

Sec. xx. MUNICIPAL APPEALS AND DISCRETIONARY REVIEW OF HOUSING;  
REPORT

(a) On or before January 15, 2027, the Department of Housing and Community Development, after consultation with the Vermont League of Cities and Towns, Let's Build Homes, the Vermont Natural Resources Council, ~~and the Vermont Planners Association, the Land Access and Opportunity Board, Vermont Association of Planning and Development Agencies, the Vermont Bar Association, and the Secretary of the Agency of Natural Resources or their designee.~~ ~~The Department shall report to the General Assembly on recommendations for how to reduce the negative impacts of discretionary review of residential development.~~ The Department shall consider the following:

(i) Mechanisms for limiting appeals that allow municipalities to address legitimate concerns with projects, including:

(a) the most commonly raised issues on appeal, such as the number of appeals, timeliness, sequence, originality of the question, or forum;

(b) evaluation of statutory or procedural tools to limit duplicative or frivolous appeals; and recommend legislative action needed, if any.

(ii) The Department shall report to the General Assembly on ~~recommendations~~ the ~~for how to reduce the negative impacts of discretionary review of~~ on residential development. The Department shall consider the following:

(a) Whether the State should ~~establish a Vermont Model Code to assist municipalities seeking to replace discretionary review with~~ develop clear and objective standards, including model codes; the potential value of the federal Right to Build Zone legislation and steps the State can take to maximize that value; and incentives and planning assistance the State can offer municipalities seeking to limit discretionary review.

(b) The report shall also include a status update on the 802 Homes pilot program ~~and recommendations for how to improve the efficiency of appeals of municipal zoning permits for housing.~~

(iii) The report shall be submitted to the House Committees on Environment and on Housing and General and the Senate Committees on Economic Development, Housing, and General Affairs and on Natural Resources and Energy.

Sec. 10. 2024 Acts and Resolves No, 181, Sec. 34 is amended to read:

Sec. xx. TOOLS TO PROMOTE INTACT WORKING LANDS AND CONSERVATION  
OF CRITICAL NATURAL RESOURCES REPORT

(a) On or before February 15, ~~2026~~2028, the Land Use Review Board shall report recommendations to address Act 250 jurisdiction in Tier 2 areas without municipal delegation of Act 250 review. The recommendations shall:

(1) recommend statutory changes to address fragmentation of rural and working lands while allowing for development;

(2) ~~address how to apply location-based jurisdiction to Tier 2 areas while meetings the statewide planning goals, including how to address commercial development and which shall also include:~~

~~(A)~~ review of the effectiveness of mitigation of impacts on primary agricultural soils and making recommendations for how to improve protections for this natural resource;

~~(B3)~~ review of the effectiveness of jurisdictional triggers for development of retail and service businesses outside village centers, and criterion 9(L), in addressing sprawl and strip development, and how to improve the effectiveness of criterion 9(L); ~~and~~

~~(C4)~~ review of whether and how Act 250 jurisdiction over commercial activities on farms should be revised, including accessory on-farm businesses;

~~(5) how to facilitate compact housing development in Transition Areas; and~~

~~(6) how to comply with the public engagement plan as defined by the process set forth in XXX~~

(b) The report shall be submitted to the House Committees on Agriculture, Food Resiliency, and Forestry and on Environment and Energy and the Senate Committees on Agriculture and on Natural Resources and Energy.

(c) On or before August 1, 2026, the Board shall convene a working group of stakeholders to provide input to the report. The working group shall include representation from regional planning commissions; environmental groups; science and ecological research organizations; woodland or forestry organizations; the Vermont Housing and Conservation Board; the Vermont Chamber of Commerce; the League of Cities of Towns; the Land Access and Opportunity Board; the State Natural Resources Conservation Council; and other stakeholders, such as the Vermont Ski Areas Association, the Department of Taxes, Division of Property Valuation and Review, the Department of Forests, Parks and Recreation, the Department of Environmental Conservation, the Department of Fish and Wildlife, the Vermont Woodlands Association, and the Professional Logging Contractors of the Northeast.