

1 TO THE HONORABLE SENATE:

2 The Committee on Natural Resources and Energy to which was referred  
3 Senate Bill No. 325 entitled “An act relating to studying the creation of model  
4 bylaws” respectfully reports that it has considered the same and recommends  
5 that the bill be amended by striking out all after the enacting clause and  
6 inserting in lieu thereof the following:

7 Sec. 1. LEGISLATIVE INTENT

8 The General Assembly finds that 2024 Acts and Resolves No. 181  
9 represented a substantial restructuring of Vermont’s land use review  
10 framework. This act is intended to provide technical clarification, transitional  
11 certainty, and implementation alignment, consistent with the intent of 2024  
12 Acts and Resolves No. 181 and without altering its underlying policy goals.

13 Sec. 2. 10 V.S.A. § 6001(3) is amended to read:

14 (3)(A) “Development” means each of the following:

15 \* \* \*

16 (xii) The construction of a road or roads and any associated  
17 driveways to provide access to or within a tract of land owned or controlled by  
18 a person. For the purposes of determining jurisdiction under this subdivision,  
19 any new development or subdivision on a parcel of land that will be provided  
20 access by the road and associated driveways is land involved in the  
21 construction of the road.

1 \* \* \*

2 (III) For the purpose of determining the length of any road and  
3 associated driveways, the length of all other roads and driveways within the  
4 tract of land constructed after July 1, ~~2026~~ 2027 shall be included.

5 \* \* \*

6 (D) The word “development” does not include:

7 \* \* \*

8 (viii)(I) The construction of a priority housing project in a  
9 municipality with a population of 10,000 or more.

10 \* \* \*

11 (III) Notwithstanding any other provision of law to the  
12 contrary, until ~~January~~ June 1, 2027, the construction of a priority housing  
13 project or related subdivision located entirely within areas of a designated  
14 downtown development district, designated neighborhood development area,  
15 or a designated growth center; areas with permanent zoning and subdivision  
16 bylaws that have been mapped as downtown centers, village centers, village  
17 areas, or planned growth areas; or within one-half mile around such designated  
18 center with permanent zoning and subdivision bylaws served by public sewer  
19 or water services or soils that are adequate for wastewater disposal. For  
20 purposes of this subdivision (III), in order for a parcel to qualify for the  
21 exemption, at least 51 percent of the parcel shall be located within one-half

1 mile of the designated center boundary. If the one-half mile around the  
2 designated center extends into an adjacent municipality, the legislative body of  
3 the adjacent ~~municipal~~ municipality may inform the Board that it does not  
4 want the exemption to extend into that area.

5 Sec. 3. 10 V.S.A. § 6081 is amended to read:

6 § 6081. PERMITS REQUIRED; EXEMPTIONS

7 \* \* \*

8 (z)(1) Notwithstanding any other provision of this chapter to the contrary,  
9 no permit or permit amendment is required for any subdivision, development,  
10 or change to an existing project that is located entirely within a Tier 1A area  
11 under section 6034 of this chapter.

12 \* \* \*

13 (3) Upon receiving notice and a copy of the permit issued by an  
14 appropriate municipal panel pursuant to 24 V.S.A. § 4460(g), a previously  
15 issued permit for a development or subdivision located in a Tier 1A area shall  
16 remain attached to the property. ~~However, neither the Board nor the Agency~~  
17 ~~of Natural Resources shall enforce the permit or assert amendment jurisdiction~~  
18 ~~on the tract or tracts of land unless the designation is revoked or the~~  
19 ~~municipality has not taken any reasonable action to enforce the conditions of~~  
20 ~~the permit.~~

21 \* \* \*

1 (bb) Until ~~July~~ January 1, ~~2028~~ 2029, no permit or permit amendment is  
2 required for the construction of improvements for one accessory dwelling unit  
3 constructed within or appurtenant to a single-family dwelling. Units  
4 constructed pursuant to this subsection shall not count towards the total units  
5 constructed in other projects.

6 (cc) Until ~~July~~ January 1, ~~2028~~ 2029, no permit amendment is required for  
7 the construction of improvements for converting a structure used for a  
8 commercial purpose to 29 or fewer housing units.

9 (dd) Interim housing exemptions.

10 (1) Notwithstanding any other provision of law to the contrary, until  
11 January 1, ~~2027~~ 2028, no permit or permit amendment is required for the  
12 subdivision for or the construction of housing projects and mixed-use  
13 development such as cooperatives, condominiums, dwellings, or mobile  
14 homes, with 75 units or fewer, constructed or maintained on a tract or tracts of  
15 land, located entirely within the areas of a designated new town center, a  
16 designated growth center, or a designated neighborhood development area  
17 served by public sewer or water services or soils that are adequate for  
18 wastewater disposal. Housing units constructed pursuant to this subdivision  
19 shall not count towards the total units constructed in other areas. This  
20 exemption shall not apply to areas within mapped river corridors and  
21 floodplains except those areas containing preexisting development in areas

1 suitable for infill development as defined in 29-201 of the Vermont Flood  
2 Hazard Area and River Corridor Rule.

3 (2)(A) Notwithstanding any other provision of law to the contrary, until  
4 ~~July~~ January 1, 2027 ~~2028~~, no permit or permit amendment is required for the  
5 subdivision for or the construction of housing projects and mixed-use  
6 development such as cooperatives, condominiums, dwellings, or mobile  
7 homes, with 50 or fewer units, constructed or maintained on a tract or tracts of  
8 land of 10 acres or less, located entirely within:

9 (i) areas of a designated village center and within one-quarter mile  
10 of its boundary with permanent zoning and subdivision bylaws and served by  
11 public sewer or water services or soils that are adequate for wastewater  
12 disposal; or

13 (ii) areas of a municipality that are within a census-designated  
14 urbanized area with over 50,000 residents and within one-quarter mile of a  
15 transit route.

16 \* \* \*

17 (3) Notwithstanding any other provision of law to the contrary, until  
18 ~~January~~ June 1, 2027, no permit or permit amendment is required for the  
19 subdivision for or the construction of housing projects and mixed-use  
20 development such as cooperatives, condominiums, dwellings, or mobile  
21 homes, constructed or maintained on a tract or tracts of land, located entirely

1 within a designated downtown development district with permanent zoning  
2 and subdivision bylaws served by public sewer or water services or soils that  
3 are adequate for wastewater disposal. Housing units constructed pursuant to  
4 this subdivision shall not count towards the total units constructed in other  
5 areas. This exemption shall not apply to areas within mapped river corridors  
6 and floodplains except those areas containing preexisting development in areas  
7 suitable for infill development as defined in 29-201 of the Vermont Flood  
8 Hazard Area and River Corridor Rule.

9 Sec. 4. 2024 Acts and Resolves No. 181, Sec. 22 is amended to read:

10 Sec. 22. TIER 3 RULEMAKING

11 \* \* \*

12 (c) The Board shall file a final proposed rule with the Secretary of State  
13 and the Legislative Committee on Administrative Rules on or before February  
14 1, ~~2026~~ 2027. After the Land Use Review Board files the rule with the  
15 Legislative Committee on Administrative Rules, it shall submit a report  
16 describing the rules and the issues reviewed under this section to the House  
17 Committee on Environment ~~and Energy~~ and the Senate Committee on Natural  
18 Resources and Energy.

19 \* \* \*

1       Sec. 5. 24 V.S.A. § 4460 is amended to read:

2       § 4460. APPROPRIATE MUNICIPAL PANELS

3                                       \* \* \*

4               (g)(1) This subsection shall apply to a subdivision or development that:

5                       (A) was previously permitted pursuant to 10 V.S.A. chapter 151;

6                       (B) is located in a Tier 1A area pursuant to 10 V.S.A. § 6034; and

7                       (C) has applied for a permit or permit amendment required by zoning  
8 regulations or bylaws adopted pursuant to this subchapter.

9               (2) The appropriate municipal panel reviewing a municipal permit or  
10 permit amendment pursuant to this subsection shall include conditions  
11 contained within a permit previously issued pursuant to 10 V.S.A. chapter 151  
12 unless the panel determines that the permit condition pertains to any of the  
13 following:

14                       (A) the construction phase of the project that has already been  
15 constructed;

16                       (B) compliance with another State permit that has independent  
17 jurisdiction;

18                       (C) federal or State law that is no longer in effect or applicable;

19                       (D) an issue that is addressed by municipal regulation and the project  
20 will meet the municipal standards; or

1           (E) a physical or use condition that is no longer in effect or  
2           applicable or that will no longer be in effect or applicable once the new project  
3           is approved.

4           (3) After issuing or amending a permit containing conditions pursuant to  
5           this subsection, the appropriate municipal panel shall provide notice and a  
6           copy of the permit to the Land Use Review Board.

7           (4) The appropriate municipal panel shall comply with the notice and  
8           hearing requirements provided in subdivision 4464(a)(1) of this title. In  
9           addition, notice shall be provided to those persons requiring notice under  
10          10 V.S.A. § 6084(b) and shall explicitly reference the existing Act 250 permit.

11          (5) The appropriate municipal panel's decision shall be issued in  
12          accordance with subsection 4464(b) of this title and shall include specific  
13          findings with respect to its determinations pursuant to subdivision (2) of this  
14          subsection.

15          (6) Any final action by the appropriate municipal panel affecting a  
16          condition of a permit previously issued pursuant to 10 V.S.A. chapter 151 shall  
17          be recorded in the municipal land records.

18          ~~(h) Within a Tier 1A area, the appropriate municipal panel shall enforce~~  
19          ~~any existing permits issued under 10 V.S.A. chapter 151 that has not had its~~  
20          ~~permit conditions transferred to a municipal permit pursuant to subsection (g)~~  
21          ~~of this section.~~



On or before October 1, 2026, the Land Use Review Board shall update its Tier 1A area guidelines to set procedural standards to ensure consistent application of requirements across municipalities.

\* \* \*

On or before January 15, 2027, the Land Use Review Board, after consultation with the Vermont Association of Planning and Development Agencies, the Vermont Leagues of Cities and Towns, the Vermont Natural Resources Council, and the Vermont Planners Association, shall report to the General Assembly on recommendations for how to limit the number of appeals of municipal zoning permits that can be brought against housing projects located within Tier 1B areas. The Board shall identify mechanisms for limiting appeals that allow municipalities to address legitimate concerns with

1 projects. The report shall also identify the most commonly raised issues on  
2 appeal; evaluate statutory or procedural tools to limit duplicative or non-  
3 material appeals; and recommend legislative action needed, if any. The report  
4 shall be submitted to the House Committee on Environment and the Senate  
5 Committee on Natural Resources and Energy.

6 Sec. 9. EFFECTIVE DATE

7 This act shall take effect on passage.  
8 and that after passage the title of the bill be amended to read: “An act relating  
9 to Act 250 Tier jurisdiction”  
10  
11

12 (Committee vote: \_\_\_\_\_)

13 \_\_\_\_\_

14 Senator \_\_\_\_\_

15 FOR THE COMMITTEE