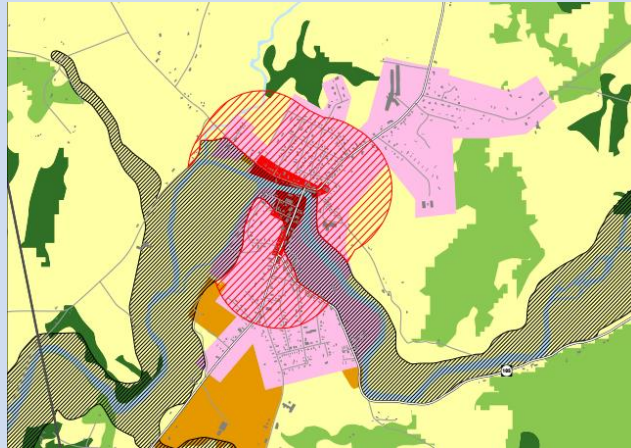


The Land Use Review Board



House Committee on Government Operations and Military Affairs

April 30, 2025

Janet Hurley, Chair

Peter Gill, Executive Director

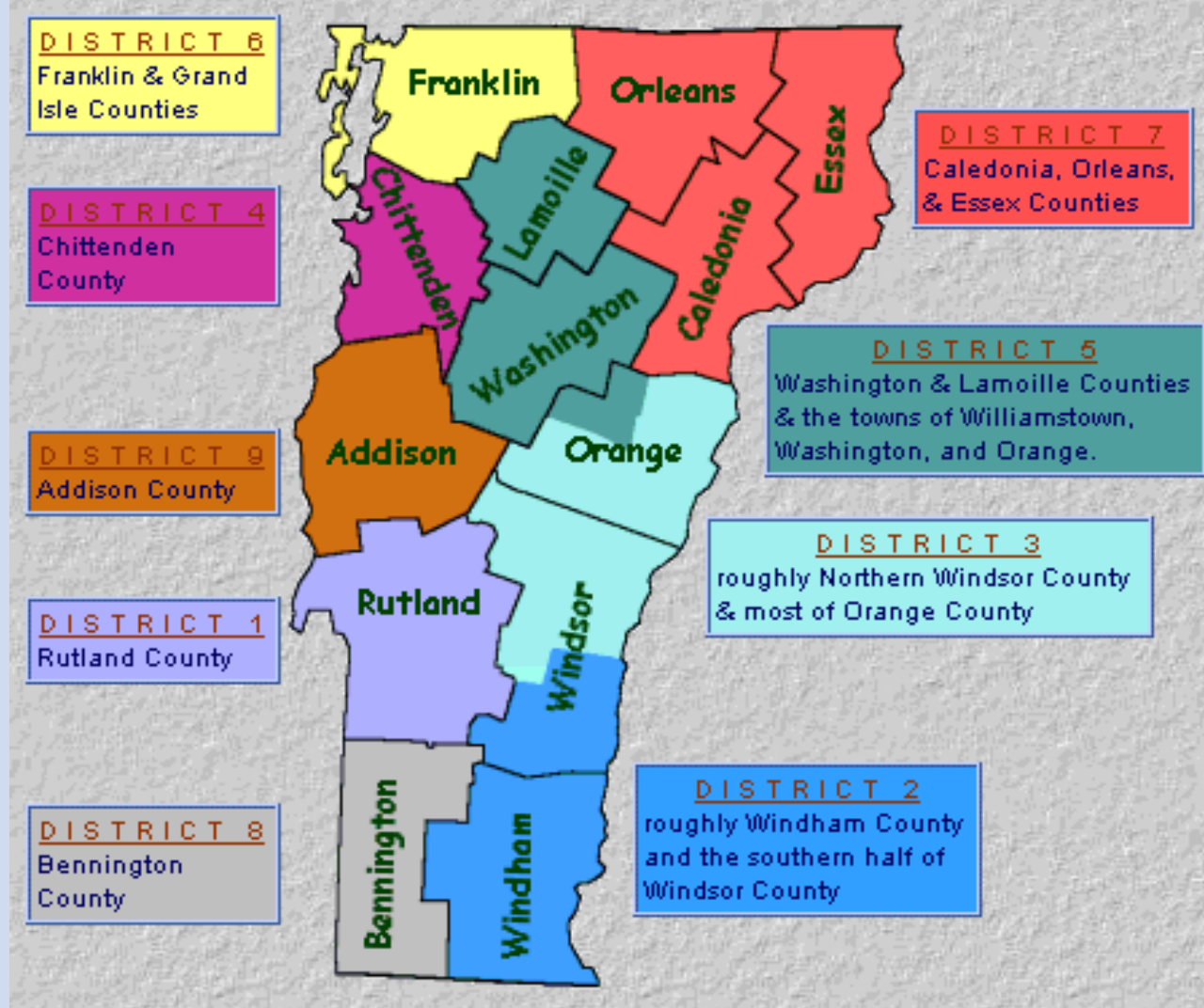
What is Act 250?

- 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)
- 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.

Five appointed **full-time**, 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.



Permitting by the Numbers

350 to 400 permit decisions issued per year

About 5% go to a hearing (majors)








0.2% denied

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

270 Jurisdictional Opinions issued (2024)

The New Framework

Land Use Plans / Designation & Investment / Act 250 Regulation

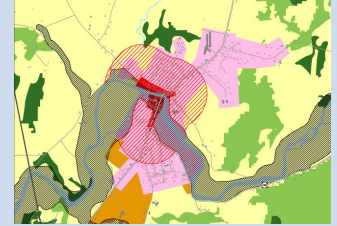
								
Regional Plan Future Land Use Categories								
	Downtown Center	Village Center	Planned Growth Area	Village Area	Transition (optional)	Enterprise	Resource-Based Recreation	Rural Hamlet General Ag/Forest Conservation
State Designation / Community Investment								
	Center		Neighborhood					
Act 250								
	Tier 2: Status Quo							
	Tier 1a: Full Exemption – ‘consistent with’ FLU							
	Tier 1b: Partial Exemption							Tier 3

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 5-year staggered terms with authority to :
 - Review and Approval of regional plans
 - Approval of future land use maps and Tier 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 rule
- **Review Criteria** – Added habitat connector and forest fragmentation (8(c))

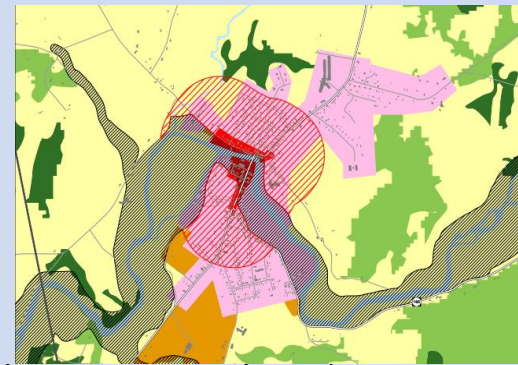


Land Use Review Board

Additional duties under Act 181 for the Board:

- Review and approval of regional plans
- Approval of future land use maps and Tier 1B areas (housing exemptions)
- Approval of Tier 1A areas (broad exemptions)
- Approval of designated areas (community investment incentives)
- Tier 3 rulemaking
- Criterion 8(c) – Habitat Connectors and Forest Fragmentation rulemaking
- Appeals study and recommendation
- Wood products manufacturers report
- Tier 2 rulemaking

Public processes under the APA exist for each of these duties outside of the OML



Former **Natural Resources Board**

- Full time chair
- Four appointed volunteer members
- **Authority delegated** to chair

Land Use Review Board

- Five full-time members
- Professional expertise
- Additional duties

Open Meeting Law

Meetings = business of the body (broadly defined)

Meetings of quorum = OML triggered.

Land Use Review Board has **committed** to holding open meetings 2x weekly

OML is not tailored to the unique governance structure of the LURB as a full-time professional board and limits collaborative potential outside of open-meeting.

Unique Board - Full-time board with expertise. Operates similar to leadership of state agencies and also has quasi-judicial role (like public utility commission).

Practical Consequences:

- Essentially **every interaction** between quorum of board members triggers OML, which silos their expertise.
- **Staff time** to warn, set up and record meetings is significant.
- Prohibits **group editing** of documents without meeting.
- Requires receiving **legal advice** in executive sessions of open meeting.
- **Limits free exchange** of ideas and full use of board's expertise.
- Limits ability to complete tasks of Act 181 collaboratively & efficiently.

Public Process is already covered by law:

- Rulemaking provisions (APA),
 - 60 notice period, hearing, written decision
- Stakeholder groups for reports identified (Act 181)
 - Public stakeholder meetings
- “Covered agency” (EJ law)
 - Community engagement plan
- Adoption of guidance and policy occurs in open meetings

LURB is committed to being public facing Board holding regular public meetings (1-2 times per week).

Solution:

A balance of public input and awareness into the board's operations and decision-making that allows for the board to efficiently and collaboratively accomplish its legislative mandates using its full resources.



Potential Approach:

(g) The provisions of this subchapter shall not apply to site inspections for the purpose of assessing damage or making tax assessments or abatements, clerical work, or work assignments of staff or other personnel. Routine, day-to-day administrative matters that do not require action by the public body may be conducted outside a duly warned meeting, provided that no money is appropriated, expended, or encumbered.

Any act or decision of a board consisting entirely of members who are full-time paid staff of that public body shall be conducted in an open meeting; however, notwithstanding any provisions of this section to the contrary, all other operations of that public body can be conducted outside of a duly warned meeting to facilitate collaboration between its members.

1 V.S.A. Sec. 312(g)

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