

Sam Lincoln S.325/Act 181 testimony April 8, 2026

As the committee considers S.325, I want to offer the perspective of a rural landowner, a rural business owner, and a former official appointed to work on rural economic and environmental policy.

I am also a Vermonter who has served on the planning commission and development review board in my community, a Certified Master Logger who has worked with state agencies and trade associations in four states to help improve practices in the region's forests, and a parent who wants his two sons to have homes, families, and careers in rural Vermont.

A guiding principle throughout my career, in both the private and public sectors, has been to apply the theory of continuous improvement. I believe it is a mistake to avoid dealing with fundamental problems and negative trends, and it is just as impractical to ignore their root causes.

That is why I am here today. I support repealing Tier 3 and the road rule and replacing them with approaches that are more practical, more targeted, and more grounded in the realities of rural Vermont while addressing land use and ecological trends.

The issues the legislature was trying to address through Act 181 do matter to me. People have invested in the land. People live on the land. People work on the land. And it is not just about working the land, but continuously improving how we interact with the ecosystem of rural Vermont. I have testified before about the problem of forest and farmland fragmentation, and I have been frustrated by the lack of focus on the root causes, despite repeatedly bringing those issues to the attention of the legislature.

Given the clear public outcry from Vermonters who disagree with the mechanisms in Tier 3 and the road rule, I think it is time to pause and reconsider whether applying Act 250 more broadly across rural Vermont was the right tool in the first place.

I am not here to trade example for example about where Act 250 works or does not work. I am here to say plainly that it is too blunt an instrument to apply across such a broad area of this state. It has been extraordinarily costly to rural businesses, particularly those that support our forests.

And that new jurisdiction applied to an existing process is especially concerning when it comes to Tier 3.

Tier 3 relies heavily on mapping, satellite imagery, and broad designations to identify areas for greater scrutiny and regulation. Those tools may provide useful statewide information, but they do not tell the full story of what is happening on the ground. They do not capture

the history of a parcel, the practical realities of how rural land is used and managed, or the needs of the people who live and work there.

Tier 3 takes a top-down, map-driven approach to places that are not abstract landscapes, but lived-in and working parts of rural Vermont. It risks imposing more regulation based on generalized assumptions, rather than on actual site conditions and actual land use. For many rural landowners, that means uncertainty arrives before a project is even proposed. A line on a map can suddenly carry consequences that are hard to understand, hard to predict, and disconnected from what is really happening on the land.

And that gets to a deeper problem.

Parcelization data may show a trend, but it does not explain the cause. It does not tell us whether land was divided because of taxes, family needs, succession planning, housing pressures, business pressures, or the lack of workable local planning tools. If we are serious about reducing fragmentation, then we need to be just as serious about understanding why it happens. Otherwise, we risk drawing lines on a map and expanding regulatory jurisdiction without addressing the forces that actually push people toward subdivision in the first place.

The road rule raises a different but related concern.

In rural Vermont, roads are not an abstract planning concept. They are access. They are how people reach their homes, their land, their recreation, their businesses, their livelihoods. A rule that expands Act 250 jurisdiction through road construction or road improvement risks reaching too far into ordinary rural land use. It risks treating basic access and practical land improvement as though they are signs of major development.

That is a serious problem.

In many cases, a road or driveway is not about speculation or sprawl. It is about reaching a homesite or making modest and reasonable use of property. When the definitions and guidance surrounding the road rule feel arbitrary or difficult to justify, landowners are left guessing where ordinary rural activity ends and regulatory jurisdiction begins.

And that kind of uncertainty has real consequences. When a landowner cannot tell whether a driveway, access road, or modest subdivision plan will trigger a complicated state process, that uncertainty alone can stop investment, delay family planning, and discourage responsible stewardship. It changes how people plan. It changes whether projects move forward. And in some cases, it changes whether the next generation can realistically see a path to living and working on the land at all.

Put simply, Tier 3 tells rural Vermonters that a mapped designation may subject their land to more regulation even when the map does not reflect on-the-ground reality. The road rule tells them that ordinary access improvements may carry unexpected regulatory consequences. Together, they create confusion, discourage investment, and make it harder for rural people to live, work, and plan for the future on the land they already steward.

If the legislature wants to respond to public concern and also address land use patterns, I believe there is lower-hanging fruit available when it comes to reducing fragmentation without expanding Act 250 through Tier 3 and the road rule.

For example,

- Allow and *incentivize* smaller lot sizes and encourage those lots to be located along roadsides, where possible. In my experience in rural Vermont, nothing has fragmented the land more than large minimum lot sizes combined with a lack of protected access to the forests and farmland adjacent to new development.
- Develop new incentive or technical assistance programs to help cost-share different development patterns, or avoided development, in sensitive areas.
- Encourage conservation subdivisions - allow for increased dwelling density and a modified set of criteria in the zoning approval process, while encouraging structures to be clustered away from productive agricultural and forest land. The concept itself is worth paying attention to, because it attempts to accomplish several goals at once: clustered development, conserved land, and a more predictable process.
- We can revisit how we protect primary agricultural or forest soils, and use that information to guide updated municipal subdivision bylaws that shift building toward the edges of those features without forcing projects through the full Act 250 process.
- Any permit process that is developed to address rural land use should have limited scope and criteria, guaranteed timelines for review and approval, a limited need for engineering or expert witnesses, and a reasonably low cost.

Part of what sparked my interest in land use planning was watching projects permitted under Act 250 reserve a small, hard-to-reach, oddly shaped piece of land as protected prime agricultural soil, while knowing full well that no farmer is going to drive modern equipment into that postage stamp of land and harvest a crop from it. That taught me early on that the appearance of conservation and meaningful conservation are not always the same thing.

I believe it's possible to solve land use problems by bringing together Vermonters who own land, work land, recreate, and value land, and ask them to work alongside experienced

planners and regulators - without a charge to meet a predetermined outcome. I believe they could develop better tools than what is in Act 181. Vermonters would also have more trust in the result, because they would have helped shape it.

To me, this is an opportunity to recognize that one approach to land use regulation has clearly and loudly been rejected by thousands of Vermonters, and to pivot toward something more practical, more legitimate, and more consistent with Vermont's identity.

But any serious discussion of fragmentation and land use in Vermont also has to include economics.

And I do not just mean the economics of permitting or development. I mean the economics of keeping rural landowners and rural businesses financially viable enough to continue stewarding undeveloped land.

If I have learned one thing in the past ten years, during my time in government and in business, it is that death by a thousand cuts is very real.

The pressures on rural Vermont are cumulative. Rising costs, low margins, competing in a global economy, labor shortages, inflation, taxes, regulatory compliance, and market volatility all add up. And if we ignore those pressures, then we will also fail to understand some of the root causes of fragmentation.

Because the people of rural Vermont do essential work on the land that also requires economic viability.

During the pandemic, we were reminded how many essential things come from rural Vermont. Paper mills making medical supplies and packaging depend on pulpwood from Vermont forests. Schools and hospitals are heated by wood chips from Vermont logging operations. Farms provided food when store shelves were bare. Our electric grid counted on wood-fired generation when natural gas supplies were uncertain.

Those are not abstract values. Those are real functions, carried out by real people, tied directly to the productive use and stewardship of rural land.

That is why I believe rural businesses matter to conservation. Rural businesses are not separate from conservation. In many cases, they are one of the main reasons conservation remains possible at all.

A policy can claim to protect rural Vermont, but if it makes it harder and less predictable for rural Vermonters to live, work, invest, and stay on the land, then it is working against the very stewardship it says it supports.

For those reasons, I urge you to repeal Tier 3 and the road rule in full.

These provisions are not thoughtful conservation. They are blunt, top-down restrictions that place more weight on maps, models, and theory than on the lived reality of rural people.

That is not respect. That is not partnership. And that is not a workable future for Vermont.

To be clear, rural Vermonters care, and we're willing to work on a process that repeals and replaces the road rule and Tier 3 with something that is centered on our needs and culture and solidly contributes to continuous improvement in land use, ecological integrity, and the rural economy.

You cannot conserve rural Vermont by making it impossible for rural Vermonters to live and work there.