

The Land Use Review Board

Senate Committee on Natural Resources

February 20, 2026

Janet Hurley, Board Chair
Alex Weinhausen, Board Member
Sarah Hadd, Board Member

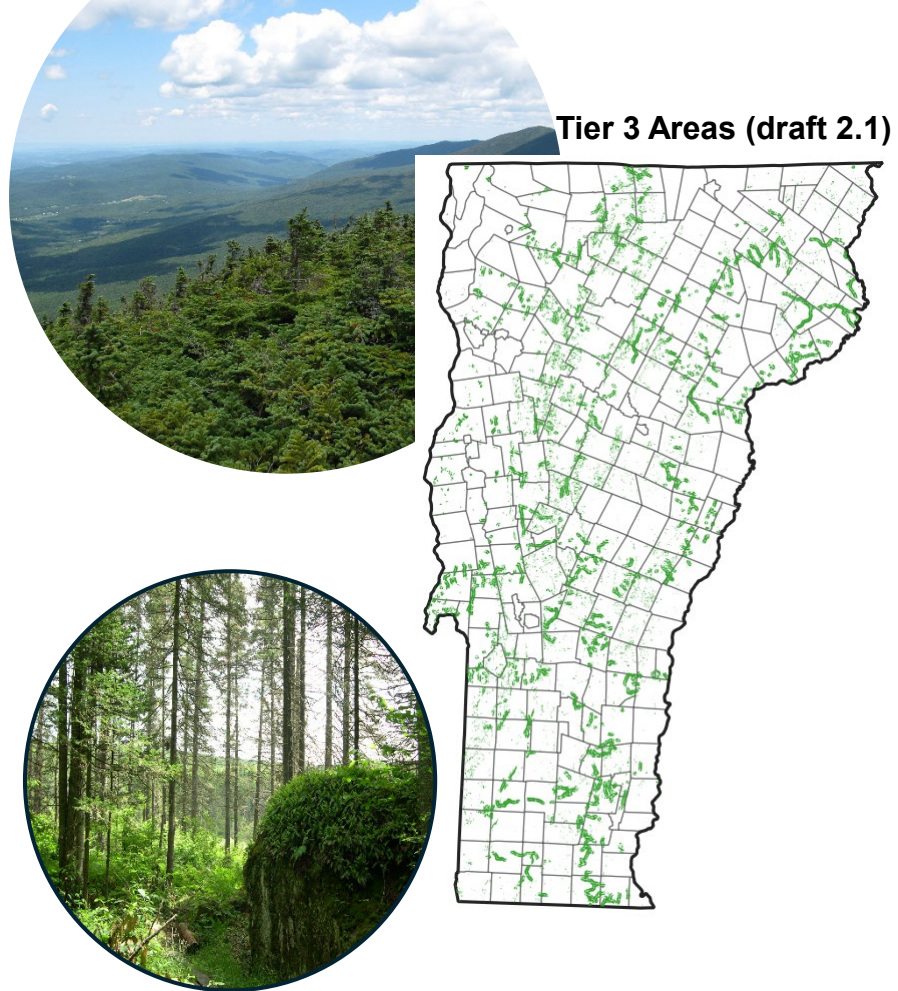
Overview...

- Update on Tier 3 Rulemaking
 - **Recommended effective date extensions**
- Update on Tier 1A Implementation
 - **Recommended enforcement clarifications**

Tier 3 Overview

- **Draft** mapping and rules underway.
- Current focus areas:
 - Significant Natural Communities (S1, S2)
 - Headwater Stream Areas (highly refined)
 - Habitat Connectors (road focus)
- 1st Draft released October 2025
- 2nd Draft coming March 2026
- **More time necessary:**
 - to inform and engage Vermonters
 - to refine mapping and proposal

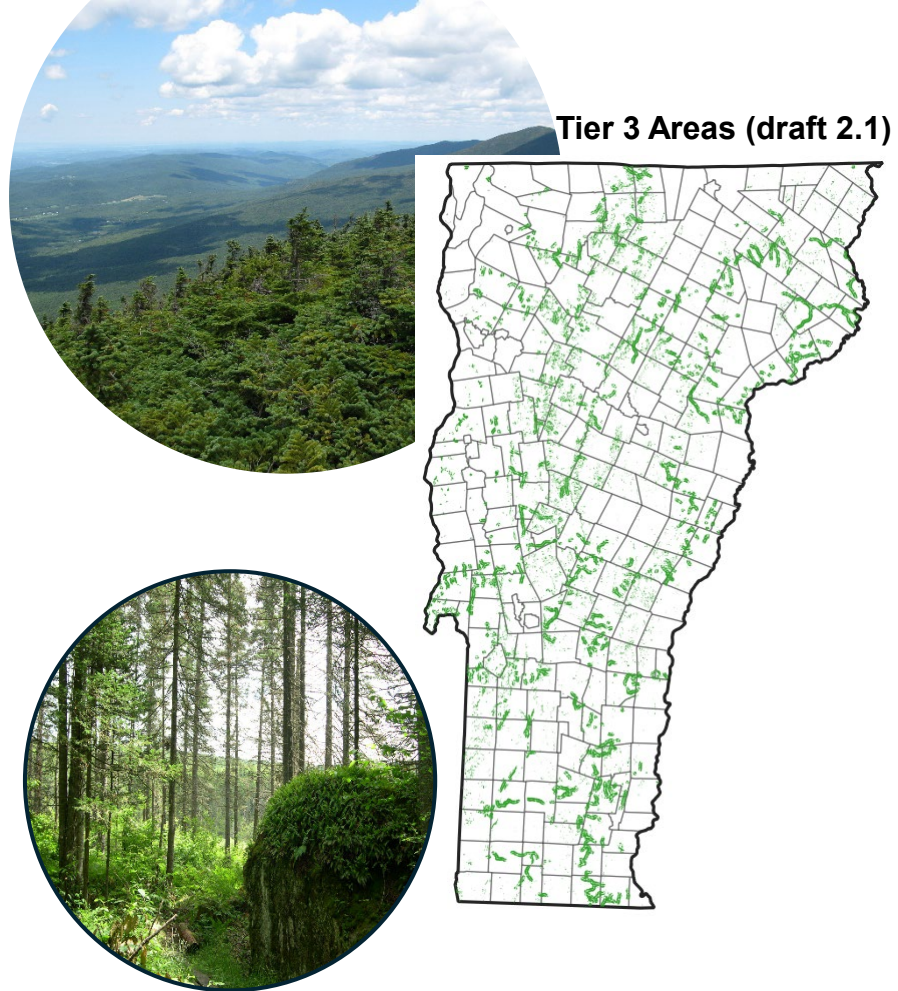
Board Lead - [Alex Weinhagen](#), 802-480-1885



Tier 3 Considerations

- Small area: 5-8% of Vermont or less
- **Relies on the Road Construction Jurisdiction provision**
- Does not include resources protected by ANR permitting
- Focused on most sensitive areas
- Very new concept for Act 250; public engagement is key
- Interest in applying only relevant Act 250 review criteria

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



LURB Legislative Recommendations – Part 1

- **Extend and synchronize effective dates to December 31, 2027**
 - Road Construction Jurisdiction
 - Tier 3
 - Criterion 8(C)
- **Extend interim housing exemptions**
- **Provide LURB authority to limit review criteria for projects in Tier 3 areas**

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 1A Administration

24 V.S.A Section 4460(g) provide municipalities may amend Act 250 permits through municipal permit process. The DRB's decision must include conditions contained within the Act 250 permit unless the panel determines the condition relates to:

the construction phase
of an already
constructed project;

compliance with
another State permit
that has independent
jurisdiction;

federal or State law that
is no longer in effect or
applicable;

an issue that is
addressed by municipal
regulation and the
project will meet the
standard; or

a physical or use
condition that is no
longer in effect or
applicable to the new
project.

The DRB must issue a
decision in accordance
with 24 V.S.A. § 4464(b)
and include specific
findings.

Tier 1A Enforcement

- 24 V.S.A Section 4460(h) provides for municipal enforcement of Act 250 permits in Tier 1A area.
- Current law “transfers” all Act 250 permits in Tier 1A to community at time of Tier 1A confirmation.
- Need to clarify “transfer” is when Act 250 permit is amended by municipality.
- Amended Act 250 permits must be provided by Tier 1A municipality to LURB.
- LURB is working on FAQ for municipalities to address Act 250 permit administration and enforcement.



LURB Legislative Recommendations – Part 2

- **Tier 1A Enforcement** – transferred permits enforced by Tier 1A municipalities unless Tier 1A revoked
 - Reinstate language proposed to be struck on page 3 & 8 and instead delete “not” from 24 V.S.A. Section 4460(4).
- **Tier 1A Guidelines** - clarify intent of S.325, Section 6
- **Tier 1B Appeals** – remove/relocate S.325, Section 8
 - Consider VLCT as lead or move this provision to the appeals reform bill, S.169 as no jurisdiction unless appeals come to LURB.

LURB Legislative Recommendations – Part 3

- **Priority Housing Project exemption**

S.325, Section 2 - 10 V.S.A. § 6001(3)(D)(viii)(III)

- Make consistent with all other interim exemption provisions, which focus on housing outside of flood hazard areas

- **Commercial to residential exemption**

S.325, Section 3 - 10 V.S.A. § 6081 (cc)

- Make consistent with all other interim exemption provisions. Clarify exemption is for both **new permits** and permit amendments. Change to, “...no permit or permit amendment is required...”

Follow Up Questions

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