

H.737

Introduced by Representative Olson of Starksboro

Referred to Committee on

Date:

Subject: Conservation and development; land use; Act 250; Tier 3; roads

Statement of purpose of bill as introduced: This bill proposes to make multiple changes to the State land use and development law known as Act 250.

An act relating to changes to Act 250

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

Sec. 1. 10 V.S.A. § 6001 is amended to read:

§ 6001. DEFINITIONS

As used in this chapter:

* * *

(3)(A) "Development" means each of the following:

* * *

(iv) The construction of housing projects such as cooperatives, condominiums, or dwellings, ~~or construction or maintenance of mobile homes or mobile home parks,~~ with ~~40~~ 25 or more units, constructed or maintained on a tract or tracts of land, owned or controlled by a person, within a radius of five

1 miles of any point on any involved land and within any continuous period of
2 five years. However:

3 * * *

4 (xii) The construction of a road or roads and any associated
5 driveways to provide access to or within a tract of land owned or controlled by
6 a person. For the purposes of determining jurisdiction under this subdivision
7 (xii), any new development or subdivision on a parcel of land that will be
8 provided access by the road and associated driveways is land involved in the
9 construction of the road.

10 * * *

11 (IV) This subdivision (xii) shall not apply to:

12 (aa) a State or municipal road, a utility corridor of an
13 electric transmission or distribution company, or a road used primarily for
14 farming or forestry purposes;

15 (bb) development within a Tier 1A area established in
16 accordance with section 6034 of this title or a Tier 1B area established in
17 accordance with section 6033 of this title; and

18 (cc) improvements underway when this section takes effect
19 to a Class 4 highway that will be transferred to the municipality.

1 (V) The conversion of a road used for farming or forestry
2 purposes that also meets the requirements of this subdivision (xii) shall
3 constitute development.

4 (VI) The intent of this subdivision (xii) is to encourage the
5 design of clustered subdivisions and development that does not fragment Tier 2
6 areas or Tier 3 areas.

7 (VII) A municipality may be exempt from this subdivision (xii)
8 if the legislative body of the municipality objects to its use because its use
9 would result in inappropriate development close to roads, or where the use of
10 agricultural land might be adversely affected.

11 * * *

12 (46) “Tier 3” means an area consisting of critical natural resources
13 defined by the rules of the Board. Tier 3 shall not include any portion of land
14 in a municipality that the town plan has designated as suitable for housing,
15 absent clear and convincing evidence that critical natural resources will be
16 significantly harmed by the development of housing in those portions of land,
17 and that the benefits of preserving those critical natural resources outweigh the
18 benefits of developing more housing to meet Vermont’s housing needs. The
19 Board’s rules shall at a minimum determine whether and how to protect river
20 corridors, headwater streams, habitat connectors of statewide significance,

1 riparian areas, class A waters, natural communities, and other critical natural
2 resources.

3 * * *

4 Sec. 2. RULEMAKING; ROAD RULE

5 On or before July 1, 2027, the Land Use Review Board shall submit to the
6 Legislative Committee on Administrative Rules proposed final rules based on
7 10 V.S.A. § 6001(3)(A)(xii)(VII) regarding how municipalities can object to
8 road jurisdiction.

9 Sec. 3. 24 V.S.A. § 4348a(a)(12)(I) is amended to read:

10 (I) Rural; agricultural and forestry. These areas include blocks of
11 forest or farmland that sustain resource industries; provide critical wildlife
12 habitat and movement, outdoor recreation, flood storage, aquifer recharge, and
13 scenic beauty; and contribute to economic well-being and quality of life.
14 Development in these areas may include housing and should be carefully
15 managed to promote the working landscape and rural economy, and address
16 regional goals, while protecting the agricultural and forest resource value.

17 Sec. 4. EFFECTIVE DATES

18 This act shall take effect on July 1, 2026, except that Sec. 1, 10 V.S.A.
19 § 6001, shall take effect on December 31, 2026.