

H.687- Dr 10.1- As Passed House Environment and Energy
Section by Section Summary
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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 (NRB). This section changes its name to the Environmental Review Board (ERB). 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 for appointment. 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. Members shall be appointed by July 31, 2024. 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, review regional plans and maps, and review applications for Tier 1A areas. 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

		<ul style="list-style-type: none"> • manage process for issuing land use permits • initiate enforcement • 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> <ol style="list-style-type: none"> (1) supervising and administering the operation and implementation of Act 250 and the Board's rules; (2) assisting the Board in its duties and administering Act 250; (3) employing staff; and (4) preparing an annual budget for submission to the Board.
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. Pre-filed 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 an appeal, unless waived for indigency, application for Tier 1A 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 October 1, 2026.
18		Gives revision authority to Legislative 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 habitat connectors to be used in criterion 8(C)
20	10 V.S.A. § 6086(a)(8)	Adds new criteria to Act 250- 8(C) which requires applicants to not have an undue adverse impact on forest blocks and habitat connectors. If a project as proposed would result in an undue adverse impact, a permit may only be granted if effects are avoided, minimized, or mitigated as allowed in accordance with rules adopted by the Board.
21		Rulemaking for new Criterion 8C- forest blocks and habitat connectors
22	10 V.S.A. § 127	Requires ANR to map forest blocks and habitat connectors and to establish procedures for updating maps.
Wood Products Manufacturers		
23	10 V.S.A. § 6093	Under Act 250, lowers the amount of required mitigation for primary agricultural soils for wood products manufacturers to 1:1 protected to affected acres.
Road Rule		
24	10 V.S.A. § 6001	Creates new jurisdictional triggers for construction of one 800ft private road and any combination of private roads or driveways of more than 2000ft
25		Allows the NRB to adopt rules to clarify the new road construction jurisdictional trigger
Location-Based Jurisdiction		
26	10 V.S.A. § 6001	Creates new jurisdictional triggers for construction within a Tier 3 area. Also, adds definitions for Tier 2 and Tier 3.
27		Directs the ERB to adopt rules further defining Tier 3, how it will be administered, and how it will be mapped.
Tier 1 Areas		
28	10 V.S.A. § 6033	Establishes process for ERB to review regional plan future land use maps and Tier 1B.
29	10 V.S.A. § 6034	Establishes process and requirements for municipalities to apply for Tier 1A area status.
30		ERB shall issue guidelines for municipalities applying for Tier 1A area status by 1/1/2026.
31	24 V.S.A. § 4382	Towns shall id Tier 1A and 1B areas on their town map
32	10 V.S.A. § 6081	Establishes exemptions for Tier 1A areas and up to 49 units of housing in Tier 1B areas

33	24 V.S.A. § 4460	Directs municipalities with Tier 1A area status to add existing Act 250 permit conditions to municipal land use permits and enforce those permit conditions
34		Tier 2 Area Report- The ERB shall report back by Feb. 15, 2026 on recommendations for adjustments to the jurisdictional triggers used within Tier 2, including how to address parcel size, criterion 9(L), forest processing businesses, and accessory on-farm businesses
35		Affordable Housing Development Regulatory Incentives Study- The Department of Housing and Community Development shall report back by Dec. 15, 2024 on recommendations for incentives for affordable housing development within designated areas.
Future Land Use Maps		
36	24 V.S.A. § 4302	Updates regional and municipal planning goals to reference the land use categories, designated areas, housing targets, and environmental justice.
37	24 V.S.A. § 4345a	Duties of regional planning commissions- Directs RPCs to incorporate meaningful participation into their processes and consider potential environmental benefits and burdens, submit comments on the State Transportation Program, and gives substantial deference to substantial regional impact in municipal regulatory proceedings.
38	24 V.S.A. § 4347	Adds climate resilience, mitigation, and adaption to the purposes of the regional plan.
39	24 V.S.A. § 4348	Updates the process for adopting the regional plan, including the notice and public engagement. Plans are required to be approved by the ERB. Updated regional plans shall be adopted by 12/31/26.
40	24 V.S.A. § 4348a	Updates the elements required to be included in the regional plan and future land use maps, including the new land use categories to be used in the Act 250 Tier process.
41		Regional Planning Commission Study- VAPDA shall hire a consultant to contractor to study the strategic opportunities for regional planning commissions to better serve municipalities and the State. Report back by Dec. 31, 2024.
42		Regional Planning Commission Public Engagement- The RPCs shall conduct public outreach on the new laws adopted under this bill. They shall hire a consultant and conduct outreach from Nov. 1, 2024- Dec. 1, 2025. Appropriates \$200,000.
Resilience Planning		
43	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
44		Appropriates \$1.5M to Municipal and Regional Planning and Resilience Fund to support resilience planning
45		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		
46		Repeals chapter 24 V.S.A. chapter 76A
47	24 V.S.A. chapter 139	<p>Creates new chapter 139 to replace chapter 76A</p> <p>§ 5801- Definition section</p> <p>§ 5802- Vermont Community Revitalization Board to replace the State Downtown Board</p> <p>§ 5803- Designation of Downtown and Village Centers- replaces the Designated Downtowns, Village Centers, and New Town Centers. Areas are automatically based on the regional plan future land use maps. Towns can access additional benefits if they comply with additional criteria.</p> <p>§ 5804- Designated Neighborhood- replaces the Designated neighborhood development areas and growth centers.</p> <p>§ 5805- Transition</p> <p>§ 5806- Designation Data Center- The Department of Housing and Community Development (DHCD) shall maintain the information on the designated areas.</p> <p>§ 5807- Municipal Technical Assistance- DHCD shall develop a procedure for providing interagency technical assistance to municipalities participating in the programs under this chapter.</p> <p>§ 5810- Downtown Transportation and Related Capital Improvement Fund- same as existing Fund, just moves to new chapter</p> <p>§ 5811- Property Assessment Fund- same as existing Fund, just moves to new chapter</p> <p>§ 5812- Better Places Program; Crowd Granting- same as existing, just moves to new chapter except that this program was set to sunset July 1, 2024.</p>
48	32 V.S.A. § 5930aa	Amends Downtown and Village Center Tax Credit program to reference new designated areas; updates Flood Mitigation tax credit to include buildings not located in the flood hazard area
49	32 V.S.A. § 5930bb	Amends Downtown and Village Center Tax Credit program to reference new designated areas
50	32 V.S.A. § 5930cc	Increases code improvement tax credit from \$50,000 to \$100,000; increases the flood mitigation tax credit from \$75,000 to \$100,000
51	32 V.S.A. § 5930ee	Raises the cap on the amount of tax credits that can be awarded annually from \$3mil to \$5mil
52		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		
53		<p>The bill is effective on passage</p> <p>Except- Secs. 13-14, which are the sections on the authority of the Environmental Division, are effective on October 1, 2026, when the Board takes over the appeals.</p> <p>Sec. 19, 20 (new criterion 8(C)) shall take effect on July 1, 2026 after the rules are adopted and Sec. 26 (New Tiers) takes effect on July 1, 2026.</p>