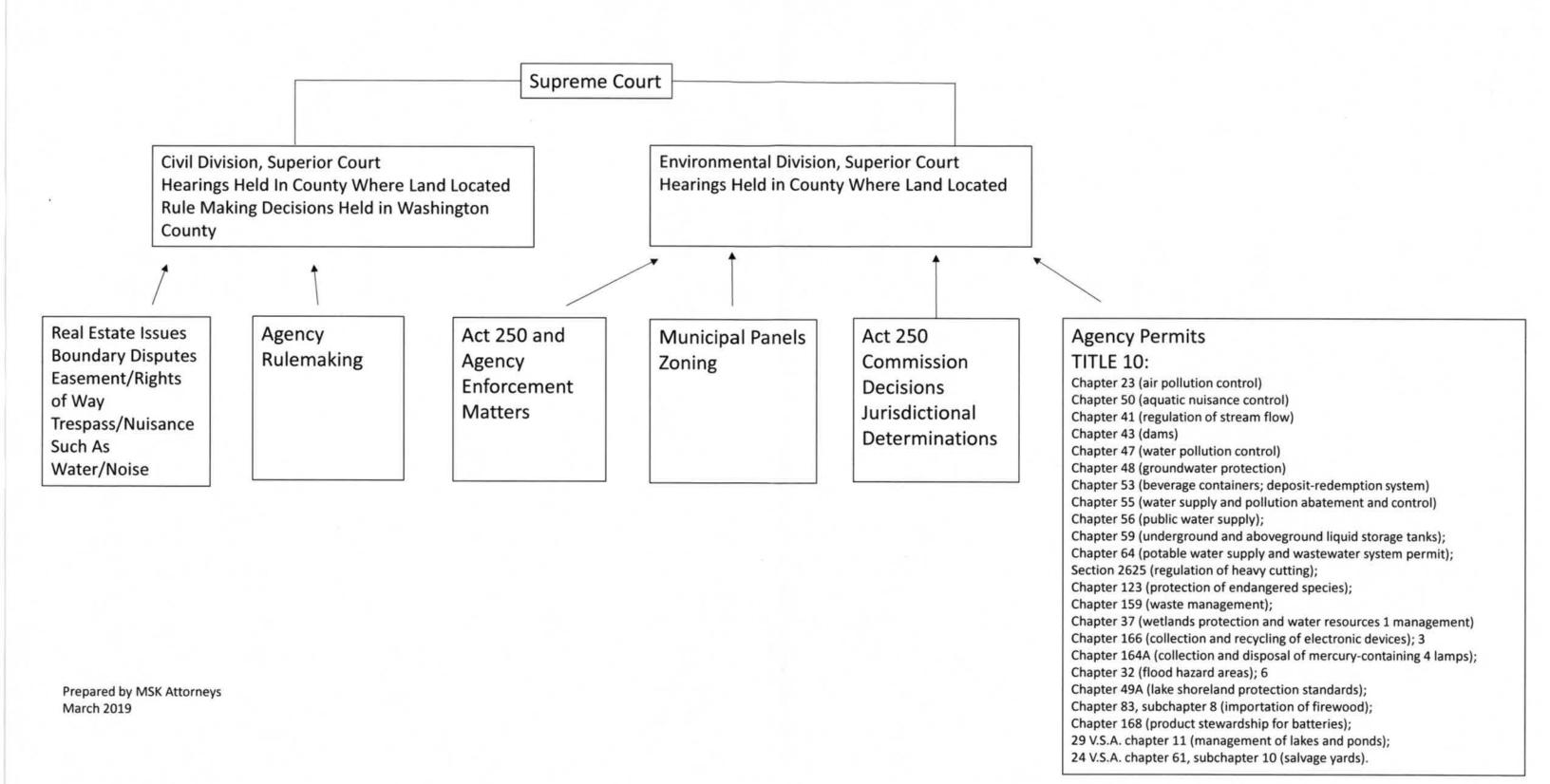
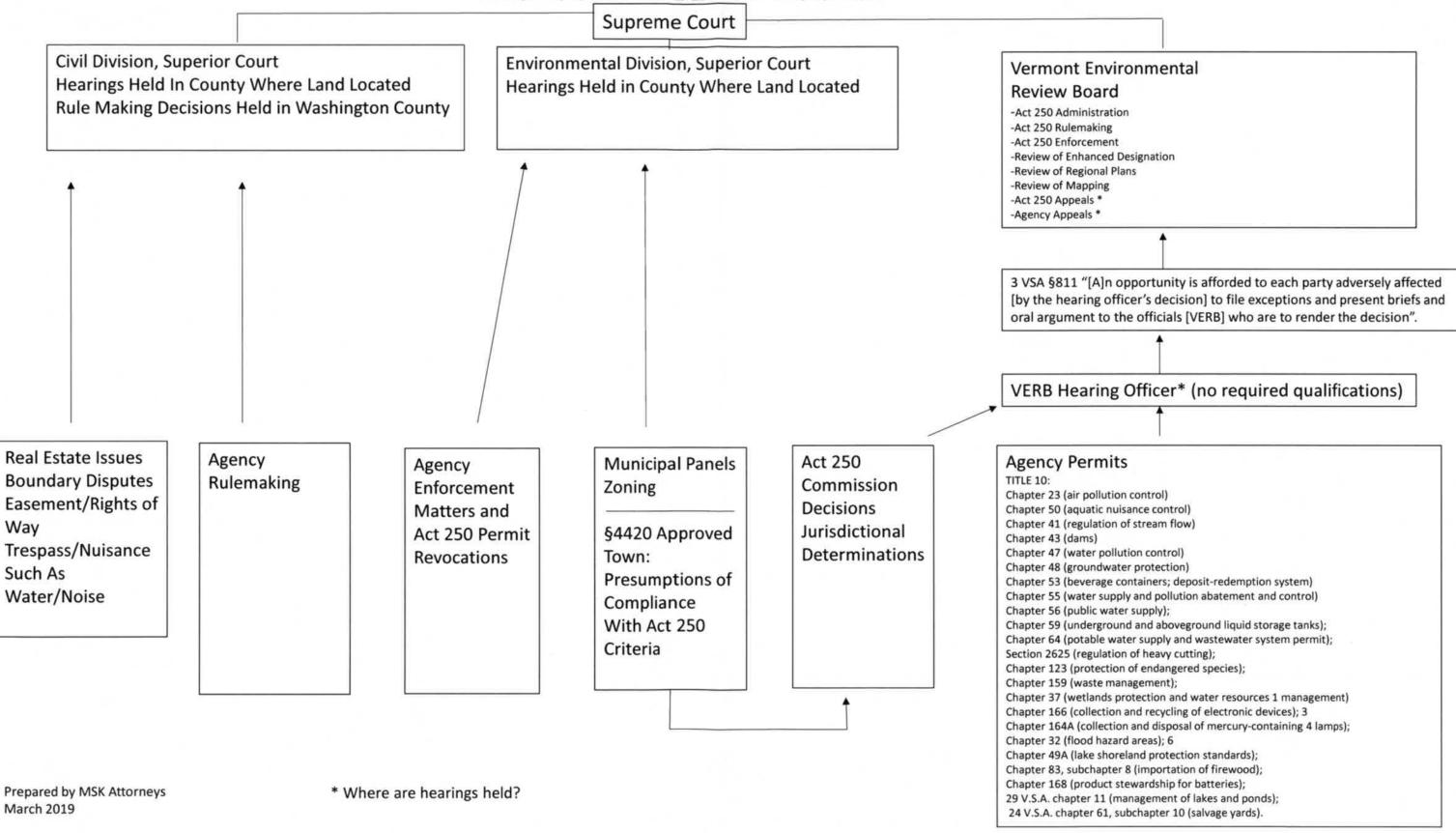
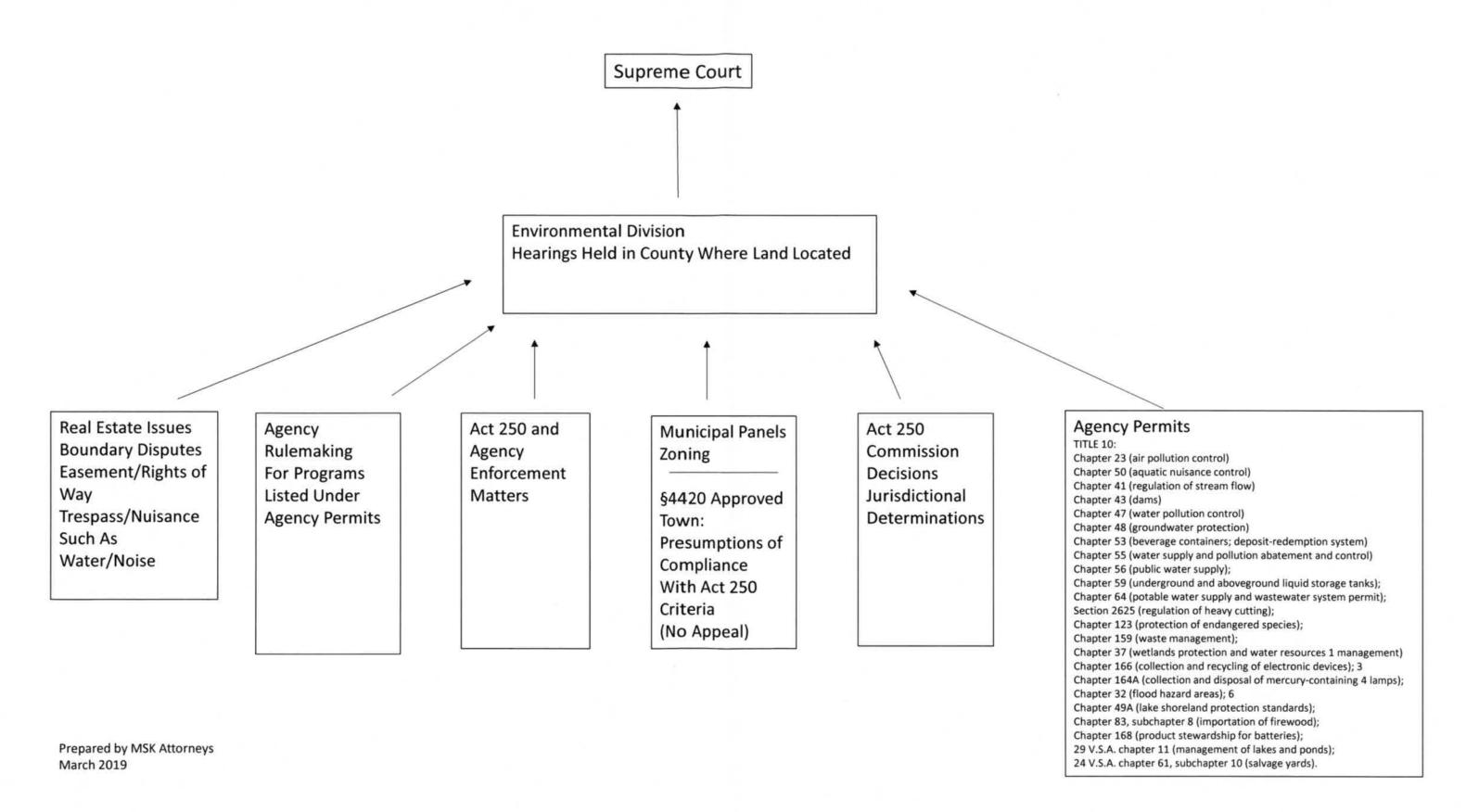
## **CURRENT APPEAL PROCESS**



## PROPOSED APPEAL PROCESS



## SUGGESTED APPEAL PROCESS



### ACT 250 JURISDICTION CHANGES PROPOSED BY COMMITTEE BILL 19-0040

#### **Subdivision Jurisdiction**

- The creation of 10 or more lots for resale within five miles or the district jurisdiction within 5 years if lands owned or controlled by a "person".
- In Towns which have not adopted permanent subdivision regulations, the creation of 6 or more lots within five miles within 5 years or the district jurisdiction if lands owned or controlled by a "person."

#### **Proposed Subdivision Jurisdiction**

- In locations outside of an area that has received an enhanced designation, the creation of 10 or more lots for resale within five miles or the district jurisdiction within 5 years if lands owned or controlled by a "person."
- In Towns which have not adopted permanent subdivision regulations, the creation of 6 or more lots within five miles within 5 years or the district jurisdiction if lands owned or controlled by a "person."
- Any division of land creating more than
   \_\_?\_\_ lots within 5 years within a "rural
   and working lands" area if lands owned
   or controlled by a "person."
- Any division of land for resale in a "critical resource area."

#### **Development Jurisdiction**

- Construction of improvements for commercial/industrial purposes on a tract of land 10 acres or larger.
- In Towns which have not adopted permanent subdivision regulations
   Construction of improvements for commercial/industrial purposes on a tract of land 1 acre or larger.
- Construction of 10 or more dwelling units within 5 years if lands owned or controlled by a "person." "Dwelling" ruled to include hotel rooms and nursing beds.
- 4. The construction of improvements for any purpose above 2500 feet.

# Proposed Development Jurisdiction

- In locations outside of an area that has received an enhanced designation, construction
  of improvement for commercial/industrial purposes on a tract of land 10 acres or
  larger.
- In Towns which have not adopted permanent subdivision regulations or elected to become subject to Act 250 jurisdiction, construction of improvements for commercial purposes on a tract of land 1 acre or larger.
- 3. Construction of 10 or more dwelling units within 5 years if lands owned or controlled by a "person." "Dwelling" ruled to include hotel rooms and nursing beds.
- 4. The construction of improvements for any purpose above 2000 ft in elevation
- 5. The construction of improvements for any commercial/industrial/residential/farming/forestry/logging purpose in a critical resource area. (Critical Resource Area means a river corridor, a significant wetland as defined under section 902, land above 2000ft, and land characterized as slopes greater than 15 % and shallow depth to bedrock).
- 6. Construction of improvements for commercial/industrial purposes on tracts of land involving more than 1 acre in rural and working lands area (Rural and working lands area defined as: "an area that is not an existing settlement or critical resources area. "Existing settlement" is undefined.)
- 7. The construction of improvements for commercial purposes in an interchange area, unless it is within an existing settlement. (Interchange area defined as: lands within 3,000ft of an interchange.)

#### Exemptions

 Development does not include the construction of improvements for farming, logging or forestry purposes below 2500 ft.

#### **Proposed Exemptions Changes**

- Development does not include the construction of improvements for farming, logging or forestry purposes below 2000 ft except when located in a critical resource area.
- Construction of improvements for commercial/industrial purposes within an area that has obtained an enhanced designation pursuant to 24 V.S.A. 76A.

By: MSK Attorneys March 13, 2019