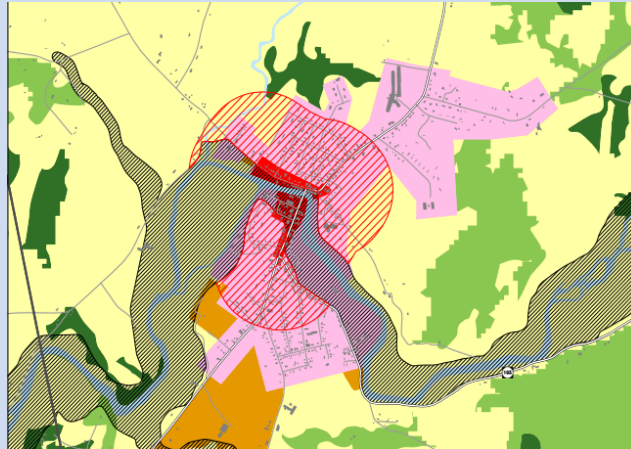


The Land Use Review Board



House Committee on Government Operations

February 11, 2025

Janet Hurley, Chair

Peter Gill, Executive Director

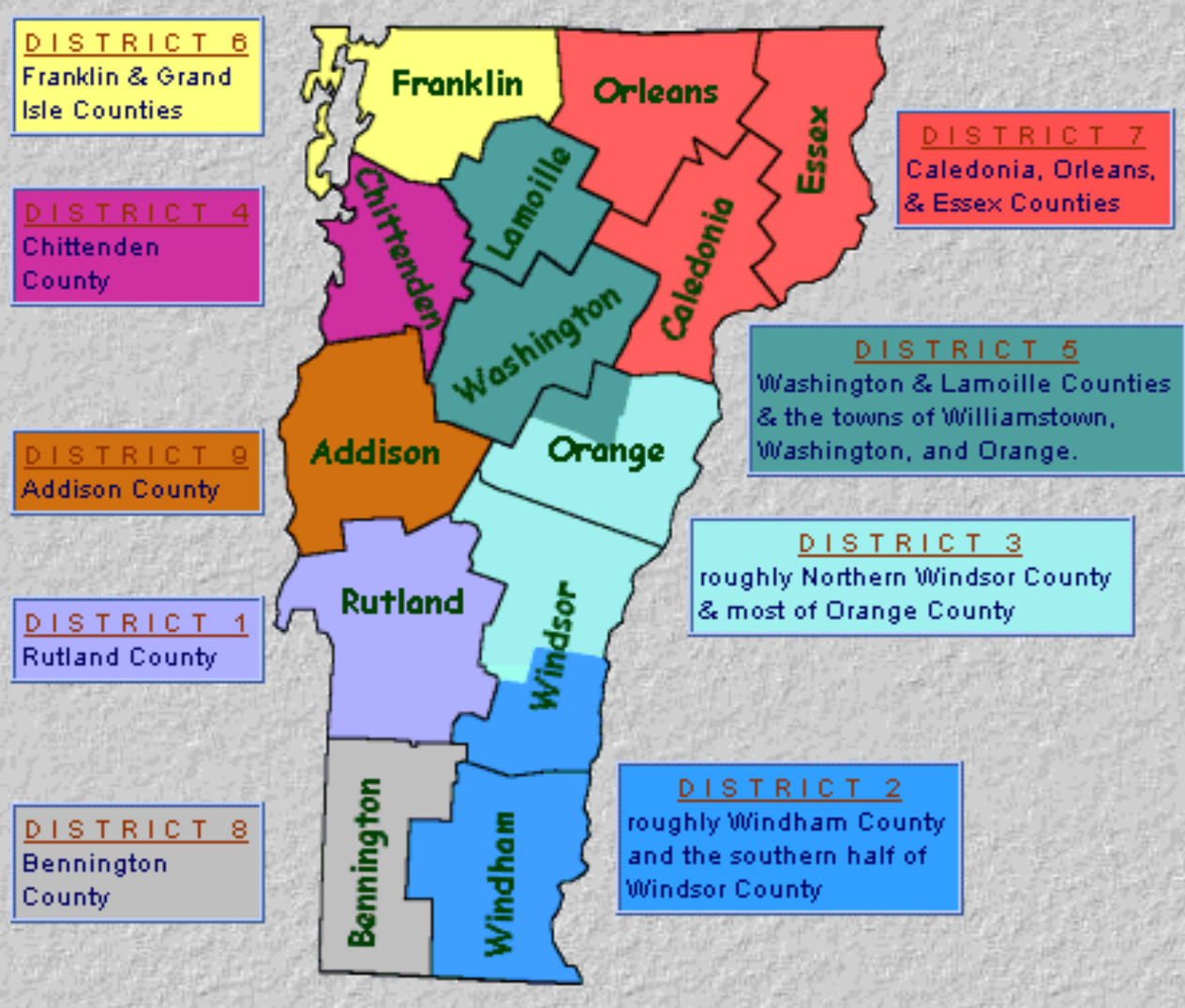
What is Act 250?

- 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, 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 **fulltime**, 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

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

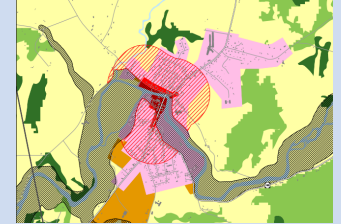


Tier 3 subject to rulemaking; not derived from regional maps.

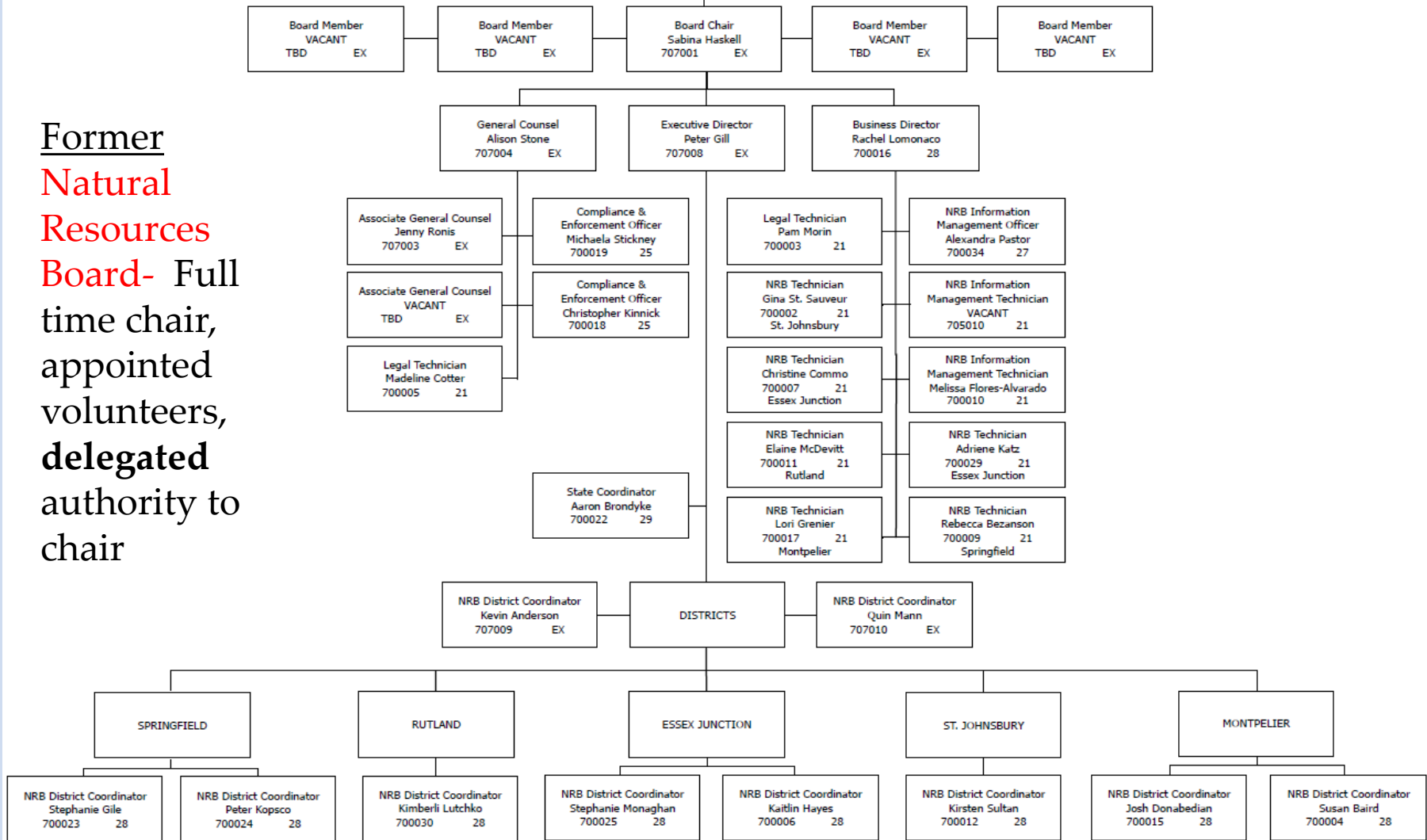
This table represents land use, designation, and Act 250 jurisdiction categories, not land area acreage or percentage of land area.

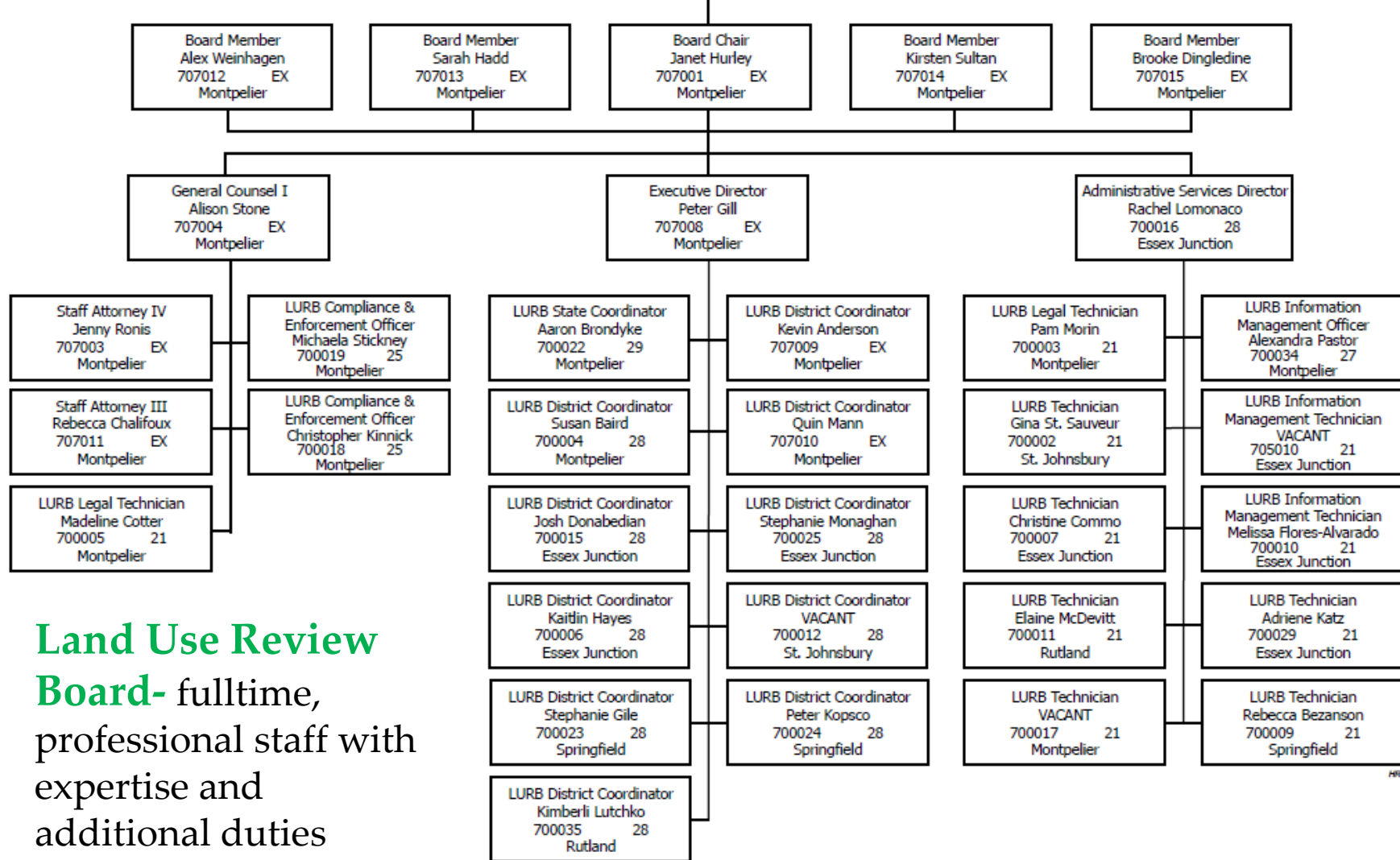
Act 181 (updates to Act 250)

- **Governance-** Appointed **Full-time working** Board with 6-year staggered terms with authority to :
 - **Review and Approval 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 rule
- **Review Criteria** – added habitat connector and forest fragmentation (8(c))



Former
Natural
Resources
Board- Full
 time chair,
 appointed
 volunteers,
delegated
 authority to
 chair



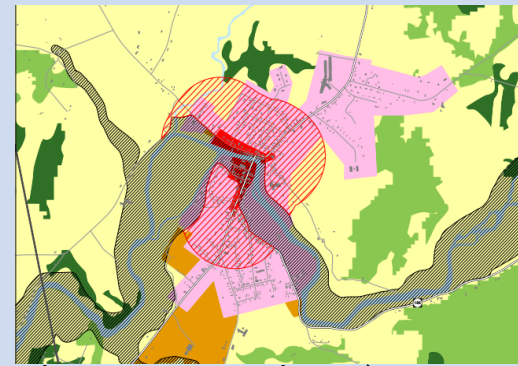


Land Use Review Board- fulltime, professional staff with expertise and additional duties

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 1a/b areas (housing exemptions)
- Approval of designated area (community incentives)
- Reports and rulemaking
 - Tier 3
 - Criterion 8(c) – Habitat Connectors and Forest Fragmentation
 - Appeals
 - Wood products
 - Tier 2 areas



Public processes exist for each of these duties outside of the OML.

Open Meeting Law

Meetings = business of the body (broadly defined)

Meetings of quorum = OML triggered.

Land Use Review Board has **committed** to holding OML on a weekly basis including:

- Scheduling and noticing public meetings,
- Identifying conducive space,
- Mobilizing staff,
- Posting agenda and minutes, etc.

OML is Not tailored to the unique governance structure of the LURB as a full-time professional board and allowing the Board to operate collaboratively outside of an open-meeting.

Unique Board- full-time professional board with expertise. Operates similar to leadership of state agencies or the public utility commission. Board also has quasi-judicial role.

Practical Consequences:

- Essentially every interaction between Board members triggering OML,
- additional staff time to warn, set up and record meetings is significant,
- prohibits group editing of documents without meeting,
- receiving legal advice in executive sessions of open meetings,
- limits free exchange of ideas and full use of Board's expertise,
- Limit ability to complete tasks of Act 181.

Public Process is already covered by law:

Rulemaking provisions (APA),

Stakeholder groups for reports identified (Act 181),

“Covered agency” (EJ law)

LURB is committed to being public facing Board holding regular public meetings in keeping with OML.

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.



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