

LAND USE REVIEW BOARD'S
ACT 250 APPEALS STUDY
REPORT OUTLINE

I. ACT 181 LEGISLATIVE CHARGE

Sec. 11a. ACT 250 APPEALS STUDY

- (a) On or before January 15, 2026, the Land Use Review Board shall issue a report evaluating whether to transfer appeals of permit decisions and jurisdictional opinions issued pursuant to 10 V.S.A. chapter 151 to the Land Use Review Board or whether they should remain at the Environmental Division of the Superior Court. The Board shall convene a stakeholder group that at a minimum shall be composed of a representative of environmental interests, attorneys that practice environmental and development law in Vermont, the Vermont League of Cities and Towns, the Vermont Association of Planning and Development Agencies, the Vermont Chamber of Commerce, the Land Access and Opportunity Board, the Office of Racial Equity, the Vermont Association of Realtors, a representative of non-profit housing development interests, a representative of for-profit housing development interests, a representative of commercial development interests, an engineer with experience in development, the Agency of Commerce and Community Development, and the Agency of Natural Resources in preparing the report. The Board shall provide notice of the stakeholder meetings on its website and each meeting shall provide time for public comment.
- (b) The report shall at minimum recommend:
- (1) whether to allow consolidation of appeals at the Board, or with the Environmental Division of the Superior Court, and how, if transferred to the Board, appeals of permit decisions issued under 24 V.S.A. chapter 117 and the Agency of Natural Resources can be consolidated with Act 250 appeals;
 - (2) how to prioritize and expedite the adjudication of appeals related to housing projects, including the use of hearing officers to expedite appeals and the setting of timelines for processing of housing appeals;
 - (3) procedural rules to govern the Board's administration of Act 250 and the adjudication of appeals of Act 250 decisions. These rules shall include procedures to create a firewall and eliminate any potential for conflicts

with the Board managing appeals and issuing permit decisions and jurisdictional opinions; and

(4) other actions the Board should take to promote the efficient and effective adjudication of appeals, including any procedural improvements to the Act 250 permitting process and jurisdictional opinion appeals.

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

II. REPORT REQUIREMENTS

- A. Act 250 Appeals – Recommend whether to transfer Act 250 permit and JO appeals to the Land Use Review Board (“Board”) or to remain at the Environmental Division of the Superior Court (“Env Div”).
- B. Consolidation of Appeals – Recommend how to consolidate appeals at the Board or the Env Div. and how, if transferred to the Board, appeals of zoning and subdivision permit decisions (24 VSA §§ 4440-4483) and the Agency of Natural Resources can be consolidated with Act 250 appeals;
- C. Prioritize and expedite housing appeals – Recommend how to prioritize and expedite the adjudication of appeals related to housing projects, including the use of hearing officers to expedite appeals and the setting of timelines for processing of housing appeals;
- D. Act 250 Board Rules of Procedure - Recommend procedural rules to govern the Board’s administration of Act 250 and the adjudication of appeals of Act 250 decisions. These rules shall include procedures to create a firewall and eliminate any potential for conflicts with the Board managing appeals and issuing permit decisions and jurisdictional opinions; and
- E. Other Actions for Efficient and Effective Appeals – Recommend other actions the Board should take to promote the efficient and effective adjudication of appeals, including any procedural improvements to the Act 250 permitting process and jurisdictional opinion appeals.

III. Vermont Judiciary Statistical Summary, FY 2024

Environmental Division	Incoming	Outgoing	Pending End of Year Active	Clearance Rate
Act 250 and ANR De Novo Appeals	17	24	22	141%
ANR & NRB Enforcement	21	18	8	86%
Civil Citation	10	12	0	120%
Miscellaneous (Environmental)	2	4	0	200%
Municipal De Novo Appeal	53	71	46	134%
Municipal Enforcement	28	26	19	93%
On the Record Appeal	8	9	5	113%
Total	139	164	100	118%

IV. STAKEHOLDER PROCESS

A. Statutory Stakeholders:

1. Representative of environmental interests
2. Attorneys that practice environmental and development law in Vermont,
3. Vermont League of Cities and Towns,
4. Vermont Association of Planning and Development Agencies,
5. Vermont Chamber of Commerce,
6. Land Access and Opportunity Board,
7. Office of Racial Equity,
8. Vermont Association of Realtors,
9. Representative of non-profit housing development interests,
10. Representative of for-profit housing development interests,
11. Representative of commercial development interests,
12. Engineer with experience in development,
13. Agency of Commerce and Community Development, and
14. Agency of Natural Resources

B. Other Stakeholders:

Work in Progress - Excel Spreadsheet

C. Methods of Stakeholder & Public Engagement

1. Surveys
2. Interviews
3. Stakeholder Meetings & Public Comments
4. Written comments & position statements
5. Draft Study - Public Comment Period

V. CONCLUSIONS AND RECOMMENDATIONS

VI. APPENDICES

- A. Act 181 (2024), Sec. 11a. ACT 250 APPEALS STUDY
- B. Vermont Judiciary Statistical Summary, FY 2024
- C. Environmental Board & JO Appeals 1999-2005
- D. Act 250 Study by Act 47 Commission, 2018
- E. Act 250 ... 40 years later, Paul Gillies
- F. Act 250, 1970, Vt Historical Society

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