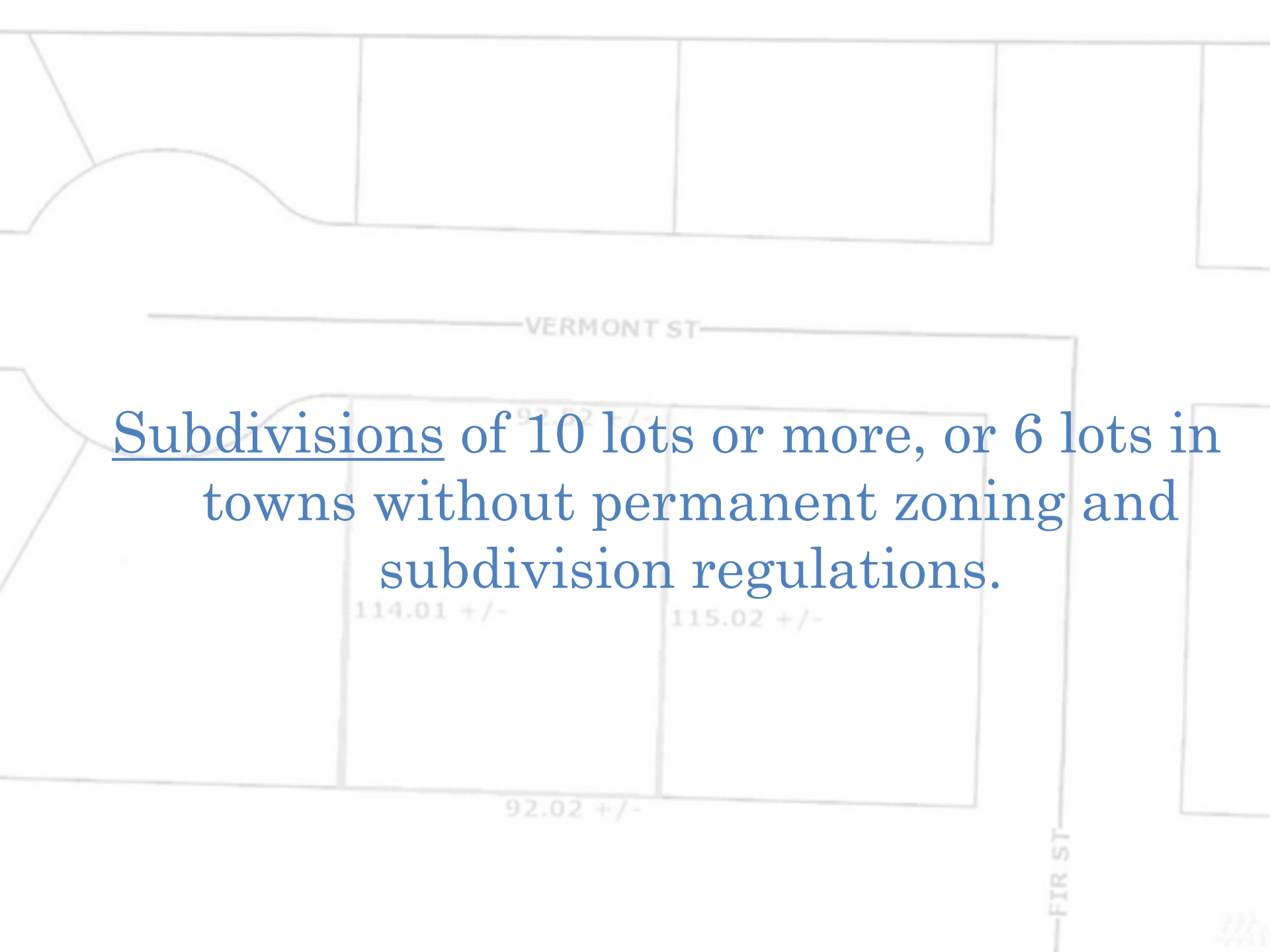
Act 250 Jurisdiction
Senate--Transportation
March 20, 2019

ACT 250 JURISDICTION



Subdivisions of 10 lots or more, or 6 lots in towns without permanent zoning and subdivision regulations.

Commercial development on >1 or >10 acre

- State and municipal projects >10 acres disturbance

Other Act 250 Jurisdictional Triggers

- Housing projects with 10 or more units (higher thresholds for Priority Housing Projects in designated centers)
- Communication towers >50 feet in height
- Commercial, residential, or industrial development above 2,500 feet

Act 250 Amendment Jurisdictional

- **Material change** to an Act 250 permitted project—…any cognizable change to a development or subdivision subject to a permit under Act 250 or findings and conclusions under 10 V.S.A. § 6086b, which has a significant impact on any finding, conclusion, term or condition of the project's permit or which may result in a significant adverse impact with respect to any of the criteria specified in 10 V.S.A. § 6086(a)(1) through (a)(10).

- **Substantial changes** to pre-existing (pre-1970) projects—any cognizable change to a pre-existing development or subdivision which may *result in significant adverse impact* with respect to any of the criteria specified in 10 V.S.A. § 6086(a)(1) through (a)(10).

ACT 250 EXEMPTIONS TO JURISDICTION

Farming below 2,500 feet

Logging below 2,500 feet

Other Statutory Exemptions to Act 250 Jurisdiction

- Electric generation and transmission facilities regulated by PUC.
- Agricultural fairs and horse shows; no buildings; open to public for < 61 days per year
- Small scale and on-farm composting
- And others

Exemptions by Rule

Act 250 Rule 2(C)(3) & related definitions:

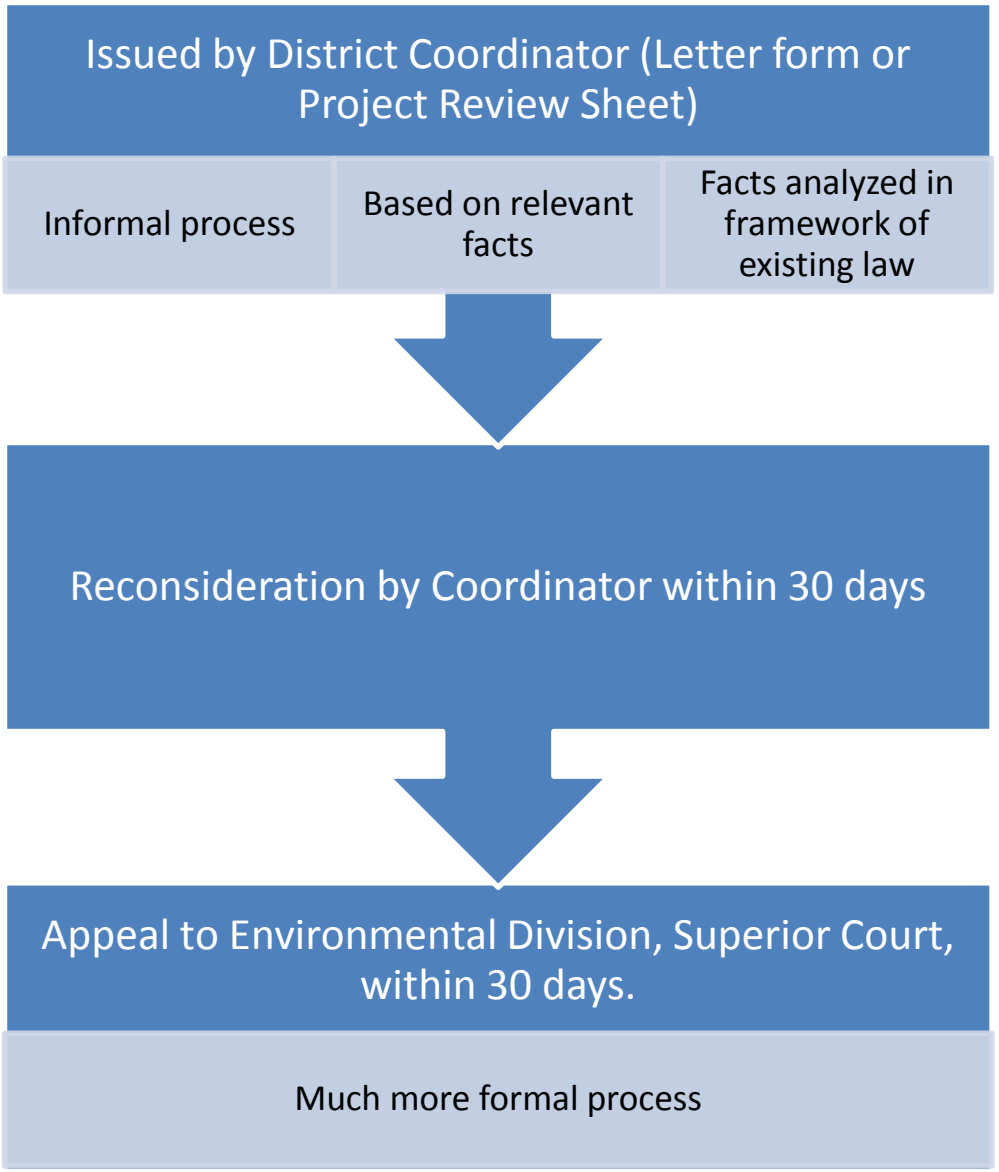
- Home occupation – defined in Rule 2(C)(17)

  Use, by a resident, of a minor portion of the residence + ancillary buildings, for occupation/business customary in residential areas that has no potential for significant impact

- *De minimis* - no potential for significant adverse impact

- Test wells, preparation & plans

Jurisdictional Opinions (is there Act 250 Jurisdiction over a particular project?)



Questions?