

Municipal Delegation Framework Report

As requested by VT Legislature in Act 47 of 2023

Presentation to House Energy & Environment Committee
January 10, 2024

Catherine Dimitruk, Chair, VT Association of Planning & Development Agencies
Charlie Baker, Executive Director, Chittenden County Regional Planning Commission
Meagan Tuttle, Director, Office of City Planning, City of Burlington

Why Municipal Delegation in the Act250 Process?

- Since Act 250's inception, statewide development considerations have evolved, and many municipalities have modernized planning & permitting efforts
- A tool to reduce duplicative permitting time and cost in areas planned for much-needed housing growth, in communities with high quality bylaws and resources to administer and enforce
- Municipal contribution– via stronger local regulations and utilization of local capacity– to more efficient use of important statewide resources/agencies
- Relates only to Act 250 permitting and review; does not change other state permitting
- Time-sensitive complement/add-on to recommendations in VAPDA Future Land Use Study, NRB Act 250 Necessary Updates, and ACCD Designation Program Modernization

What is Municipal Delegation?

Legislative Charge in Act 47 of 2023:

“The Vermont Association of Planning and Development Agencies, in consultation with the Natural Resources Board, shall develop a ***proposed framework for delegating administration of Act 250 permits to municipalities.***” (emphasis added)

Report Recommendation:

Exemption from Act 250 review within a municipality, based on “...an agreement between the NRB and a municipality upon the NRB finding the ***municipality’s regulations, standards of review, and enforcement mechanisms are functionally equivalent or better at reviewing development issues*** currently covered by each applicable Act 250 criterion.”

Minimum Requirements for Municipal Eligibility

To apply for Municipal Delegation, a municipality must first demonstrate:

- Municipal plan approved by Regional Commission, compatible with statewide goals
- Zoning and subdivision bylaws in compliance with 24 VSA 117, other duly adopted municipal ordinances or codes which regulate issues relevant to applicable Act 250 criteria
- Downtown, Neighborhood Development Area, or Growth Center Designation (current/future equivalent)
- Professional staff to administer/enforce bylaws & legislative body commitment to enforcement
- Utility infrastructure to support growth, ability to expand when/if necessary
- Legislative body approval to pursue Delegation Agreement,
- Functional equivalency of local regulations to applicable Act 250 criteria

Municipal Delegation Agreement Process

1. Regional Commission Review & Recommend Application

- RPC confirms min. requirements, works with municipality to review documentation of functional equivalency
- Upon affirmative findings, RPC issues a letter of recommendation. Municipality may submit without RPC recommendation, but need to prove consistency to NRB.

2. NRB Review Application

- Public meeting to review application, with opportunity for public comment, then issue determination

3. NRB Decision & Execution of Agreement

- Upon concurrence with RPC recommendation, execute agreement with municipality. Includes any Act 250 criteria not applicable, any areas/project types remaining under Act 250 jurisdiction due to regional significance (i.e. ski resort, airport, landfill)
- Agreement reviewed/recertified every 8 years, with regular reporting to NRB. Agreement may be amended or rescinded if changes to Act 250 jurisdictional thresholds/criteria or municipal regulations/administration
- If denied, NRB articulate deficiencies in municipal bylaws; municipalities may address deficiencies and reapply