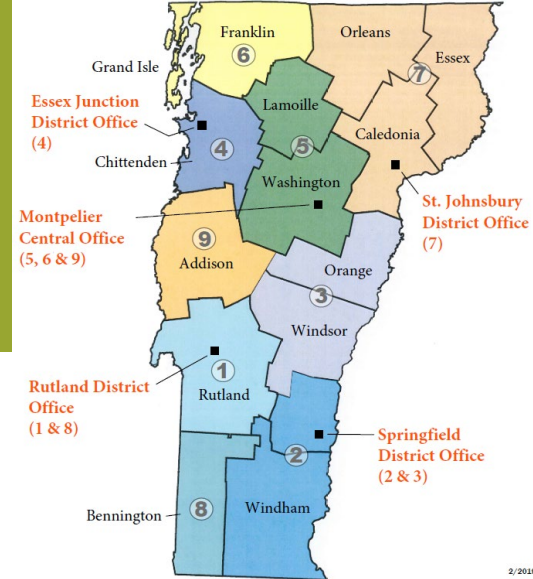


Natural Resources Board Act 250 Study

Act 250 Background

- Landmark state land use and development law passed in 1970.
- Administered by the Natural Resources Board (NRB).
- A permit system to address impacts of large developments on the environment and local government services. 10 criteria.
- Vision of compact development surrounded by open lands.
- Current issues include 1) a lack of affordable housing; and 2) protection of rural working lands and natural resources.



Legislative Charge: Acts 182 and 47



- NRB to deliver a report to the Legislature on “necessary updates to the Act 250 program” by Dec. 31, 2023.
- Topics to include:
 - Location-based jurisdiction and development “tiers”
 - Staffing levels
 - Fees
 - Capability and Development Plan
 - Incorporate recommendations of Designation and Mapping studies

NRB Report Goal and Process



- **Goal:** Provide a report that emphasizes areas of consensus among key stakeholder groups
- **Process:**
 - 16-person Steering Committee appointed to identify recommendations.
 - Steering Committee met regularly from late June to late October, operated by consensus.
 - 7 stakeholder focus groups met in August and September to help discuss Act 250 options.
 - Professional, independent facilitation team managed meetings and drafted the report.

Stakeholder Groups



1. Environmental attorneys
2. Engineers and consultants
3. Planners/municipalities
4. Housing, economic development, and environmental justice organizations
5. Environmental groups
6. Working lands operators
7. District Coordinators

Recommendations: Jurisdiction



- Adopt a location-based jurisdiction framework using tiers of development intensity that tailor the appropriate level of Act 250 review based on the characteristics of the area.
- Develop a process for identifying and mapping tiers that respects local government, uses the expertise of regional planning commissions, and involves a state agency approval to ensure statewide uniformity.

Recommendations: Tier 1



Tier 1A:

- **Planned Growth Areas**
- Water and sewer infrastructure
- Permanent zoning and subdivision regulations that meet certain standards
- Municipal planning capacity to develop and administer regulations effectively
- Jurisdictional rule: Residential, Commercial, and Industrial development exempt from Act 250

Recommendations

Tier 1



Tier 1B:

- **Village Centers with capacity to accommodate growth.**
- Permanent zoning and subdivision regulations
- Water/sewer infrastructure or soil conditions to handle wastewater
- Regulations, infrastructure, and/or municipal capacity do not meet standards for Tier 1A
- Jurisdictional rule:
 - Residential units threshold increased from 10 to 50
 - Other jurisdictional rules unchanged

Recommendations: Tier 2



Tier 2:

- Rural areas, small villages, and hamlets, and all land not in tiers 1 or 3. Tier 2 will cover the majority of the state.

Jurisdictional rules

- Existing Act 250 jurisdictional rules on lots and units unchanged.
- Road rule to reduce forest fragmentation: Act 250 jurisdiction if development results in 2,000 feet or more of any combination of new roads and driveways.

Recommendations: Tier 3



Tier 3 purpose:

- Protect important natural resource areas by updating Act 250 jurisdiction to provide protective oversight.

Tier 3 scope:

- TBD based on appropriate science-based information and mapping. Expected to apply to small fraction of the state.

Jurisdictional rule:

- Automatic jurisdiction, regardless of development size.

Recommendations: Tier 3



Tier 3 designation process:

- Regional Planning Commissions to recommend mapping process.
- Process to include:
 - RPC review of existing maps in consultation with municipalities and with science-based input from the state.
 - Consistent and robust standards
 - State board review
 - Opportunity for public comment and appeal

Jurisdictional Framework



Tier 1		Tier 2	Tier 3
A	B		
Planned Growth Areas	Village Centers	Rural areas	Important natural resource areas.
Exempt from Act 250.	No change for lots or commercial development. 50 residential	No change for lots and units. Road rule added.	Automatic jurisdiction.

Recommendations: Forest Fragmentation Criterion



- New criterion that replaces 9c and requires minimizing development impacts through site design, clustering the development, and limiting disturbed areas.



Recommendations: Governance



NRB Board:

- Current Board: A chair and 2-4 part-time appointees.
- Recommendation: Paid Professional Board of 3 – 5 members.
- Needed to help manage the tiers process.
- Should take a more proactive role in rulemaking, policy directives, and operations, including oversight of district offices and NRB staff.

Recommendations: Governance



Staffing

- Review historic staffing levels and conduct analysis of future needs.
- Options to enhance staff capacity include:
 - Ensuring adequate staffing for all District Commissions.
 - Making roving Coordinators and Executive Director roles permanent.
 - Providing additional pre-application support at NRB or elsewhere.

Recommendations: Governance



Consistency and Streamlining the Permitting Process:

- Better and consistent use of pre-application and pre-hearing conferences.

Fees

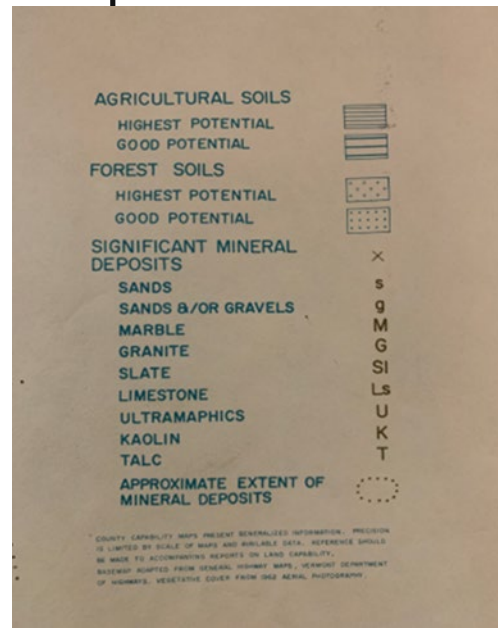
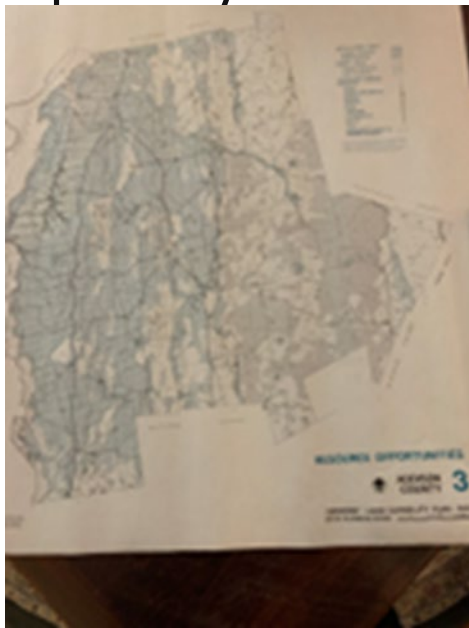
- Fees are based on the cost of a project.
- Recommendations to result in less fee revenue, potentially higher costs
- Need for more General Fund support.

Reducing Redundancy:

- Change Rule 19 rebuttable presumptions to make them dispositive for purposes of Act 250 review.

Recommendations: Capability and Development Plan

- Maps should be drafted by the municipalities, Regional Planning Commissions, and one or more state agencies.
- State agency to have final approval authority.
- Requires state funding for drafting maps.
- Capability and Development Maps of Addison County, 1972.



Recommendations: Natural and Working Lands

- Reduce the agricultural soils mitigation ratio for forest processing enterprises to 1:1.

