



Joint Policy Committee
September 6, 2017

The Joint Policy Committee of Rutland Economic Development Corporation and Rutland Region Chamber of Commerce suggest that strategies or actions be taken in order to strengthen our state's and, in particular, the Rutland Region's ability to grow economically. In the future, additional recommendations will be provided. This outline is specifically intended to support growth, through modifications to the permitting process, making it more predictable, timely and cost effective.

To support the goal of protecting Vermont's brand we need strategic and incremental growth of business and industry, which in turn can contribute to maintaining the way of life to which we have become accustomed, it is essential that we grow the tax base upon which financial support can be drawn. Businesses and local leaders tell us that a leading contributor to limited private investment, job and wage growth, and productivity is the lack of predictable, timely, and cost effective permitting procedures at the state level. The Joint Policy Committee intends to be participants in the "Commission on Act 250: The Next 50 Years" by providing recommendations and by attending Commission hearings.

Recommendations:

1. Timeliness can be improved by eliminating the issue of duplicative regulation which is defined as the need to go through two processes, Act 250 and municipal, each of which allow for public hearings on the same issue. Procedures should be supported that provide additional methods for municipalities to satisfy Act 250 criteria, such as those that currently exist for Development Review Boards to provide Local Act 250 review of municipal impacts (24 VSA §4420).
2. Within rule making, make agency, ANR, and VTrans permits irrebuttable allowing that the Act 250 process forgo inquiry or testimony on permit programs with technical standards. If an applicant has a permit, then the burden of proof is satisfied. Rule changes should be enacted that make the presumptions created by ANR permits under Act 250 Rule 19 irrebuttable.
3. Within rule making, consider the Governor's goal of setting reasonable timeframes within which Act 250 and Agency permits are provided. Establish standards for timely Act 250 District performance and enforce them.

4. Address perceived inconsistencies between district submittal, processing and review procedures as they appear to vary from Act 250 district to district.
5. Address permit conditions that make a project impractical or economically unfeasible and give rise to permit appeals.
6. Within rule making, address unpredictable permitting timelines among state agencies and the offices of ANR and VTrans. This can be accomplished by Act 250 permits being approved subject to agency permits being issued, thereby expediting appeal timelines and waiting periods. This would result in the appeal period of the Act 250 permit expiring sooner.
7. Enact statutory and rule changes which (a) require all potential parties to file evidence, witness lists and summaries of testimony well in advance of public hearings and (b) insure accurate recordation of hearings, with the goal of moving toward a single “on the record” appeals process.
8. Work to reduce the number of appeals by restricting who qualifies as having party status. 10VSA §6085(a)1(E) should be re-worded to clearly define “...or other person who has a particularized interest protected by this chapter and may be affected by an act or decision by a District Commission”.
9. Allow the processing of applications with preliminary engineering, not construction ready plans. The cost of preparing complete engineering documents prior to Act 250 permit application adds to the timeline and forces an applicant to incur undue risk and expense. Changes during the Act 250 process often require the applicant to redesign and reapply for ANR and VTrans permits. This results in lost time and added expense.
10. The Environmental Division should be appropriately staffed to provide quick processing and decision-making for appeals proceedings.
11. Administratively, reinforce a culture with all agencies that supports customers through the process.

Comments or questions can be directed to Lyle Jepson, Dean of Entrepreneurial Programs – Castleton University and Executive Director of Rutland Economic Development Corporation at lyle.jepson@castleton.edu or Mary Cohen, Executive Director of the Rutland Region Chamber of Commerce at mcohen@rutlandvermont.com.