

## H.926 As Introduced

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Topic	Description	Section/Page	Citation
Capability and Development Plan	Adds new finding for GHG emissions and Climate Change	Sec. 1, pg 4	1973 Acts & Resolves No. 85, Sec. 7 (a)(20)
	Amends Finding (2) to add ecosystem protection	Sec. 2, pg 4-5	1973 Acts & Resolves No. 85, Sec. 7 (a)(2)
§ 6000 Act 250 Purpose Section	Explicitly reference Capability and Development Plan and goals of municipal and regional planning	Sec. 3, pg 5-6	10 V.S.A. § 6000
Criteria to address climate change	Reorganizes Criteria 1, 2, 3- separates air from water pollution	Sec. 3, pg 43-47	10 V.S.A. § 6086(a)(1)-(3)
	Adds subcriterion 1(A) air contaminants	Sec. 3, pg 43	10 V.S.A. § 6086(a)(1)(A)
	Amends Criterion 2- include existing water subcriterion	Sec. 3, pg 43-46	10 V.S.A. § 6086(a)(2)
	Updates floodways to Flood Hazard Areas and River Corridors to match ANR's rules	Sec. 3, pg 9	10 V.S.A. § 6001(6)&(7)
	Combines existing Criteria 2 & 3	Sec. 3, pg 47	10 V.S.A. § 6086(a)(3)
	Amends Criterion 5 to require review of projects for safety and congestion impacts to bicycle and pedestrian infrastructure	Sec. 3, pg 47	10 V.S.A. § 6086(a)(5)(A) & (B)
	Amends Criterion 5 to better define when it is appropriate to require projects to incorporate transportation demand management strategies		
	Amends Criterion 9(F) to include energy efficiency and stretch codes and require certification through inspection	Sec. 3, pg 51	10 V.S.A. § 6086(a)(9)(F)

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	Adds Criterion 9(M)- Climate Adaptation to require projects to be designed to adapt and be resilient to climate change	Sec. 3, pg 52	10 V.S.A. § 6086(a)(9)(M)
Forest Fragmentation and Habitat Protection	Amends Criterion 8 to add forest blocks and connecting habitat and adopts an avoid, minimize, and mitigate requirement	Sec. 3, pg 48-49	10 V.S.A. § 6086(a)(8)(C)
	Require the NRB to adopt rules on how to avoid, minimize, and mitigate impacts on forest blocks and connecting habitat	Sec. 16 pg 90-91	
	Shifts burden of persuasion under Criterion 8(A) to applicant	Sec. 3, pg 60	10 V.S.A. § 6088(b)
	Requires ANR to include forest blocks on resource maps	Sec. 4, pg 67	10 V.S.A. § 127
Criterion 9(K)	Updates public investment criterion to include forms of public investments that have developed since 1970	Sec. 3, pg 52	10 V.S.A. § 6086(a)(9)(K)
Regional Plans	Requiring regional plans to be approved as consistent with the statutory planning goals by the NRB	Sec. 6, pg 69-70	24 V.S.A. § 4348(f)(2)
	Clarifying in Criterion 10 that regional plan provisions apply to a project if they meet the same standard of specificity applicable to statutes.	Sec. 3, pg 53	10 V.S.A. § 6086(a)(10)
Municipal Plans	Requiring municipal plans to be consistent with statutory goals for municipal and regional planning	Sec. 7, pg 70	24 V.S.A. § 4382 (a)

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	Amends Criterion 10 so that to be used in Act 250, the plans must obtain approval from RPC	Sec. 3, pg 53	10 V.S.A. § 6086(a)(10)
Changes to jurisdiction	As part of a balancing of interests to support economic development in compact centers while promoting a rural countryside and protecting important natural resources, amends jurisdiction to exempt downtowns and NDAs and increasing Act 250 jurisdiction at interstate interchanges and over certain new roads. Because the designation under 24 V.S.A. chapter 76A would affect jurisdiction, the bill provides for appeal of designation decisions.		
Exempts Downtowns and Neighborhood Development Areas	Designated downtowns and Neighborhood Development Areas (NDAs) exempt from Act 250	Sec. 3, pg 25-26	10 V.S.A. § 6081(o) & (p)
	Designation decisions under 24 V.S.A. chapter 76A are appealable to NRB	Sec. 5, pg 68-69	24 V.S.A. § 2798
	Existing Act 250 permits for projects within downtowns and NDAs can be extinguished when permit conditions are added to municipal permits	Sec. 3, pg 70-72	24 V.S.A. § 4460(f)
Interstate Interchange protection	Adds a jurisdictional trigger for development within an interstate interchange unless RPC finds that municipal bylaws meet criteria established in statute	Sec. 3, pg 6-8	10 V.S.A. § 6001(3)(A)(xi)
Road Rule	Adds the “Road Rule” as a jurisdictional trigger	Sec. 3, pg 8-9	10 V.S.A. § 6001(3)(A)(xii)
Jurisdiction based on elevation	Lowers the elevation threshold for jurisdiction over commercial, industrial, and residential to 2,000 ft	Sec. 3, pg 6	10 V.S.A. § 6001(3)(A)(vi)

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Rivers Program	Changes scope of ANR's Rivers program and requires ANR to create a permit for Highest Priority Rivers	Sec. 12, pg 83-86	10 V.S.A. § 754
Definition of Commercial Purpose	Clarifying the definition of "commercial purpose" so that it is not necessary to determine whether monies received are essential to sustain a project.	Sec. 3, pg 12	10 V.S.A. § 6001(44)
Forest-based enterprise support	Allows forest-based enterprises to make and receive deliveries outside of permitted hours of operation	Sec. 3, pg 55-56	10 V.S.A. § 6086(c)
	Forest-based enterprises can mitigate primary ag soils on a ratio of 1:1	Sec. 3, pg 64-65	10 V.S.A. § 6093
Per diem Rate	Increasing the per diem rate for District Commissioners to \$100, except when working on major permits, when it shall be commensurate with the salary of Board members	Sec. 3, pg 22	10 V.S.A. § 6028
New Board	Changing the Natural Resources Board to a professional Board. The Board shall be made up of 3 full time members appointed by Judicial Nominating Board for 4 yr terms. Major permit applications will be heard by a panel of the Board and two District Commissioners from the district where the project is located. Appeals of Act 250 permits would go to the Supreme Court.	Sec. 3, pg 14-22 pg 35-38	10 V.S.A. §§ 6021, 6022, 6026, 6027, 6084, 6084a
	Board will: issue major permits; approve regional plans, make rules, hear petitions to revoke permits, release properties from jurisdiction  Hear appeals of: JOs; decisions of whether permit is major or minor; RPC decisions about interstate interchanges; designations by Downtown Development Board	Sec. 3, pg 61	Multiple: 10 V.S.A. § 6084a 24 V.S.A. § 4348(f)(2) 10 V.S.A. § 6089

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	The Environmental Division of the Superior Court will continue to hear ANR permit appeals, enforcement cases, and local zoning appeals.	Sec. 10-11 Pg 72-83	10 V.S.A. 220 4 V.S.A. § 34
Billback	NRB and other agencies can bill applicants for staff time and for outside experts hired during Act 250 permit process	Sec. 3, pg 65-66	10 V.S.A. § 6094
Denial of permit application	Permit applications can be denied without prejudice if applicants don't respond within 6 months	Sec. 3, pg 59	10 V.S.A. § 6087
Preapplication process	Applicants must submit plans to District Commissions and regional and municipal planning commissions 30 days before filing application in order to get feedback from the community	Sec. 3, pg 32-33	10 V.S.A. § 6084(a)
Act 250 fees	Raising Act 250 permit fees from \$6.65 to \$9.65 and from \$0.02 to \$0.03 to fund the new professional Board	Sec. 3, pg 27-29	10 V.S.A. § 6083a(a)(1)&(4)
Supervisory authority of permits	Reaffirming the supervisory authority in environmental matters of the Board and District Commissions, in accordance with the original intent of Act 250 as determined by the Vermont Supreme Court.	Sec. 3, pg 18	10 V.S.A. § 6027 (a)
Permit presumptions	Revising the statutory authority on the use of other permits to demonstrate compliance with the criteria, allowing all permits to receive a presumption without going through the NRB's rulemaking process. Lowers the standard for rebutting the presumption.	Sec. 3, pg 56-58	10 V.S.A. § 6086(d)
Slate quarries	Adds slate quarries to ANR Natural Resources Atlas	Sec. 3, pg 25	10 V.S.A. § 6081(k)(6)

Master planning incentives	Clarifying the master permitting process and fee waiver application process	Sec. 3, pg 29-32	10 V.S.A. § 6083a(a)(5) & (f)
Release from jurisdiction	Creates process under which property can be released from Act 250 jurisdiction when the property would no longer trigger Act 250 jurisdiction	Sec. 3, pg 63-64	10 V.S.A. § 6090(c)
Planning Review	The NRB and ACCD will make recommendations on how to incorporate and update the Capability and Development Plan into Act 250 and how Capability and Development Plan maps should be created and used	Sec. 14, pg 87-89	
Environmental Justice	Adds new criterion 9(N) which requires that a project not disproportionately impact any one group	Sec. 3, pg 53	10 V.S.A. § 6086(a)(9)(N)
Racial Equity Review	Executive Director of Racial Equity, the Racial Equity Advisory Panel, and the Human Rights Commission shall conduct a review of the processes, procedures, and language of Act 250 to assess the extent to which Act 250 has contributed to adverse impacts on racial equity and diversity within the State.	Sec. 13, pg 86-87	