



TESTIMONY OF JON GROVEMAN, POLICY & WATER PROGRAM DIRECTOR AND KATI GALLAGHER DIRECTOR OF SUSTAINABLE COMMUNITIES FOR THE VERMONT NATURAL RESOURCES COUNCIL (VNRC) ON EXTENDING ACT 181 DEADLINES

Feb 10, 2026

Dear Chair Watson,

Thank you for the opportunity to testify on proposals to extend some of the deadlines in Act 181 of 2024 (Act 181). Act 181 implemented comprehensive reforms to Vermont's land use and planning statutes that represent generational change. Housing developers and advocates from Let's Build Homes to Evernorth have identified the vital shift that Act 181 has brought with identifying growth areas where Vermont can focus its efforts to provide much needed additional housing. Equally important, and a key to the comprehensive success of Act 181, is ensuring that we grow in a way that protects critical natural resources which improve Vermont's resilience to the impacts of climate change, including extreme flooding and the loss of critical wildlife habitat and biodiversity.

The Vermont Land Use Review Board (LURB), which has been charged with implementing Act 181, is in the very early days of its vital work. The Regional Planning Commissions are currently working with cities and towns to update their future land use maps, including identifying Tier 1 growth areas, as the LURB begins to review and provide initial feedback. Simultaneously, the LURB is developing the Tier 3 rule that will help protect critical natural resources, a new forest protection criterion (8c), and guidance to specify how a new requirement that ensures long roads do not harm critical natural resources will work (the so-called Road Rule).

Because this work is critically important, and VNRC recognizes the volume and complexity of these initiatives, **we support extending the deadlines for the LURB to complete its work on the Tier 3 Rule, a rule implementing the new forest protection criteria and guidance or regulations to clarify the Road Rule.** The LURB, along with the stakeholder groups it has formed, are working on policies to ensure that review of projects under Tier 3 or the Road Rule are focused on protecting critical natural resources. To be clear, none of these provisions are intended or designed to prohibit development. The purpose of these provisions is to minimize the impacts of development in critical natural resource areas. The LURB process is working in this direction, but more time is needed to get these crucial initiatives right.

In addition, extending these deadlines will provide more time to educate and inform the public about these new requirements and help the public understand how to design projects to avoid the need for Act 250 review or comply with the provisions of Act 250 that apply. To be clear, as we sit here today the Tier 3 and Road Rule jurisdictional requirements have not been set. Accordingly, it is impossible to say where Act 250 will apply and what properties will be affected.

VNRC and other stakeholders are also asking the LURB to limit the Act 250 criteria that would apply to projects that fall under Tier 3 or the Road Rule. This would further clarify the scope of what is required under these reviews to focus on the critical natural resources in question.

With regard to Tier 1, VNRC supports extending the deadline for interim Act 250 exemptions in Act 181. These exemptions are set to expire in 2027. VNRC supports extending them to allow the LURB to complete its work on the Tier 1 maps, which when adopted will provide areas eligible for Act 250 exemptions in cities and towns throughout the state.