

S.127 CHIP LAND USE LANGUAGE

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SEC. 16 - CHIP

§ 24 VSA CHAPTER 53, SUBCHAPTER 7

§ 1910- Housing Infrastructure Project Application; Vermont Economic Progress Council

(e) Location requirement. The Vermont Economic Progress Council shall review a municipality's housing infrastructure project application to determine whether the housing development site is located within one of the following areas:

- (1) an area designated Tier 1A or Tier 1B pursuant to 10 V.S.A. chapter 151 (State land use and development plans) or an area exempt from the provisions of that chapter pursuant to 10 V.S.A. § 6081(dd) (interim housing exemptions);
- (2) an area designated Tier 2 pursuant to 10 V.S.A. chapter 151 (State land use and development plans) or an area in which the housing development site is compatible with regional and town land use plans as evidenced by a letter of support from the regional planning commission for the municipality; or
- (3) an existing settlement or an area within one-half mile of an existing settlement, as that term is defined in 10 V.S.A. § 6001(16).

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(e) Location requirement. The Vermont Economic Progress Council shall review a municipality's housing infrastructure project application to determine whether the housing development site is located within one of the following areas:

- (1) an area designated Tier 1A or Tier 1B pursuant to 10 V.S.A. chapter 151 (State land use and development plans) or an area exempt from the provisions of that chapter pursuant to 10 V.S.A. § 6081(dd) (interim housing exemptions);

10 VSA § 6034. Tier 1A area status

(a)(1) Beginning on January 1, 2026, a municipality, may apply for "Tier 1A status for the area of the municipality that is suitable for dense development and meets the requirements of subsection (b) of this section. A municipality may apply for multiple noncontiguous areas to be receive Tier 1A area status."

(b)(B) The boundaries are consistent with downtown or village centers and planned growth areas as defined 24 V.S.A. § 4348a(a)(12)...

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(1) an area designated Tier 1A or Tier 1B pursuant to 10 V.S.A. chapter 151 (State land use and development plans) or an area exempt from the provisions of that chapter pursuant to 10 V.S.A. § 6081(dd)(interim housing exemptions);

10 VSA § 6033. Regional plan future land use map review

(a) The LURB shall review requests from regional planning commissions to approve or disapprove portions of future land use maps for the purposes of changing jurisdictional thresholds under this chapter by identifying areas on future land use maps for Tier 1B area status. . . A municipality may have multiple noncontiguous areas receive Tier 1B area status.

(c) To obtain a Tier 1B area status under this section the RPC shall demonstrate to the LURB that the municipalities with Tier 1B areas meet the following requirements as included in subdivision 24 V.S.A. § 4348a(a)(12)(C)- the definition of Village Areas.

(C) Village areas. These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. Village areas shall meet the following criteria: town plan and planning process, bylaws, flood hazard and river corridor bylaws, municipal water or wastewater or adequate soils, and the area has some opportunity for infill development or new development areas where the village can grow and be flood resilient.

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(c) To obtain a Tier 1B area status under this section the RPC shall demonstrate to the LURB that the municipalities with Tier 1B areas meet the following requirements as included in subdivision 24 V.S.A. § 4348a(a)(12)(C)- the definition of Village Areas.

24 VSA §4348a. Elements of a regional plan

(C) Village areas. These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation.

Village areas shall meet the following criteria: town plan and planning process, bylaws, flood hazard and river corridor bylaws, municipal water or wastewater or adequate soils, and the area has some opportunity for infill development or new development areas where the village can grow and be flood resilient.

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(e) Location requirement. The Vermont Economic Progress Council shall review a municipality's housing infrastructure project application to determine whether the housing development site is located within one of the following areas:

- (1) an area designated Tier 1A or Tier 1B pursuant to 10 V.S.A. chapter 151 (State land use and development plans) or an area exempt from the provisions of that chapter pursuant to 10 V.S.A. § 6081(dd) (interim housing exemptions);

(dd) Interim housing exemptions. (abbreviated text of statute)

(1) until January 1, 2027, no permit or permit amendment is required for the construction of housing projects with 75 units or fewer, located entirely within the areas of a designated new town center, a designated growth center, or a designated neighborhood development area served by public sewer or water services or soils that are adequate for wastewater disposal. This exemption shall not apply to areas within mapped river corridors and floodplains except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

(2)(A) until July 1, 2027, no permit or permit amendment is required for the construction of housing projects, with 50 or fewer units, constructed or maintained on a tract or tracts of land of 10 acres or less, located entirely within:

- (i) areas of a designated village center and within one-quarter mile of its boundary with permanent zoning and subdivision bylaws and served by public sewer or water services or soils that are adequate for wastewater disposal; or
- (ii) areas of a municipality that are within a census-designated urbanized area with over 50,000 residents and within one-quarter mile of a transit route.
(Part of Chittenden County)

(3) until January 1, 2027, no permit or permit amendment is required for the construction (of any number of units) of housing projects located entirely within a designated downtown development district with permanent zoning and subdivision bylaws served by public sewer or water services or soils that are adequate for wastewater disposal. This exemption shall not apply to areas within mapped river corridors and floodplains except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

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(e) Location requirement. The Vermont Economic Progress Council shall review a municipality's housing infrastructure project application to determine whether the housing development site is located within one of the following areas:

(2) an area designated Tier 2 pursuant to 10 V.S.A. chapter 151

§ 6001. Definitions

(45) “Tier 2” means an area that is not a Tier 1 area or a Tier 3 area. (This will be most of the State.)

(46) “Tier 3” means an area consisting of critical natural resources defined by the rules of the Board. The Board’s rules shall at a minimum determine whether and how to protect river corridors, headwater streams, habitat connectors of statewide significance, riparian areas, class A waters, natural communities, and other critical natural resources.

or an area in which the housing development site is compatible with regional and town land use plans as evidenced by a letter of support from the regional planning commission for the municipality;

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(e) Location requirement. The Vermont Economic Progress Council shall review a municipality's housing infrastructure project application to determine whether the housing development site is located within one of the following areas:

- (3) an existing settlement or an area within one-half mile of an existing settlement, as that term is defined in 10V.S.A. § 6001(16).

§ 6001. Definitions

(16)(A) "Existing settlement" means an area that constitutes one of the following:

- (i) a designated center (designated downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area)
- (ii) an existing center that is compact in form and size; that contains a mixture of uses that include a substantial residential component and that are within walking distance of each other; that has significantly higher densities than densities that occur outside the center; and that is typically served by municipal infrastructure such as water, wastewater, sidewalks, paths, transit, parking areas, and public parks or greens.

(B) Strip development outside an area described in subdivision (A)(i) or (ii) of this subdivision (16) shall not constitute an existing settlement.