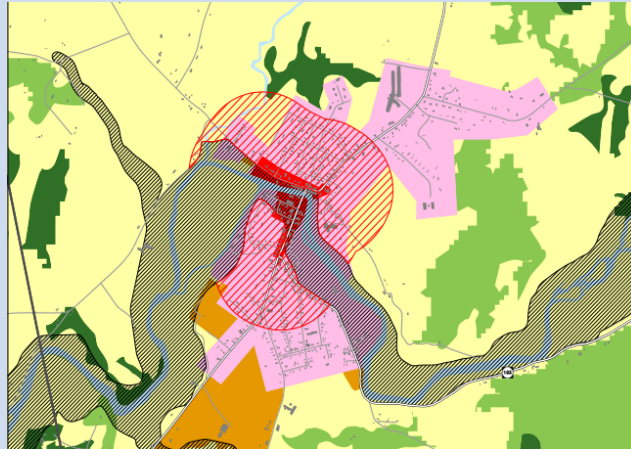


The Land Use Review Board



**House Environment Committee
February 20, 2025**

Janet Hurley, Chair

Peter Gill, Executive Director

Rachel Lomonaco, Business Director

The Plan...

- Act 250 and Act 181 Basics
- Where we are now?
- Where we are going?

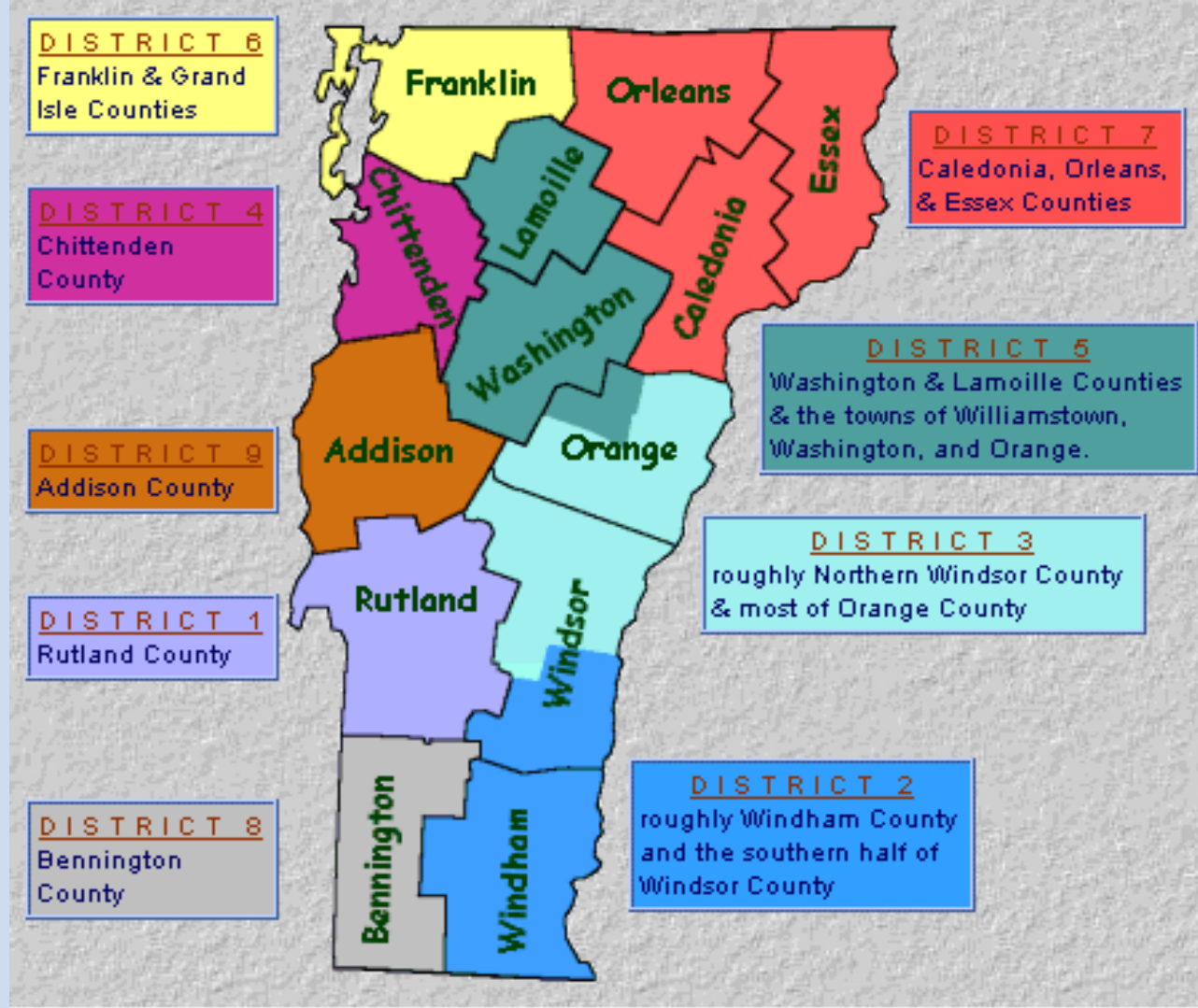
What is Act 250?

- Comprehensive statewide **permitting system** that ensures development and subdivision projects... Conform with 32 standards (including impacts on natural, historic, and agricultural resources, government services, transportation infrastructure, energy usage, etc.)
- **Permit required** for certain sizes and types of projects
 - 6/10 lots
 - 10 units
 - commercial on 1/10+ acres or above 2,500 ft elevation
 - Certain water withdrawals, oil extraction, etc.
- But **no permit** for Farming, Logging, or forestry below 2,500 ft. elevation, among other specific exemptions.

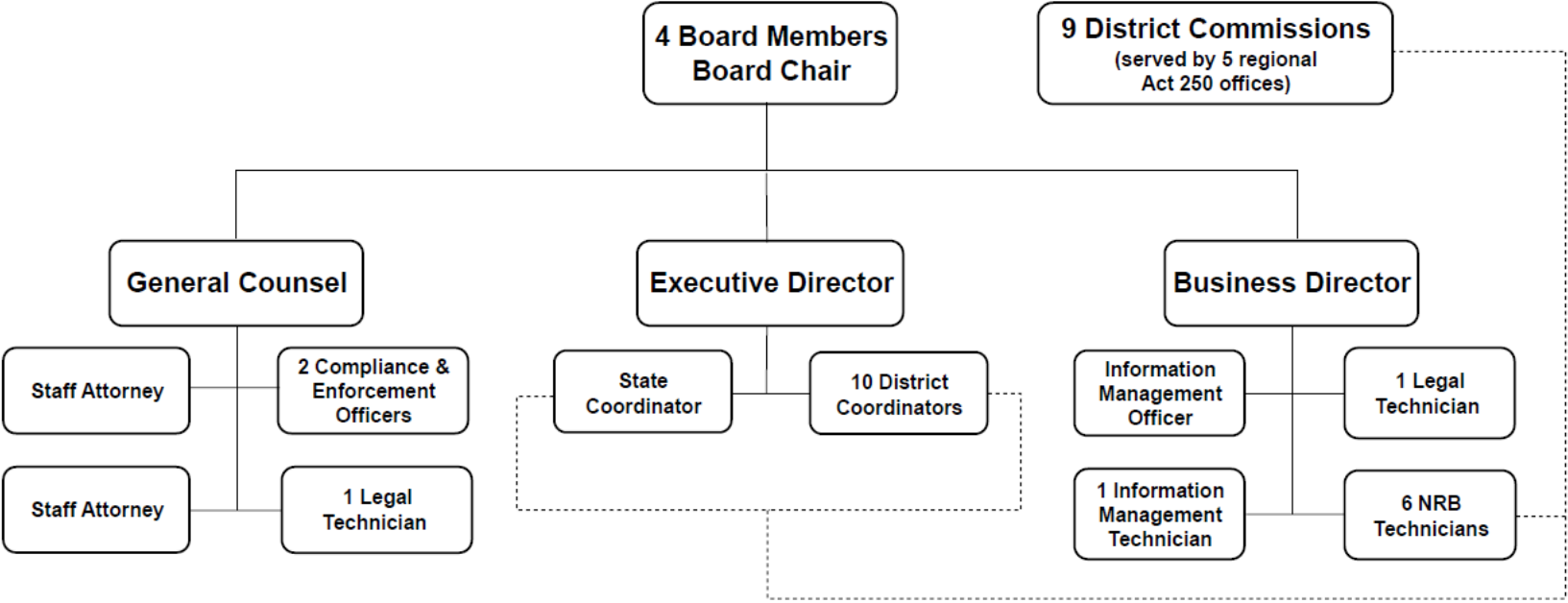
The five appointed members of the **Land Use Review Board (LURB)** oversee Vermont's statewide land use review process and the District Commissions.

District Commissions (appointed) review and issue Land Use Permits.

District Coordinators (staff) issue jurisdictional opinions (JOs) deciding whether a permit is needed.



Organizational Chart



Note: The organizational chart includes two limited-service positions funded through a one-time ARPA appropriation: two District Coordinators.

Permitting by the Numbers

350 to 400 permit decisions issued

About 5% go to a hearing (majors)

0.2% denied

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

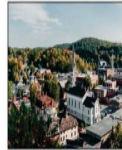
270 Jurisdictional Opinions issued (2024)

Act 181

NRB Report



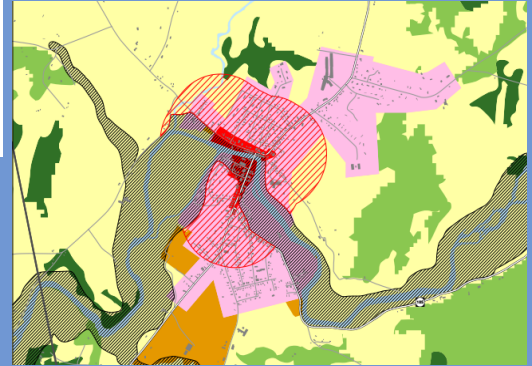
NATURAL RESOURCES BOARD
NECESSARY UPDATES TO ACT 250



DHCD Report



RPC Report



The New Framework

Land Use Plans | Designation & Investment | Act 250 Regulation

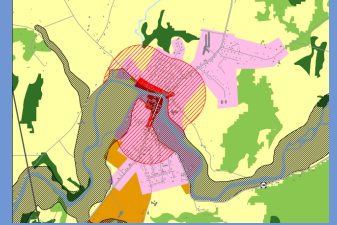


Tier 3 subject to rulemaking; not derived from regional maps.

This table represents land use, designation, and Act 250 jurisdiction categories, not land area acreage or percentage of land area.

Act 181 (updates to Act 250)

- **Governance-** Appointed Full-time working Board with 6-year staggered terms with authority to :
 - Review of regional plans
 - Approval of future land use maps and 1a/b areas
 - Approval of designated areas
 - Reports and rulemaking
- **Jurisdiction-** provided structure for location-based jurisdiction and on-ramp
 - Interim housing exemptions
 - Tiers 1a/b, 2 and 3
 - Road Construction trigger
- **Review Criteria** – added habitat connector and forest fragmentation (8(c))



What has been done thus far:

- Interim Housing Exemptions Implemented
 - Guidance/ Checklist- [Interim Housing Exemptions Guidance.pdf](#)
 - Map- [Interim Act 250 Exemptions](#)
- Statewide outreach to developers, attorneys, municipal officials, planning officials
- Documents, databases, digital assets, etc. converted to new name
- Land Use Review Board Seated January 27, 2025
- Board assigned tasks for reports and rulemaking

Guidance

Downtown Development Districts (unlimited units)

Summary:

Until January 1, 2027, an unlimited number of housing projects can be constructed within designated downtowns without an Act 250 permit or permit amendment.

Statutory language:

(dd)(3) Notwithstanding any other provision of law to the contrary, until January 1, 2027, no permit the construction of housing projects such as cooperatives, homes, constructed or maintained on a tract or tracts of land, lowtown development district with permanent zoning and sewer or water services or soils that are adequate for constructed pursuant to this subdivision shall not count in other areas. This exemption shall not apply to areas within is except those areas containing preexisting development in areas suitable for minimum development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule. 10 V.S.A. § 6081(dd)(3).

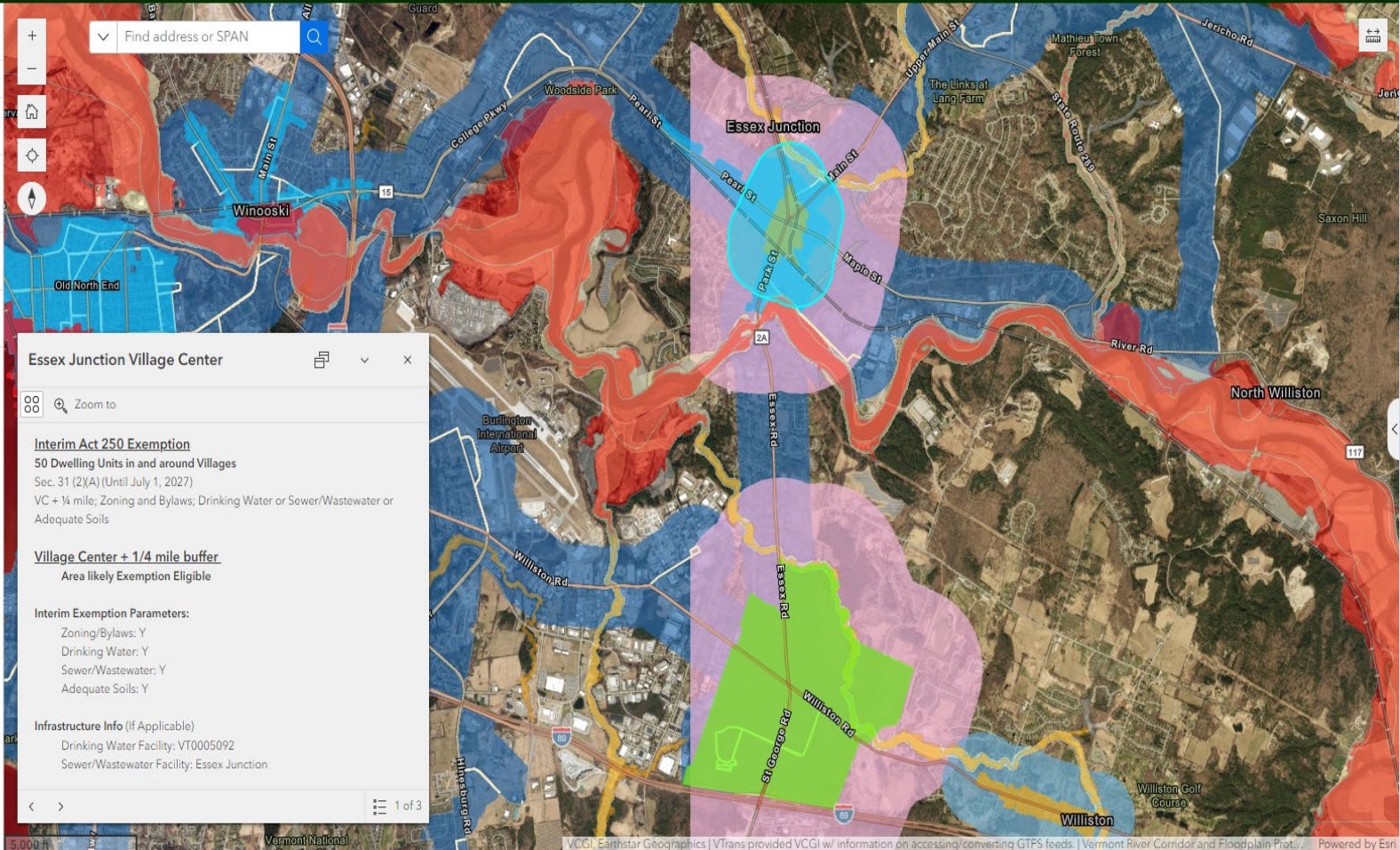
Requirements checklist:

- Construction of housing project (cooperative, condominiums, dwellings, or mobile homes, etc.)
 - ✓ For the definition of dwelling, see [Act 250 Rule 2\(C\)\(10\)](#).
- Commencement of construction by January 1, 2027.
 - ✓ For the definition of “commencement of construction” see [Act 250 Rule 2\(C\)\(2\)](#).
- Unlimited units created on the tract.
- The housing project and infrastructure incidental to use is located entirely within the designated downtown development district served by public sewer or water or soils adequate for disposal.
 - ✓ Review [Interim Housing Exemption Map](#) for designated downtown areas.



Interim Housing Exemptions: Guidance (Act 181 of 2024) State of Vermont Natural Resources Board

- > Designation Boundaries
- > Reference Layers
- I.) Downtown District Area
- II.) Town and Growth Centers & Development Areas
- III.) Village Center & Buffer
- IV.) Priority Housing Projects within Buffer
- V.) Urbanized Area within Transit Route Buffer



Essex Junction Village Center

Zoom to

Interim Act 250 Exemption
 50 Dwelling Units in and around Villages
 Sec. 31 (2)(A) (Until July 1, 2027)
 VC + ¼ mile; Zoning and Bylaws; Drinking Water or Sewer/Wastewater or Adequate Soils

Village Center + 1/4 mile buffer
 Area likely Exemption Eligible

Interim Exemption Parameters:
 Zoning/Bylaws: Y
 Drinking Water: Y
 Sewer/Wastewater: Y
 Adequate Soils: Y

Infrastructure Info (If Applicable)
 Drinking Water Facility: VT0005092
 Sewer/Wastewater Facility: Essex Junction

1 of 3

Timelines

- Wood Products Manufacturers Report June 15, 2025(extended)
- Tier 1A applications available January 1, 2026
- Appeals Report January 15, 2026
- Tier 3 Rule February 1, 2026
- Tier 2 Area Report February 15, 2026
- Criterion 8(c) Rule June 15, 2026
- Road Construction trigger July 1, 2026
- Regional plans must be adopted December 2026
- Community Engagement Plan (EJ law) July 1, 2027
- Interim Housing Exemptions expiring Jan- July 2027/2028
- Act 181 Implementation Report February 1, 2029

General \$\$

Special \$\$

Total \$\$

Approp #1 [6215000000]: Natural Resources Board FY 2025 Approp	760,232	2,974,795	3,735,027
Other Changes: (Please insert changes to your base appropriation that occurred after the passage of the FY 2025 budget)			0
FY 2025 Other Changes	0	0	0
Total Approp. After FY 2025 Other Changes	760,232	2,974,795	3,735,027
CURRENT SERVICE LEVEL/CURRENT LAW	3,258,788	(1,604,869)	1,653,919
<i>Personal Services</i>	<i>3,138,272</i>	<i>(1,601,060)</i>	<i>1,537,212</i>
500000: Salary & Wages: Classified Employees	1,927,440	(1,005,106)	922,334
500010: Salary & Wages: Exempt Employees			
501500: Health Insurance: Classified Employees	445,122	(264,099)	181,023
501510: Health Insurances: Exempt Employees			
502000: Retirement: Classified Employees	544,450	(249,248)	295,202
502010: Retirement: Exempt Employees			
All Other Employee Payroll Related Fringe Benefits	191,541	(103,106)	88,435
504040: VT Family & Medical Leave Insurance Premium	7,153	(3,736)	3,417
504045: Child Care Contribution	8,933	(2,613)	6,320
505200: Workers' Compensation Insurance Premium	5,654	(3,571)	2,083
508000: Vacancy Turnover Savings	7,979	30,419	38,398
<i>Operating Expenses</i>	<i>120,516</i>	<i>(3,809)</i>	<i>116,707</i>
515010: Fee-for-Space Charge	68,675	(72,648)	(3,973)
516000: Insurance Other Than Employee Benefits	252	(202)	50
516010: Insurance - General Liability	6,103	(4,770)	1,333
516671: VISION/ISD	10,380	(8,122)	2,258
516685: ADS Allocated Charge	13,930	(2,664)	11,266
519006: Human Resources Services	9,249	(3,255)	5,994
523620: Single Audit Allocation	696	(655)	41
All Other Operations Costs	11,231	88,507	99,738
Subtotal of Increases/Decreases	3,258,788	(1,604,869)	1,653,919
FY 2026 Governor Recommend	4,019,020	1,369,926	5,388,946

LURB Legislative Priorities:

- **Extend 2 ARPA-funded, District Coordinator Positions**
 - Integral to permitting needs throughout the state
 - ARPA housing and infrastructure projects remain
 - Funding expires 12/31/2025 (request \$930K through FY28)
- **Digital Infrastructure** for Act 181 implementation
 - Build efficient intake process (tier 1a, plans and maps)
 - Public facing
 - Unfunded (requires approx. \$100K FY26)
- **Right-size public process** for full-time working Board (Open Meeting Law)
 - Make Board effective in its work and remain public-facing

Questions

Contact:

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Peter Gill, Executive Director peter.gill@vermont.gov