

Proposed Text for Option 1:

Modify text of S.100 as currently drafted:

1. Further amend proposed language for 10 V.S.A. §6081 on page 27, following lines 2-10, and to add:

(z) ~~In addition to all exemptions herein, No permit or permit amendment is required for any subdivision or development located in a municipality that has a municipal delegation agreement in place pursuant to 24 V.S.A. 4420a. an enhanced designation area. If the enhanced designation is terminated, a development or subdivision within the designated center must receive a permit, if applicable.~~

2. And add language establishing a new municipal delegation authority within 24 V.S.A. § 4420 to text of S.100:

This creates new authority for full delegation for permitting at the local level in lieu of Act 250 for municipalities with local regulations that are functionally equivalent to Act 250 criteria:

§4420a. Municipal Delegation

Notwithstanding the local review of municipal impacts authorized in Section §4420 above, upon an affirmative finding of functional equivalency with 10 V.S.A §6086 (a) by the municipality's Regional Planning Commission, the Executive Director of the Natural Resources Board (Director) shall delegate authority to permit a subdivision or development to the municipality.

(a) the Director or designee shall delegate authority to permit a subdivision or development to a municipality who has:

- (1) The criteria specified in this section have been adopted in the appropriate bylaws authorized under this chapter.
- (2) The municipality's plan has been duly adopted under the provisions of this chapter.
- (3) The municipality has adopted zoning bylaws and subdivision bylaws, either separately or incorporated into one unified development bylaw.
- (4) Adopted bylaws and/or other ordinances regulating subdivisions, development and the impacts of development that is/are, as determined by the Regional Planning Commission, functionally equivalent to the requirements of 10 V.S.A. §6086 (a); and
- (5) The Regional Planning Commission has determined that the municipality provides adequate resources for administration and enforcement of the bylaw or ordinance.
- (6) Received approval from the municipal legislative body to seek a delegation agreement from the Director or designee, following a public hearing at a duly warned public meeting of the legislative body and notice to the chair of the planning commission of each abutting municipality and the executive director of the regional planning commission of the area in which the municipality is located.

(b) Delegation Agreement

- (1) Delegation under subsection (a) of this section shall be by agreement between the Director or their designee and the delegated municipality upon recommendation of the

Regional Planning Commission. The delegation agreement shall set the terms for revocation of delegation.

(2) Under the delegation agreement, the Director or designee and the municipality may agree on geographic areas of the municipality or conditions under which municipal delegation will not be applicable, and requirements of 10 V.S.A. §6086 continue to apply.

(3) Under the delegation agreement, the Director or designee and the municipality may agree, in instances where a delegated municipality does not or cannot address noncompliance, that the Director or designee, after consultation with the municipality, may institute enforcement proceedings under 10 V.S.A. Chapter 201.

(4) The delegation agreement shall require the municipality to:

(A) have or establish a process for accepting, reviewing, and processing applications and issuing permits for subdivisions and development;

(B) take timely and appropriate enforcement actions;

(C) commit to reporting annually to the Director or designee on a form and date determined by the Director;

(D) cure any defects in such bylaw or ordinance or in the administration or enforcement of such bylaw or ordinance upon notice of a defect from the Director or designee.

(4) A municipality that seeks delegation under subsection (a) of this section shall be presumed to satisfy the requirements of this subsection for a permit process and enforcement if the municipality has designated a municipal zoning administrator or other municipal employee or official as responsible for the permitting and enforcement of the construction, creation, or expansion of subdivisions or developments within the municipality.

(c) The Director or designee, shall work with a stakeholder group of 4-8 members to include a representative of the Vermont Association of Planning and Development Associations, the Vermont Natural Resources Council, and municipal planning and zoning officials to promulgate rules and procedures for Municipal Delegation before the Director may enter into a Delegation Agreement with any municipality.

(d) The Director or designee shall report to the House Energy and Environment Committee and Senate Committee on Natural Resources before January 10, 2024 regarding the development of rules to promulgate Municipal Delegation.