11 Ninth: By striking out Sec. 25, repeals, in its entirety and inserting in lieu
12 thereof a new Sec. 25 to read as follows:

13 Sec. 25. REPEAL

14 2023 Acts and Resolves No. 47, Sec. 19c is repealed.

15 Tenth: By adding a Sec. 25a to read as follows:

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

17 Sec. 16a. ACT 250 EXEMPTION REQUIREMENTS

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

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

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

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

1 substantially complete construction on or before June 30, 2029 in order to
2 remain exempt.

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

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

6 § 6033. REGIONAL PLAN FUTURE LAND USE MAP REVIEW

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

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

1 (c) To obtain a Tier 1B area status under this section the regional planning
2 commission shall demonstrate to the Board that the municipalities with Tier 1B
3 areas meet the following requirements as included in subdivision 24 V.S.A.
4 § 4348a(a)(12)(C):

5 (1) The municipality has requested to have the area mapped for Tier
6 1B.

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

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

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

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

1 (6) The municipality has municipal staff or contracted capacity
2 adequate to support development review and zoning administration in the Tier
3 1B area.

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

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

9 (A) A municipal plan that is approved in accordance with 24 V.S.A.
10 § 4350.

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

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

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

1 (E) The municipality has permanent land development regulations for
2 the Tier 1A area that further the smart growth principles of 24 V.S.A. chapters
3 76A, adequately regulate the physical form and scale of development, provide
4 reasonable provision for a portion of the areas with sewer and water to allow at
5 least four stories, and conform to the guidelines established by the Board.

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

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

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

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

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

21 (dd) Interim housing exemptions.

1 (1) Notwithstanding any other provision of law to the contrary, until
2 January 1, 2027, no permit or permit amendment is required for the
3 construction of housing projects such as cooperatives, condominiums,
4 dwelling, or mobile homes, with 75 or units fewer, constructed or maintained
5 on a tract or tracts of land, located entirely within the areas of a designated new
6 town center, a designated growth center, or a designated neighborhood
7 development area served by municipal sewer and water. Housing units
8 constructed pursuant to this subdivision shall not count towards the total units
9 constructed in other areas. This exemption shall not apply to areas within
10 mapped river corridors and floodplains.

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

18 (3) Notwithstanding any other provision of law to the contrary, until
19 January 1, 2027, no permit or permit amendment is required for the
20 construction of housing projects such as cooperatives, condominiums,
21 dwelling, or mobile homes, constructed or maintained on a tract or tracts of

1 land, located entirely within a designated downtown development district with
2 permanent zoning and subdivision bylaws served by municipal sewer and
3 water. Housing units constructed pursuant to this subdivision shall not count
4 towards the total units constructed in other areas. This exemption shall not
5 apply to areas within mapped river corridors and floodplains.

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

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

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

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

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

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

20 In any district that allows year-round residential development, duplexes
21 shall be an allowed use with ~~the same~~ dimensional standards as that are not

1 more restrictive than is required for a single-unit dwelling, including no
2 additional land or lot area than would be required for a single-unit dwelling.

3 Sixteenth: In Sec. 52, 24 V.S.A. § 4412, by striking out subdivision (12) in
4 its entirety and inserting in lieu thereof:

5 (12) In any area served by municipal sewer and water infrastructure that
6 allows residential development, bylaws shall establish lot and building
7 dimensional standards that allow five or more dwelling units per acre for each
8 allowed residential use, ~~and density.~~ Density and minimum lot size standards
9 for multiunit dwellings shall not be more restrictive than those required for
10 single-family dwellings.

11 Seventeenth: By striking out Sec. 57, 24 V.S.A. § 4429, in its entirety and
12 inserting in lieu thereof:

13 Sec. 57. [Deleted.]

14 Eighteenth: By striking out Sec. 58, 24 V.S.A. § 4464, in its entirety and
15 inserting in lieu thereof:

16 Sec. 58. [Deleted.]

17 Nineteenth: By striking out Sec. 59, 24 V.S.A. § 4465, in its entirety and
18 inserting in lieu thereof:

19 Sec. 59. [Deleted.]

20 Twentieth: By striking out Sec. 68, 32 V.S.A. § 5930aa, in its entirety and
21 inserting in lieu thereof the following:

