

1 S.200

2 Introduced by Senator McCormack

3 Referred to Committee on

4 Date:

5 Subject: Conservation and development; land use; Act 250; designated

6 downtowns; municipal planning grants

7 Statement of purpose of bill as introduced: This bill proposes to allow a
8 municipality to apply for a master plan permit for its designated downtown
9 development districts and neighborhood development areas. It would allow
10 municipalities to receive grants to assist them in applying for master plan
11 permits.

12 An act relating to Act 250 downtown master plan permits

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

14 Sec. 1. 10 V.S.A. § 6086b is amended to read:

15 § 6086b. DOWNTOWN DEVELOPMENT; FINDINGS; MASTER PLAN

16 PERMITS

17 (a) Findings and conclusions. Notwithstanding any provision of this
18 chapter to the contrary, each of the following shall apply to a development or
19 subdivision that is completely within a downtown development district

1 designated under 24 V.S.A. chapter 76A and for which a permit or permit
2 amendment would otherwise be required under this chapter:

3 (1) In lieu of obtaining a permit or permit amendment, a person may
4 request findings and conclusions from the District Commission, which shall
5 approve the request if it finds that the development or subdivision will meet
6 subdivisions 6086(a)(1) (air and water pollution), (2) (sufficient water
7 available), (3) (burden on existing water supply), (4) (soil erosion), (5)
8 (traffic), (8) (aesthetics, historic sites, rare and irreplaceable natural areas),
9 (8)(A) (endangered species; necessary wildlife habitat), (9)(B) (primary
10 agricultural soils), (9)(C) (productive forest soils), (9)(F) (energy
11 conservation), and (9)(K) (public facilities, services, and lands) of this title.

12 * * *

13 (b) Master plan permits.

14 (1) Any municipality within which a downtown development district or
15 neighborhood development area has been formally designated pursuant to
16 24 V.S.A. chapter 76A may apply to the District Commission for a master plan
17 permit for that area or any portion of that area pursuant to the rules of the
18 Board. Municipalities making an application under this subdivision are not
19 required to exercise ownership of or control over the affected property.

1 (2) Subsequent development of an individual lot within the area of the
2 master plan permit that requires a permit under this chapter shall take the form
3 of a permit amendment.

4 (3) In neighborhood development areas, subsequent master plan permit
5 amendments may only be issued for development that is housing.

6 (4) In approving a master plan permit and amendments, the District
7 Commission may include specific conditions that an applicant for an individual
8 project permit will be required to meet.

9 (5) For a master plan permit issued pursuant to this section, an
10 application for an amendment may use the findings issued in the master plan
11 permit as a rebuttable presumption to comply within any applicable criteria
12 under subsection 6086(a) of this title.

13 Sec. 2. 24 V.S.A. § 4306 is amended to read:

14 § 4306. MUNICIPAL AND REGIONAL PLANNING FUND

15 (a)(1) The Municipal and Regional Planning Fund for the purpose of
16 assisting municipal and regional planning commissions to carry out the intent
17 of this chapter is hereby created in the State Treasury.

18 (2) The Fund shall be composed of 17 percent of the revenue from the
19 property transfer tax under 32 V.S.A. chapter 231 and any monies from time to
20 time appropriated to the Fund by the General Assembly or received from any
21 other source, private or public. All balances at the end of any fiscal year shall

1 be carried forward and remain in the Fund. Interest earned by the Fund shall
2 be deposited in the Fund.

3 (3) Of the revenues in the Fund, each year:

4 (A) 10 percent shall be disbursed to the Vermont Center for
5 Geographic Information;

6 (B) 70 percent shall be disbursed to the Secretary of Commerce and
7 Community Development for performance contracts with regional planning
8 commissions to provide regional planning services pursuant to section 4341a
9 of this title; and

10 (C) 20 percent shall be disbursed to municipalities.

11 * * *

12 (c) Funds allocated to municipalities shall be used for the purposes of:

13 (1) funding the regional planning commission in undertaking capacity
14 studies;

15 (2) carrying out the provisions of subchapters 5 through 10 of this
16 chapter; ~~and~~

17 (3) acquiring development rights, conservation easements, or title to
18 those lands, areas, and strictures identified in either regional or municipal plans
19 as requiring special consideration for provision of needed housing, aquifer
20 protection, open space, farmland preservation, or other conservation purposes;
21 and

1 (4) applying for a master plan permit pursuant to 10 V.S.A. § 6086b(b).

2 Sec. 3. APPROPRIATIONS

3 (a) The sum of \$300,000.00 is appropriated in fiscal year 2023 to the
4 Municipal and Regional Planning Fund to be distributed to municipalities in
5 order to assist them with applications for master plan permits pursuant to
6 24 V.S.A. § 4306(c)(4).

7 (b) The sum of \$500,000.00 is appropriated to the Natural Resources Board
8 to cover expenses associated with administering the new master plan permit for
9 municipalities established under 10 V.S.A. § 6086b(b).

10 Sec. 4. EFFECTIVE DATE

11 This act shall take effect on July 1, 2022.