

The Land Use Review Board

Senate Committee on Economic Development, Housing and
General Affairs

January 13, 2026

Janet Hurley, Chair
Brooke Dingledine, Board Member
Peter Gill, Executive Director

Overview...

- **Act 250 Program Background**
- **Act 181 Implementation**
- **Appeals Report**

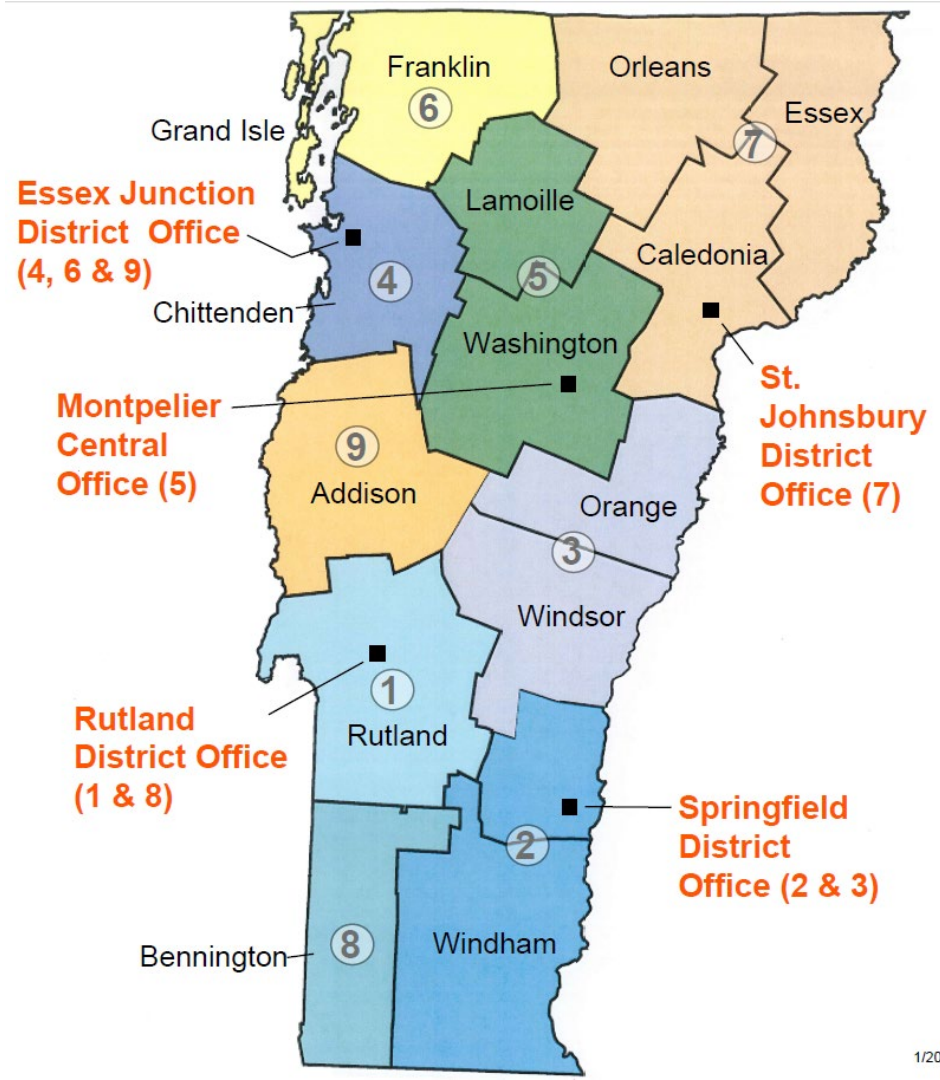
What is Act 250?

- Comprehensive statewide **permitting system** that **ensures development and subdivision projects conform to 32 standards** (including natural resource protections, historic, agricultural, transportation, government services, and energy use criteria).
- **Permit required** for projects of certain types, size, and location.
 - 6/10 **lots**
 - 10 **units**
 - Commercial operation on 1/10+ **acres or above 2,500 ft elevation**
 - Certain water withdrawals, oil extraction, etc.
- **No permit** for **farming**, logging, or **forestry below 2,500 ft.** elevation, among other specific exemptions including certain **housing projects**.

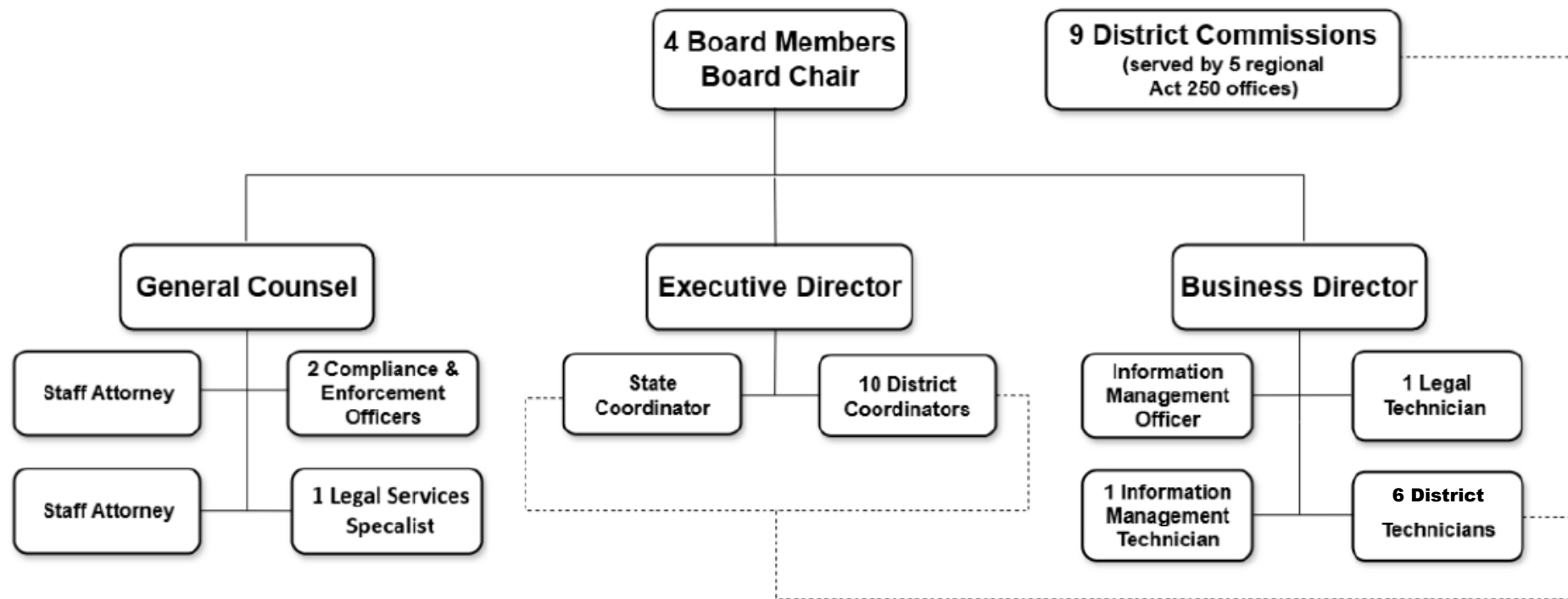
The five appointed members of the **Land Use Review Board (LURB)** oversee Vermont's statewide land use review process and the District Commissions.

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

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



Land Use Review Board

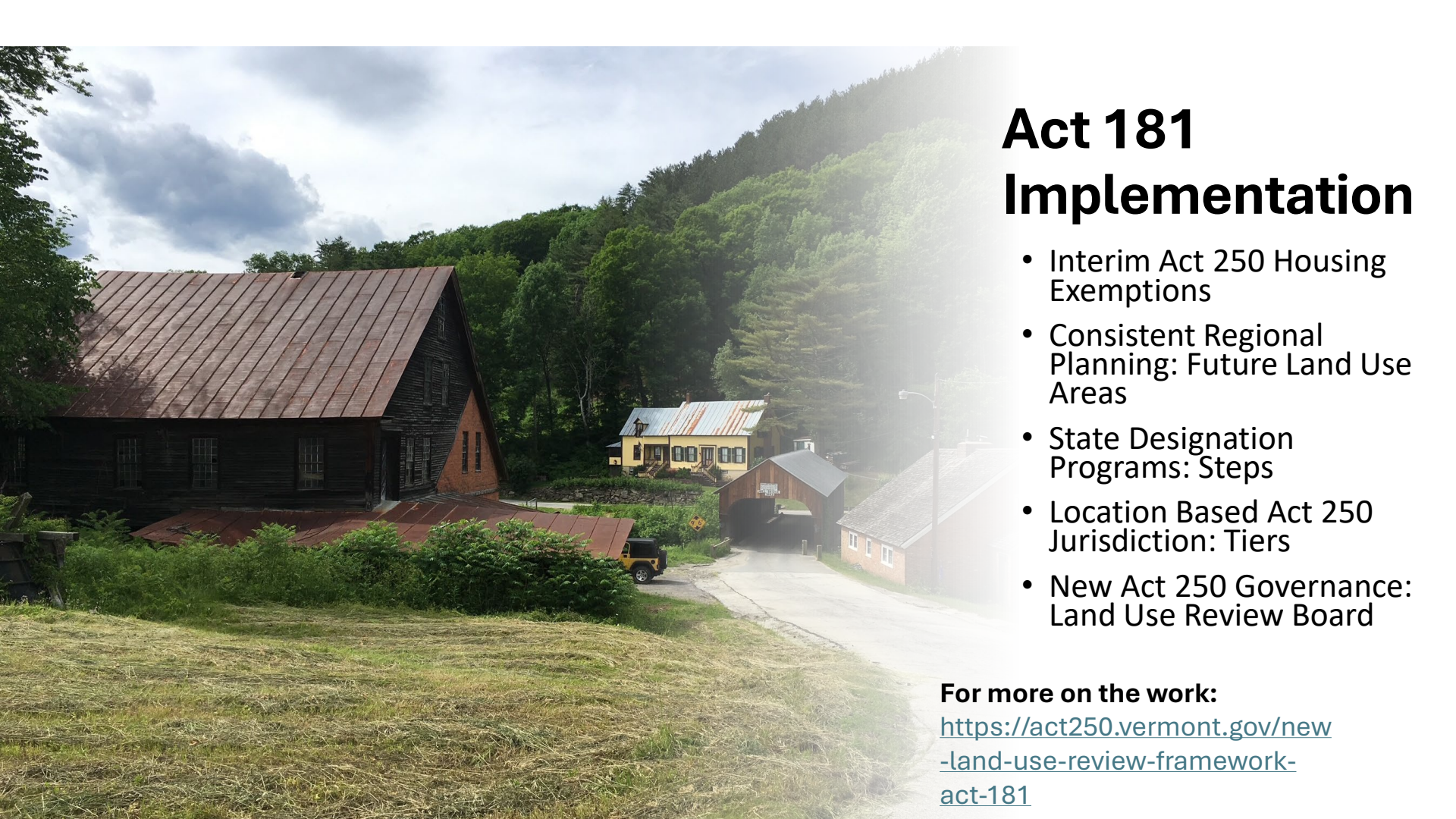


Permitting by the Numbers

- 350 to 400 permit decisions issued
 - ~5% go to a hearing (majors)
 - 0.2% denied
- 5-10 (1-3%) permit decisions appealed each year
- 270 Jurisdictional Opinions issued (2024)

Program Updates

- **Digitizing Permit Files:** More accessible permitting documents for the public. More efficient process.
- **Expanded permitting capacity:** Hired two permanent roving District Coordinators.
- **New Application form:** Launching January 15th focus on getting complete applications, better guidance for applicants.
- **ARPA Funded Permits:** 100 permits issued, Reached out to 500+ grantees; 16 related to housing development.



Act 181 Implementation

- Interim Act 250 Housing Exemptions
- Consistent Regional Planning: Future Land Use Areas
- State Designation Programs: Steps
- Location Based Act 250 Jurisdiction: Tiers
- New Act 250 Governance: Land Use Review Board

For more on the work:

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

State-level land use review increases



Tier 3
Enhanced jurisdiction



Tier 2
Status quo + road construction jurisdiction



Tier 1B
Jurisdiction over housing is limited



Tier 1A
No jurisdiction

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

Act 181 Implementation - Timeline

- Tier 3 Rule Submission to LCAR, February 1, 2026
- Tier 2 Area Report, February 15, 2026
- Criterion 8(c) Rule Submission to LCAR, June 15, 2026
- Road Construction Jurisdiction effective July 1, 2026
- Act 181-compliant regional plans adopted, December 31, 2026
- Tier 3 and Criterion 8(c) effective December 31, 2026
- Community Engagement Plan (EJ law), July 1, 2027
- Interim Housing Exemptions expire January-July 2027/2028
- Act 181 Implementation Report, February 1, 2029

Wood Products Manufacturers Report

- Recommended Statute and Rule Changes
- Develop Fact Sheet & Supplemental Guidance for Applicants
 - Minor review process, 9B Mitigation
 - Hours of Operation, Stonybrook
- Staff Training
- ANR Permit Coordination
- Permit Specialist, Ombudsperson Advocacy

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



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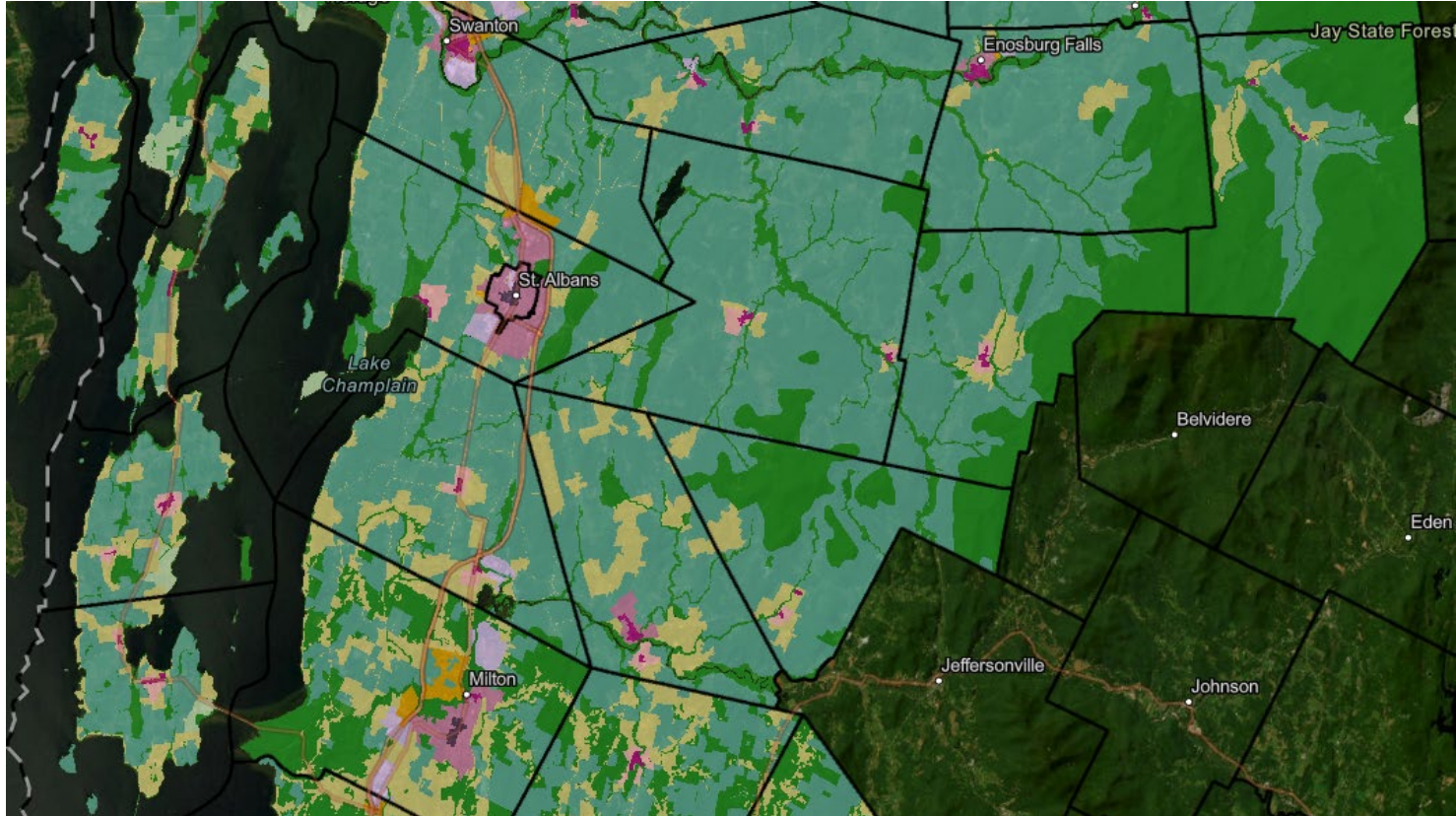
September 2025 - December 2026

LURB reviewing **regional plans** for compliance with State statute and Tier 1B requests.

- Do plans reflect **statutory goals** and contain **required elements**?
- Do **FLU maps** reflect **FLU areas** as described in statute?
 - FLU areas eligible for **state designation** as **Centers** (downtown and village centers) and **Neighborhoods** (planned growth and village areas).
- Do proposed **Tier 1B** areas meet statutory criteria (for housing exemptions).
- Process:
 - Preapplication: Review and comment on draft regional plan and Tier 1B requests.
 - RPC public hearings and plan adoption.
 - LURB Hearing on adopted regional plan.
 - Affirmative or negative determination of compliance.
- LURB **affirmative determination** confers **state designations** and **Tier 1B status**.

Board Lead - [Janet Hurley](#) 802-480-1850

Regional Plan Review and Approval Process



Board created Regional Plan Map viewer:

<https://experience.arcgis.com/experience/58543fd6882d4bd6bd0b3008d98e874e>

Tier 1A

- Board begins receiving applications from Cities and Towns in **2026**.
- A municipality may apply for Tier 1A area(s) **only** after the Board approves the regional plan and associated FLU map.
- Process starts with a **preapplication meeting**.
- Upon **final application** submission, a **hearing** will be held. The RPC and the municipality will be responsible for providing **notice of the hearing**.
- Law requires Board to issue a **decision** on each Tier 1A application within **45 days** of receiving a complete application from a municipality.
- ✓ Application Guidelines adopted December 22, 2025.

Board Lead – [Sarah Hadd](#) 802-480-1886



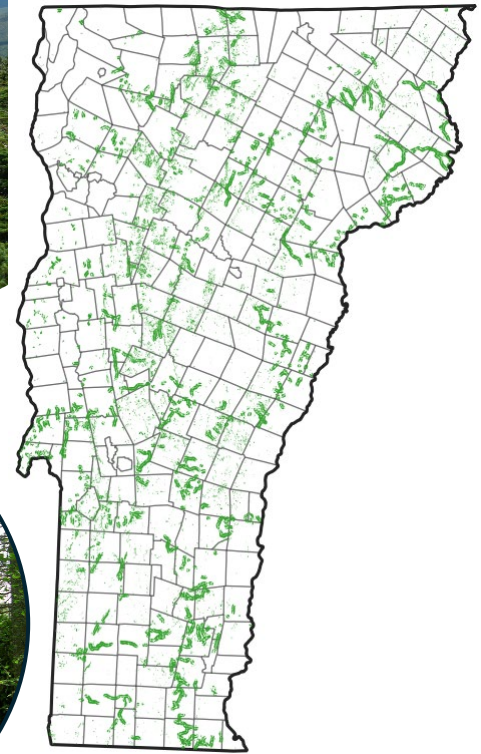
Tier 3

- **Draft 2.1** of rules under consideration.
- Focus areas:
 - Significant Natural Communities (S1, S2)
 - Headwater Stream Areas (highly refined)
 - Habitat Connectors (road focus)
- **Public engagement** happening now through May 2026
- Rule to be finalized summer 2026.
Requesting extension for LCAR submission to September 30, 2026
- Takes effect **December 31, 2026.**

Board Lead - [Alex Weinhagen](#), 802-480-1885



Tier 3 Areas (draft 2)



Report to Legislature: Act 250 Jurisdiction in Tier 2 Areas

Requesting Extension to September 30, 2026

- Recommend statutory changes to address fragmentation of rural and working lands while allowing for development.
- Report to consider:
 - Application of location-based jurisdiction to Tier 2 areas.
 - Protection primary agricultural soils.
 - Criterion 9(L) to avoid sprawl and strip development.
 - Accessory commercial activities on farms (AOFBs).
LURB to report by February 15, 2026.
- Public engagement process TBD.

Board Leads:

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

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

Road Construction Jurisdiction

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.**

Drafting guidance currently.

Board leads:

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

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

Criterion 8(c) Rulemaking

Criterion 8(C): To prevent habitat fragmentation in the face of sprawl and protect wildlife travel corridors between larger habitat blocks in the face of climate change.

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 on rulemaking.
- Working group convened on **September 25, 2025.**

Must file proposed 8(C) rule with LCAR by June 15, 2026.

Requesting extension to September 30, 2026.

Board Leads:

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

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

Appeals Report



✓ Submitted November 30, 2025

Full Report available here: <https://act250.vermont.gov/appeals-report>

Appeals Report - Stakeholder Engagement Process

- Extensive stakeholder engagement process throughout 2025.
- Series of comprehensive stakeholder meetings.
- Robust stakeholder and public input received from attorneys, Act 250 consultants, housing advocates, public interest groups, court representatives, state agencies, municipalities, etc.
- Various board models studied
- Public Board meetings held

See Report Appendix I, p. 107 for a summary of the stakeholder process.

Appeals Report- Summary of Recommendations

1. Transfer Act 250 appeals to the Board
2. Transfer of related municipal appeals to the Board at Applicant's option
3. ANR appeals to remain with the Environmental Division
4. Expedite Housing Appeals: Transfer municipal permit appeals in Tier 1A areas and municipal housing permit appeals in Tier 1B areas to the Board
5. Proposed Board Rules of Appellate Procedure developed
6. Other improvements for efficient and effective appeals: Prioritize Act 250 Housing applications, Amend Court Rule 5, Update Act 250 Rules

Board Lead:

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

LURB Legislative Requests:

Continued Support for Staff Funding Sources

Extension of deadlines for the following until September 30, 2026:

- **Tier 2 Report** (no change to AOFB deadline)
- **Tier 3 Rule to LCAR** (does not change effective date)
- **Criterion 8(c) Rule to LCAR** (does not change effective date)

Questions

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