

Act 250 Process Act 181 Overview

House Environment
Testimony on S.325

April 1, 2026

Alex Weinhagen
Kirsten Sultan
Land Use Review Board

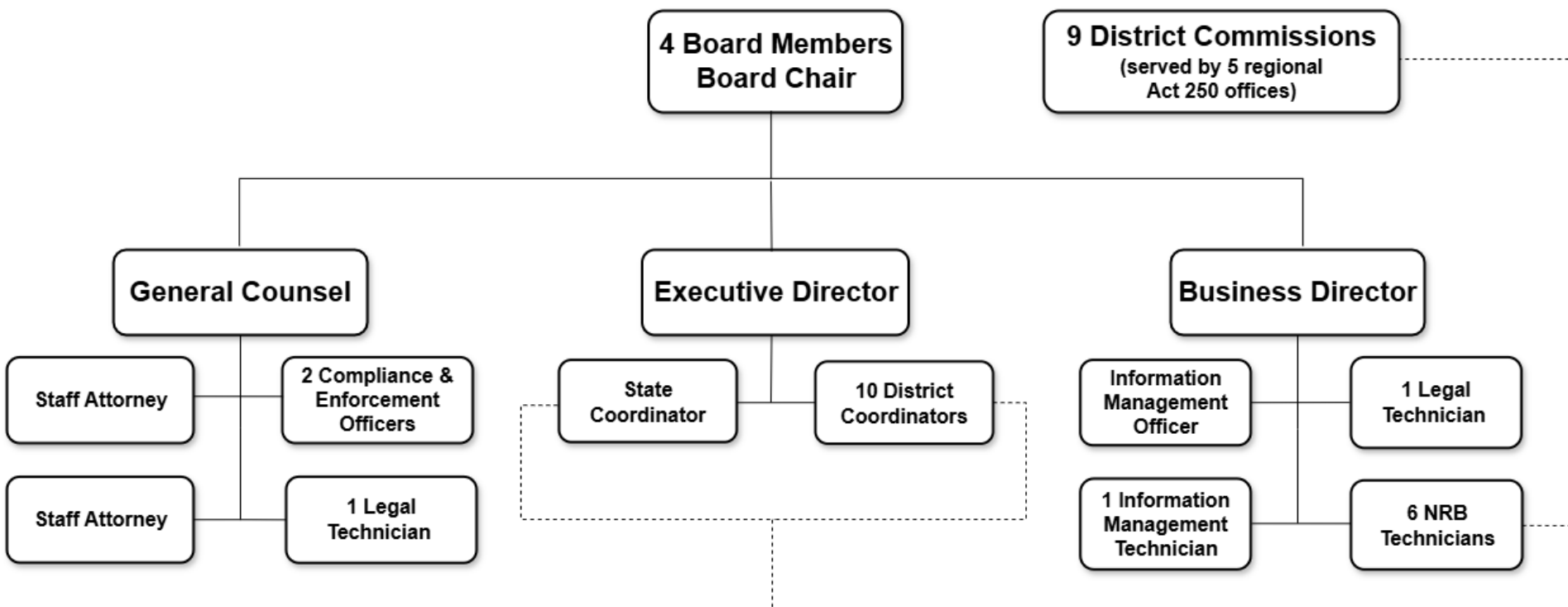


Overview...

- Summary of Act 250 Jurisdiction, Process
- Act 181 Implementation- Status

Land Use Review Board

02-12-25



What is Act 250?

Comprehensive statewide permitting system that evaluates projects based on 32 criteria and sub-criteria (natural, historic, and agricultural resources, government services, traffic, aesthetics, local plan, energy usage, etc.)

Permit required for certain sizes and types of projects, including:

- 6+ lots or* 10+ lots (by Town and Act 250 District, 5 years)
 - 10+ housing units (5 miles, 5 years)
 - Commercial on 1+ or* 10+ acres
- * depends on status of municipal bylaws

No permit required for:

- Farming, Logging, or Forestry below 2,500 ft. elevation
- Certain housing projects
- Other (see 10 VSA §6081)

More here: [Act 250 Jurisdiction Categories Handout](https://act250.vermont.gov/sites/acttwo/fifty/files/documents/Act%20250%20Jurisdiction%20Categories%20Handout.pdf)

(<https://act250.vermont.gov/sites/acttwo/fifty/files/documents/Act%20250%20Jurisdiction%20Categories%20Handout.pdf>)



Citizen-Based Project Review Process

Act 250 is designed to facilitate **citizen participation** in the administration of environmental law.



District Commissions

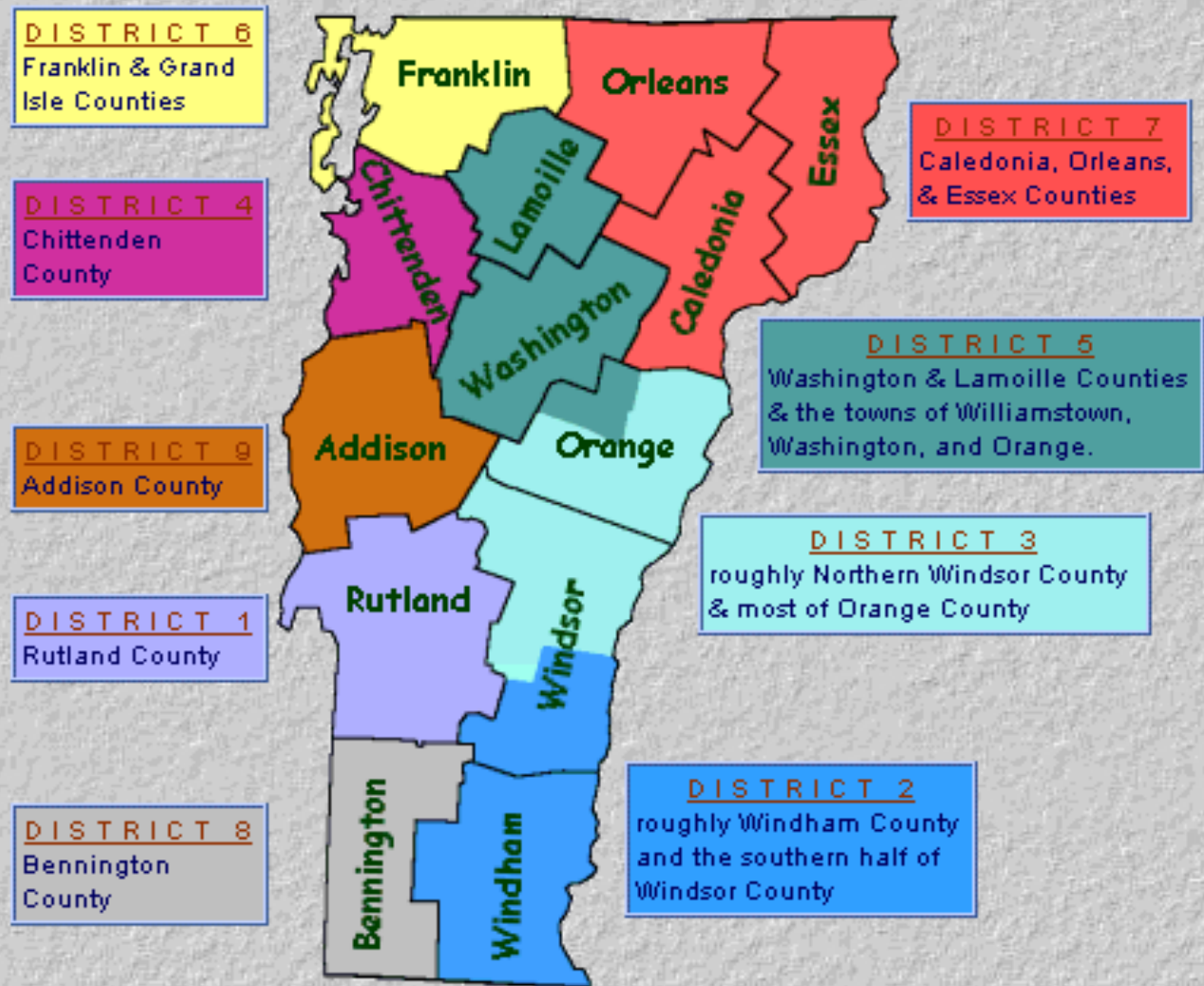
(appointed) review permit applications, issue Land Use Permits.

District Coordinators

(staff) determine jurisdiction, support the District Commissions

Offices based in:

- Montpelier
- Essex
- St. Johnsbury
- Rutland
- Springfield



Is an Act 250 Permit required?

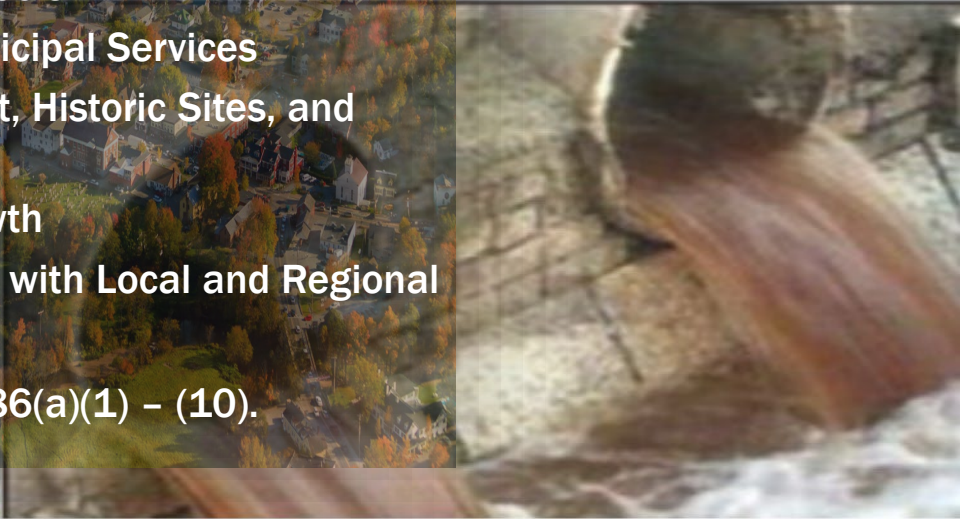
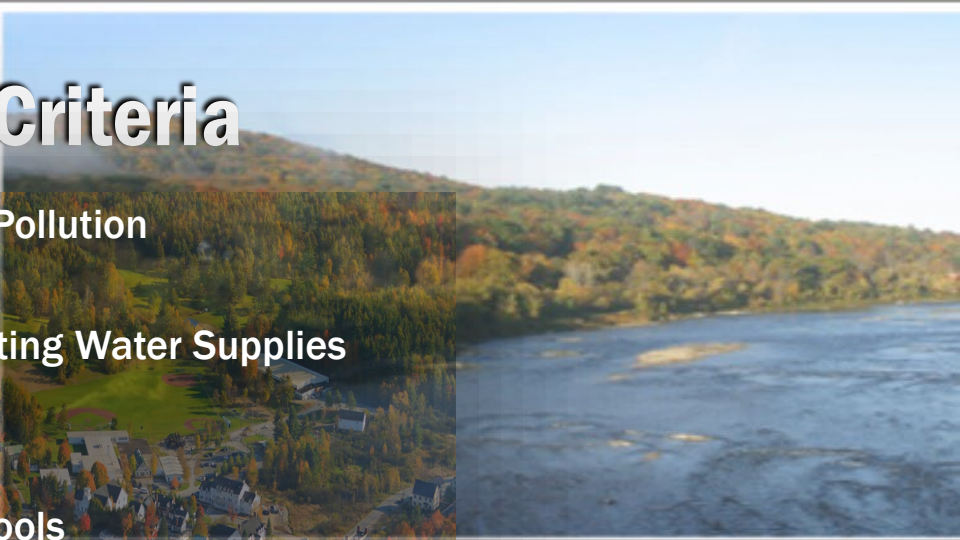
- On request, a written determination can be issued:
[Jurisdictional Opinion \("JO"\)](#)
(https://act250.vermont.gov/decisions/JOs_and_PRSs)

Pre-Application Guidance:

- in-person and remote meetings, etc.
- site visit if needed
- referrals to other state agencies, [DEC Permit Navigator](#)
- review of draft application (prior to submittal)
- [Act 250 Permit Application & Guide](#)
(<https://act250.vermont.gov/act250-permit/about-process>)

The 10 Criteria

1. Air and Water Pollution
 2. Water Supply
 3. Impact on Existing Water Supplies
 4. Soil Erosion
 5. Transportation
 6. Impact on Schools
 7. Impact on Municipal Services
 8. Wildlife Habitat, Historic Sites, and Aesthetics
 9. Impact of Growth
 10. Conformance with Local and Regional Plans
- 10 V.S.A. § 6086(a)(1) – (10).



. . . but actually, 32 Criteria & Sub-criteria:

•**Criterion 1:** Air and water pollution

- 1(A): Headwaters
- 1(B): Waste disposal
- 1(C): Water conservation
- 1(D): Floodways
- 1(E): Streams
- 1(F): Shorelines
- 1(G): Wetlands

•**Criterion 2:** Water supply

•**Criterion 3:** Impact on water supply

•**Criterion 4:** Erosion and capacity of soil to hold water

•**Criterion 5:** Transportation

- 5(A): Traffic
- 5(B): Transportation

•**Criterion 6:** Educational services

•**Criterion 7:** Municipal services

•**Criterion 8:** Aesthetics, scenic & natural beauty

- Historic sites

• Historic sites - archeology

• Rare and irreplaceable natural areas

• 8(A): Necessary wildlife habitat

•**Criterion 9:**

• 9(A): Impact of growth

• 9(B): Primary agricultural soils

• 9(C): Productive forest soils

• 9(D): Earth resources

• 9(E): Extraction of earth resources

• 9(F): Energy conservation

• 9(G): Private utility services

• 9(H): Costs of scattered development

• 9(J): Public utility services

• 9(K): Public investments

• 9(L): Settlement patterns (*formerly "Rural growth areas"*)

•**Criterion 10:** Local and regional plans

“Statutory Parties” or “Parties by Right”

10 V.S.A. § 6085(c)(1):
“The following persons shall be entitled to party status:”

The applicant

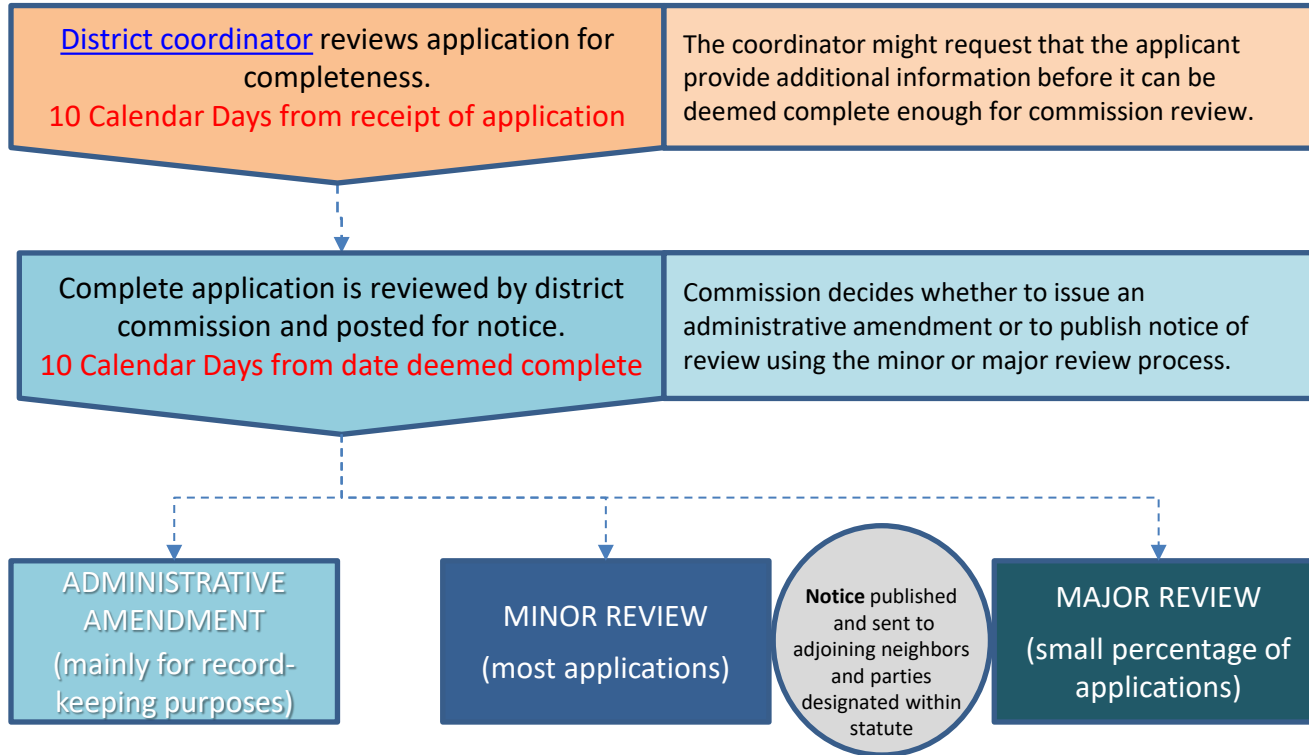
The landowner

The municipality in which the project site is located, and the municipal and regional planning commissions for that municipality

Municipalities and regional planning commissions adjacent to the project

State agencies affected by the project

Application Review Process: Initial Review



Permitting by the Numbers

350 to 400 permit decisions issued

About 5% go to a hearing (majors)

0.2% denied

5-10 (1- 3%) permit decisions are appealed each year.

238 Jurisdictional Opinions issued (2025)



Act 181 Implementation

- Interim Housing Exemptions
- Consistent Regional Planning:
Future Land Use Areas
- Wood Products Manufacturers
Review & Forestry Exemptions
- Location Based Jurisdiction:
Tiers & New Road Construction
- Review of Forest Fragmentation
– Criterion 8C
- Multiple Effective Dates

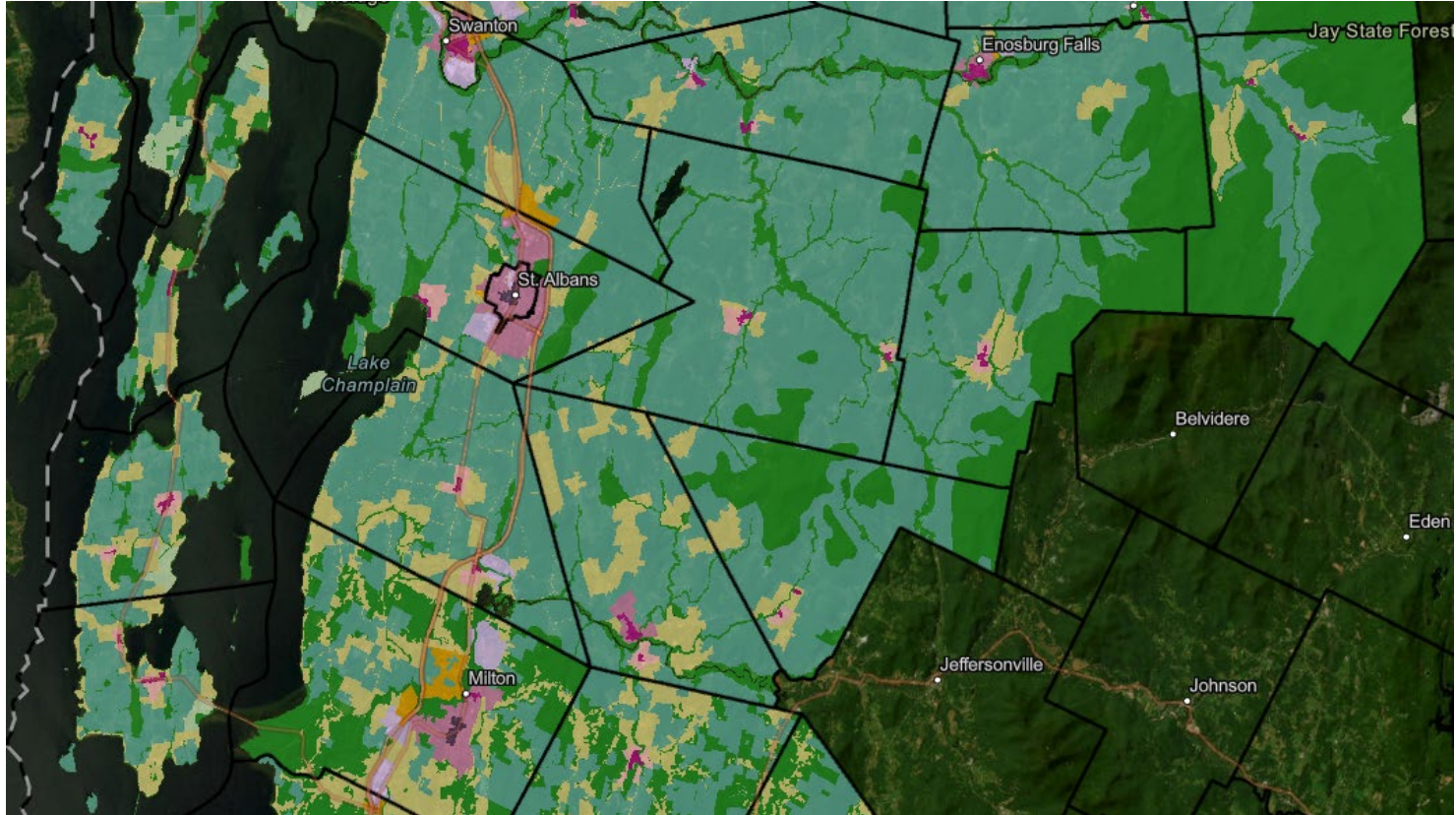
For more on the work:

<https://act250.vermont.gov/new-land-use-review-framework-act-181>

Act 181 Implementation-Completed Tasks

- ✓ [Wood Products Manufacturers Report](#)
Submitted June 30, 2025
- ✓ [Appeals Report](#)
Submitted November 14, 2025
- ✓ Regional Plan Review Process
[Application Guidance](#) Adopted September 1, 2025
Preapplications Commenced Fall 2025
- ✓ [Tier 1A Application Guidance](#)
Adopted December 22, 2025

Regional Plan Review and Approval Process



Regional Plan Map viewer: <https://act250.vermont.gov/regional-plan-approval-process>

Location-based Jurisdiction



Tier 1B & 1A

- **Tier 1B** – Exempts housing projects with **50 or fewer units**.
- Initial mapping complete by end of 2026. Additional Tier 1B areas anticipated in 2027 & 2028 as municipalities opt in. Requires municipal zoning and subdivision regulations.
- Example: Addison County draft regional plan, Tier 1B areas estimated at 3.3% of the county's land area.

- **Tier 1A** – Exempts **all projects**.
- Based on municipal applications approved by the Board.
- A municipality may apply for Tier 1A area(s) **only** after the Board approves the regional plan and associated FLU map.
- First applications anticipated in late 2026. Most will come later, in 2027 & 2028 after regional plans are adopted and municipalities adjust local regulations as necessary to be eligible.

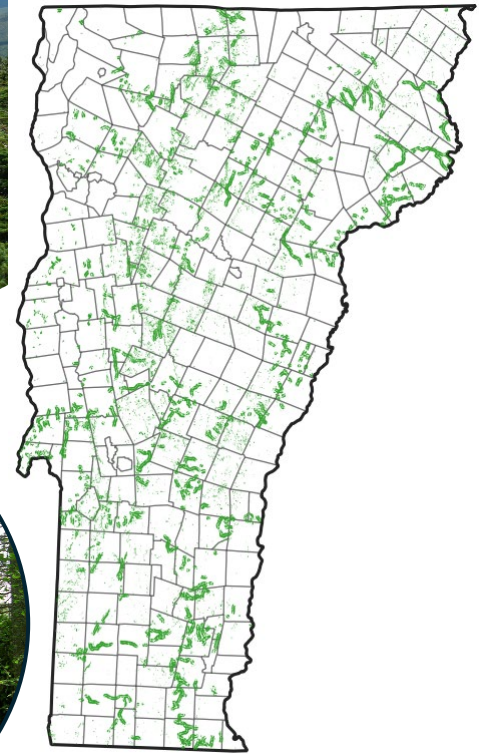


Tier 3 Overview

- **Draft** mapping and rules underway.
- Current focus areas:
 - Significant Natural Communities (S1, S2)
 - Headwater Stream Areas (highly refined)
 - Habitat Connectors (road focus)
- 1st Draft released October 2025
- 2nd Draft in progress, expected late April 2026
- Effective December 31, 2026
- **More time necessary:**
 - to inform and engage Vermonters
 - to refine mapping and proposal



Tier 3 Areas (draft 2.1)

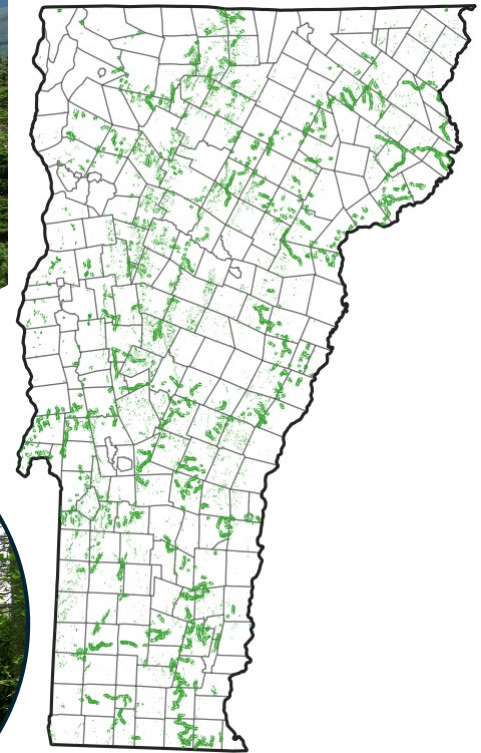


Tier 3 Considerations

- Small area: expected to be less than 5% of Vermont's land area
- **Relies on the Road Construction Jurisdiction provision**
- Does not include resources protected by ANR permitting
- Focused on most sensitive areas
- Very new concept for Act 250; public engagement is key
- Interest in applying only relevant Act 250 review criteria



Tier 3 Areas (draft 2.1)



Road Construction Jurisdiction

An aerial photograph showing a road construction site in a densely forested area. The site is a cleared, irregularly shaped area with some dirt and gravel. Several roads are visible, including a main road at the bottom and several smaller roads branching off. The surrounding area is covered in green trees.

New jurisdictional trigger for new road construction:

- single road > 800 feet long.
- all roads and driveways combined > 2,000 feet long.

Purpose of 10 V.S.A. § 6001(3)(A)(xii):

- Encourage **clustered** subdivisions and development **that does not fragment Tier 2 or Tier 3 areas.**

[Draft Guidance](#) available now, public comment March 30 to April 30, 2026.

Effective July 1, 2026

More time and winter effective date necessary

Board leads:

[Brooke Dingledine](#) 802-480-1878

[Sarah Hadd](#) 802-480-1886

Criterion 8(C) Rulemaking

Criterion 8(C): To prevent fragmentation of forest blocks and habitat connectors.

Rules for administering 8(C):

- Define forest blocks and habitat connectors with respect to **size, location, and function. Mapping. Design standards** to avoid or minimize impacts. **Mitigation standards.**
- LURB collaborating with ANR. Working group convened on **September 25, 2025.**
- First draft still in process

Effective December 31, 2026

More time necessary

Board Leads:

[Alex Weinhagen](#) 802-480-1885

[Kirsten Sultan](#) 802-261-1946

LURB Legislative Requests (2026):

**More time
needed**

- **Effective Date Extensions** – per S.325
 - **Tier 3 Jurisdiction** – June 30, 2028
 - **Criterion 8C** – January 1, 2028
 - **Road Construction Jurisdiction** – January 1, 2030
- **Rulemaking Date Extensions** – revisions needed to S.325
 - **Tier 3** – December 31, 2027 (LCAR delivery)
 - **Criterion 8C** – September 30, 2027 (LCAR delivery)
- **Rulemaking Authority to refine review criteria** – per S.325
- **Tier 1A** – municipal enforcement clarification – per S.325
- **Tier 2 Report Extension** – revision need to S.325
- **Various Technical Corrections per VAPDA** – per S.325

Questions

Contact:

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Act 250 webpage - <https://act250.vermont.gov/>