

H.687- Dr 3.1
 Summary
 15 February 2024

Sec.	Citation	Summary
Act 250		
1		Purpose section
2	10 V.S.A. § 6000	Statutory purpose section adding references to the Capability and Development Plan, the municipal and regional planning goals, and the 30 x 30 and 50 x 50 goals.
3	10 V.S.A. § 6021	Amends the statute which establishes the Natural Resources Board. This section changes its name to the Environmental Review Board. The Board shall have 5 members appointed by the Governor after applicants are reviewed by the Environmental Review Board Nominating Committee. The Chair shall be a full-time position, and the other four members shall be half-time positions. It adds language for types of skills sought and encourages diversity in the members of the Board. Terms are for staggered 5 year terms. There are no alternates. Terms start on July 1 and end on June 30. Vacancies are to be filled for remainder of term. Members may seek reappointment. Members are only removable by the other Board members for cause after notice and a hearing, using procedures adopted by the Board. Retiring members may remain part of a case until it is concluded.
4	10 V.S.A. § 6032	Adds a new section which establishes the Environmental Review Board Nominating Committee. The Nominating Committee shall advertise vacancies on the Board, review applicants for Board positions, and recommend qualified candidates to the Governor. The Committee shall be made up of 2 members of the Executive Branch appointed by the Governor, with one from the Dept of HR; 2 members of the House appointed by the Speaker; and 2 members of the Senate appointed by the Committee on Committees. Terms for Committee members shall last for 2 years.
5	10 V.S.A. § 6025	It directs the Board to adopt rules of procedure for hearing appeals, approving regional plans, and regional maps
6	10 V.S.A. § 6027	Amends the powers of the Board. It adds language reaffirming the supervisory authority of the Board and District Commissions. It requires the Board to publish its decisions online. It gives the Board the power to hear appeals. This is in addition to the Board's existing duties in statute, which include: <ul style="list-style-type: none"> • administer oaths, take depositions, subpoena and compel the attendance of witnesses, and require the production of evidence • enter upon lands of parties before it and for investigations • apply and receive grants • manage workload of District Commissions. • allow for joint hearings • publish index of decisions, including its own • manage process for issuing land use permits • initiate enforcement

		<ul style="list-style-type: none"> initiate and hear petitions for revocation of permits (this is a change; the Environmental Court hears these petitions currently) hear appeals for fee refund requests
7	10 V.S.A. § 6022	<p>It gives the Board authority to hire additional permanent personnel. It also requires the Board to hire an Executive Director. The duties of the Executive Director shall be:</p> <p>(1) supervising and administering the operation and implementation of Act 250 and the Board's rules;</p> <p>(2) assisting the Board in its duties and administering Act 250;</p> <p>(3) employing staff; and</p> <p>(4) preparing an annual budget for submission to the Board.</p>
8	10 V.S.A. § 6084	It shifts the burden of providing notice of applications to the District Commissions and requires notice be posted on the Board's website.
9	10 V.S.A. § 6086(f)	Strikes reference to appeals going to E-Court and clarifies that requests to stay a permit that has been appealed should be made to the Board (not the Court).
10	10 V.S.A. § 6089	<p>Provides the procedure for appeals. Appeals of jurisdictional opinions and permit decisions go to Board. To appeal, must have party status which requires participation at hearings before District Commission. Board shall hold a de novo hearing on the appeal. The hearing shall be in the town or as close as possible to the site at issue in the appeal. Appeal must be filed within 30 days of a decision by District Commission. It adds limits to the types of prehearing discovery that may be used. Prefiled expert witness testimony must follow VT Rules of Civil Procedure. For non-expert witnesses, interrogatories are limited to ID of witness and summary of testimony. Parties may request to enter land at issue. Parties may not use depositions, unless allowed by the Board.</p> <p>Appeals of Board decisions go to the Supreme Court. Appeal to Supreme Court is limited to objections raised</p>
11	10 V.S.A. § 6007	It gives the Board authority to hear appeals of JOs issued by district Coordinators. Appeals must be filed within 30 days.
12	10 V.S.A. § 6083a	Establishes \$295 as the filing fee for filing appeal, application for planned growth areas, and regional plan and map approval.
13	10 V.S.A. chapter 220	It removes the Environmental Division's authority to hear Act 250 permit and JO appeals. It strikes the references to Act 250 from the chapter.
14	4 V.S.A. § 34	Amends the jurisdiction of the Environmental Division to remove its jurisdiction over revoking Act 250 permits because the Board now has the authority.
Transition; revision authority		
15		Appropriates \$484,000 to the ERB for two new staff attorneys and the salaries of the 4 new half-time Board members.
16		Transfers the personnel of the NRB to the ERB.
17		Gives the Environmental Division the authority to finish work on pending appeals until July 1, 2026.

18		Gives revision authority to Leg Counsel to change the references to the NRB to the ERB.
Forest Blocks		
19	10 V.S.A. § 6001	Adds definitions related to forest blocks and connecting habitat to be used in criteria 8(B) & (C)
20	10 V.S.A. § 6086(a)(8)	Adds new criteria to Act 250- 8(B) which requires applicants to avoid, minimize, and mitigate impacts to forest blocks and 8(C) which requires applicants to avoid and minimize impacts to connecting habitats
21		Rulemaking for new Criterion 8C- forest blocks and connecting habitat
22	10 V.S.A. § 6094	New statute establishing how fragmentation of forest blocks may be mitigated.
23	10 V.S.A. § 127	Requires ANR to map forest blocks and connecting habitat and to establish procedures for updating maps.
Location-Based Jurisdiction		
24	10 V.S.A. § 6001	Creates new jurisdictional triggers for critical resource area, construction of development more than 500ft from a road, 2000ft/800ft road rule, subdivision of 4 or more lots in a rural and working lands area
25	10 V.S.A. § 6033	Establishes process for municipalities to obtain Planned Growth Area Designation from the ERB beginning in 2027
26		ERB shall issue guidelines for municipalities applying for planned growth area designation by 1/1/2027.
27	24 V.S.A. § 4382	Towns shall id planned growth areas on their town map
28	10 V.S.A. § 6081	Establishes exemptions for planned growth areas
29	24 V.S.A. § 4460	Directs municipalities with planned growth area designation to add existing Act 250 permit conditions to municipal land use permits
Future Land Use Maps		
30	24 V.S.A. § 4302	Updates regional and municipal planning goals to reference designated areas and housing targets.
31	24 V.S.A. § 4345a	Directs RPCs to incorporate meaningful participation into their processes and consider potential environmental benefits and burdens, submit comments on the State Transportation Program, gives substantial deference to substantial regional impact in municipal regulatory proceedings, and to participate as a party in municipal regulatory proceedings.
32	24 V.S.A. § 4347	Adds climate resilience, mitigation, and adaption to the purposes of the regional plan.
33	24 V.S.A. § 4348	Updates process for adopting the regional plan. Plans are to be approved by the ERB. Updated regional plans shall be adopted by 12/31/26.

34	24 V.S.A. § 4348a	Updates the elements required to be included in the regional plan and future land use maps
Municipal Planning		
35	24 V.S.A. § 4462	Combined review of projects with substantial regional impact
36	24 V.S.A. § 4464	Requires notice to the RPC and the Secretary of Transportation of projects exempt from Act 250 that would have substantial regional impact or 75 peak hour trips. They shall be interested persons for purposes of appeals.
37	24 V.S.A. § 4465	Adds Secretary of Transportation to list of “interested persons” for purposes of appeals.
38	10 V.S.A. § 6104	Allows Secretary of Transportation to collect transportation impact fees instead of the District Commission for projects exempt from Act 250.
39	19 V.S.A. § 10b	Gives substantial deference to local, regional, and State agency plans for purposes of the State Transportation Program.
Resilience Planning		
40	24 V.S.A. § 4306	Changes the name of the Municipal and Regional Planning Fund to the Municipal and Regional Planning and Resilience Fund; allows grants from the fund to be spent on resilience planning, including flood protection and climate resilience
41		Appropriates \$1.5M to Municipal and Regional Planning and Resilience Fund to support resilience planning
42		Appropriates \$125,000 to ACCD to for one new staff member for the resilience grants; Appropriates \$125,000 to ANR for one new staff member to assist with financing climate resilience projects.
Designated Areas Update		
43		Repeals chapter 24 V.S.A. chapter 76A
44	24 V.S.A. chapter 139	Creates new chapter 139 to replace chapter 76A § 5801 Definition section § 5802 Vermont Community Revitalization Board to replace the State Downtown Board § 5803 Mapping Regional Planning Commissions- VAPDA to develop standard methodology for mapping by 12/31/24 § 5804 Designation of Downtown and Village Centers § 5805 Designated Neighborhood § 5806 Designation of Planned Growth Area § 5807 Transition § 5808 Designation Data Center § 5809 Municipal Technical Assistance § 5810 Downtown Transportation and Related Capital Improvement Fund- same as existing Fund § 5811 Property Assessment Fund- same as existing Fund § 5812 Better Places Program; Crowd Granting- same as existing

45	32 V.S.A. § 5930aa	Amends Downtown and Village Center Tax Credit program to reference new designated areas
46	32 V.S.A. § 5930bb	Amends Downtown and Village Center Tax Credit program to reference new designated areas
47	32 V.S.A. § 5930cc	Increases code improvement tax credit from \$50,000to \$100,000; increases the flood mitigation tax credit from \$75,000 to \$100,000
48	32 V.S.A. § 5930ee	Raises the cap on the amount of tax credits that can be awarded annually from \$3mil to \$5mil
49		Revision authority for Legislative Counsel to replace all references to the “24 V.S.A. chapter 76A” with the “24 V.S.A. chapter 139.”
Effective Dates		
50		The bill is effective on passage Except- Secs. 13-14, which are the sections on the authority of the Environmental Division, are effective on July 1, 2026, when the Board takes over the appeals. Sec. 19 (new criteria 8 (B)&(C)) shall take effect on July 1, 2026 after the rules are adopted.