

1 H.18

2 Introduced by Representative Deen of Westminster

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; natural resources; Act 250

6 Statement of purpose of bill as introduced: This bill proposes to establish a
7 process under which land may be released from jurisdiction under 10 V.S.A.
8 chapter 151 (Act 250) if the use of the land has changed from the originally
9 permitted use and the land's present use would not be subject to the chapter.

10 An act relating to releasing land from Act 250 jurisdiction

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

12 Sec. 1. 10 V.S.A. § 6090 is amended to read:

13 § 6090. RECORDING; DURATION AND ~~REVOCATION~~ OF PERMITS

14 (a) Recording. In order to afford adequate notice of the terms and
15 conditions of land use permits, permit amendments, and revocations of
16 permits, they shall be recorded in local land records. Recordings under this
17 chapter shall be indexed as though the permittee were the grantor of a deed.

18 (b) Permits for specified period.

19 (1) Any permit granted under this chapter for extraction of mineral
20 resources, operation of solid waste disposal facilities, or logging above 2,500

1 feet, shall be for a specified period determined by the Board in accordance
2 with the rules adopted under this chapter as a reasonable projection of the time
3 during which the land will remain suitable for use if developed or subdivided
4 as contemplated in the application, and with due regard for the economic
5 considerations attending the proposed development or subdivision. Other
6 permits issued under this chapter shall be for an indefinite term, as long as
7 there is compliance with the conditions of the permit.

8 (2) Expiration dates contained in permits issued before July 1, 1994
9 (involving developments that are not for extraction of mineral resources,
10 operation of solid waste disposal facilities, or logging above 2,500 feet) are
11 extended for an indefinite term, as long as there is compliance with the
12 conditions of the permits.

13 (c) Change to nonjurisdictional use; release from permit.

14 (1) On application signed by each permittee, the District Commission
15 may release land subject to a permit under this chapter from the obligations of
16 that permit and the obligation to obtain amendments to the permit, on finding
17 each of the following:

18 (A) The use of the land as of the date of the application is not the
19 same as the use of the land that caused the obligation to obtain a permit under
20 this chapter.

1 (B) The use of the land as of the date of the application does not
2 constitute development or subdivision as defined in section 6001 of this title
3 and would not require a permit or permit amendment but for the fact that the
4 land is already subject to a permit under this chapter.

5 (C) The permittee or permittees are in compliance with the permit
6 and their obligations under this chapter.

7 (D) Each municipality in which the land is located has adopted
8 permanent zoning and subdivision bylaws.

9 (2) It shall be a condition of each affirmative decision under this
10 subsection that a subsequent proposal of a development or subdivision on the
11 land to which the decision applies shall be subject to this chapter as if the land
12 had never previously received a permit under the chapter.

13 (3) An application for a decision under this subsection shall be made on
14 a form prescribed by the Board. The form shall require evidence
15 demonstrating that the application complies with subdivisions (1)(A) through
16 (D) of this subsection. The application shall be processed in the manner
17 described in section 6084 of this title and may be treated as a minor application
18 under that section. However, in determining whether to treat as minor an
19 application under this subsection, the District Commission shall apply the
20 criteria of this subsection and not of subsection 6086(a) of this title.

1 Sec. 2. EFFECTIVE DATE

2 This act shall take effect on July 1, 2017.