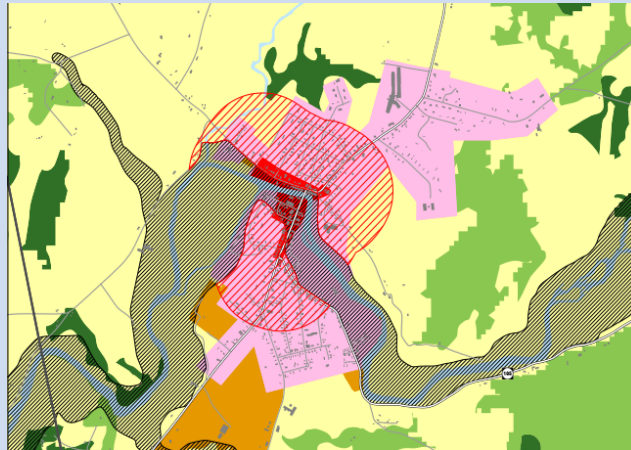


The Land Use Review Board



Senate Natural Resources and Energy
February 7, 2025

Janet Hurley, Chair

Peter Gill, Executive Director

The Plan...

- Act 250 and Act 181 Basics
- Where we are now?
- Where we are going?

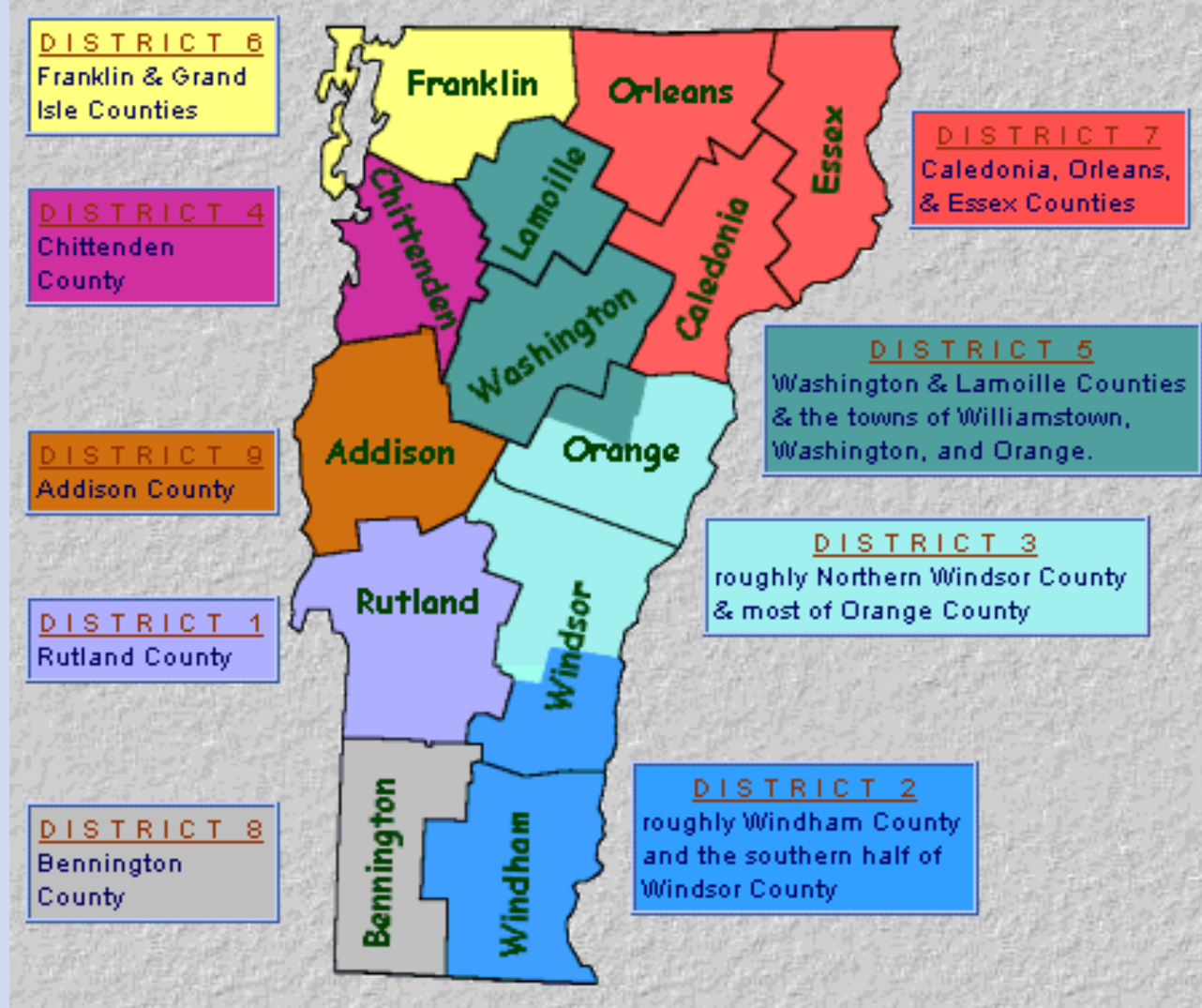
What is Act 250?

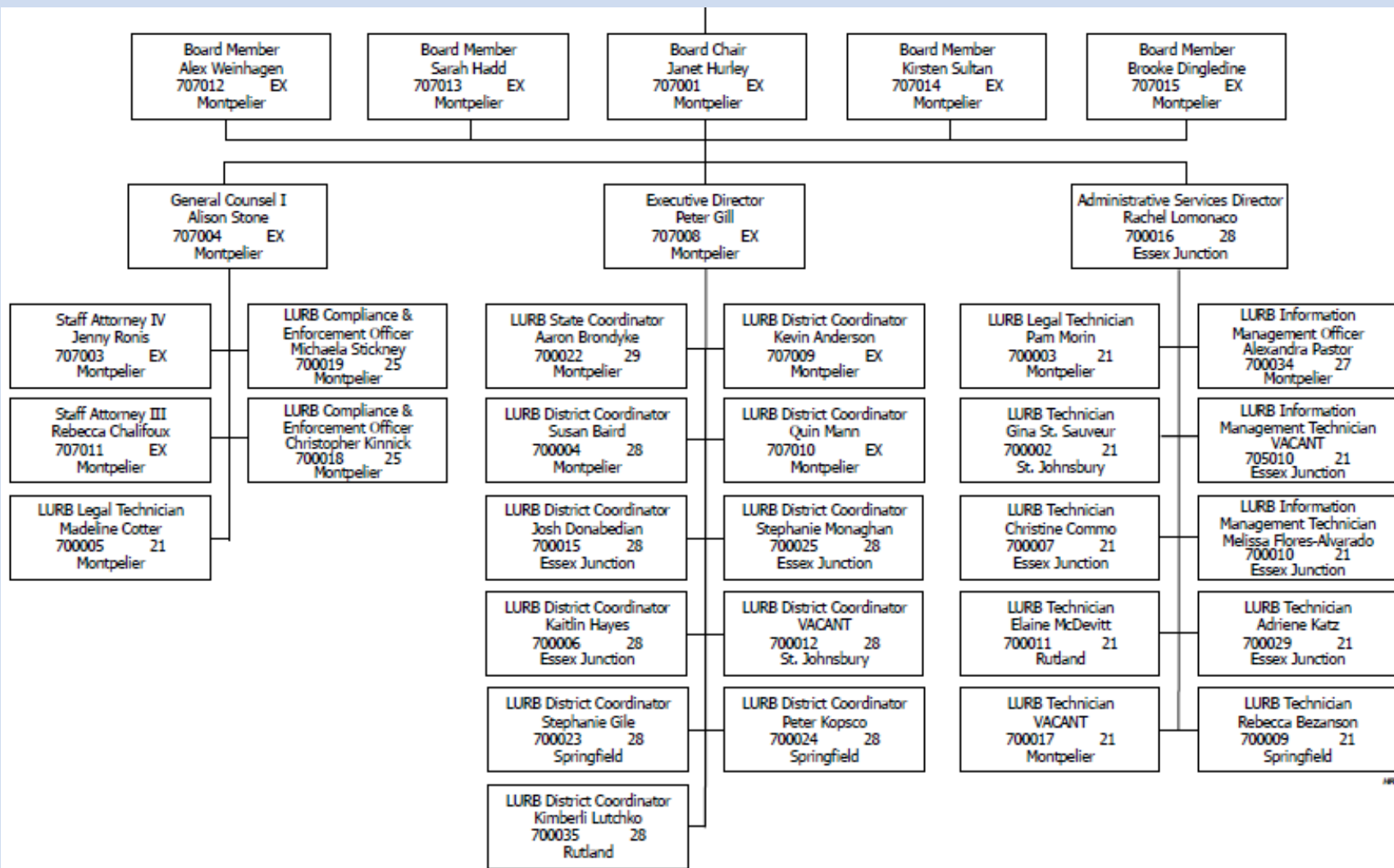
- Comprehensive statewide permitting system that ensures development and subdivision projects... Conform with 32 standards (including impacts on natural, historic, and agricultural resources, government services, transportation infrastructure, energy usage, etc.)
- Permit required for certain sizes and 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 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)

Act 181

NRB Report



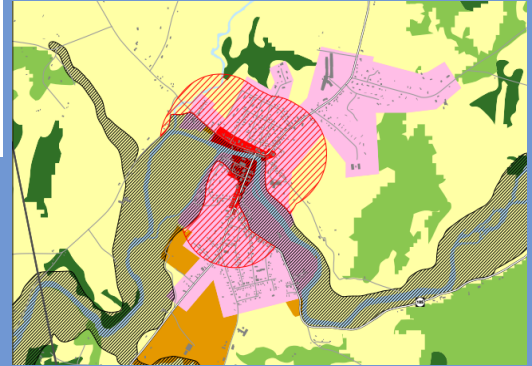
NATURAL RESOURCES BOARD
NECESSARY UPDATES TO ACT 250



DHCD Report



RPC Report



The New Framework

Land Use Plans | Designation & Investment | Act 250 Regulation

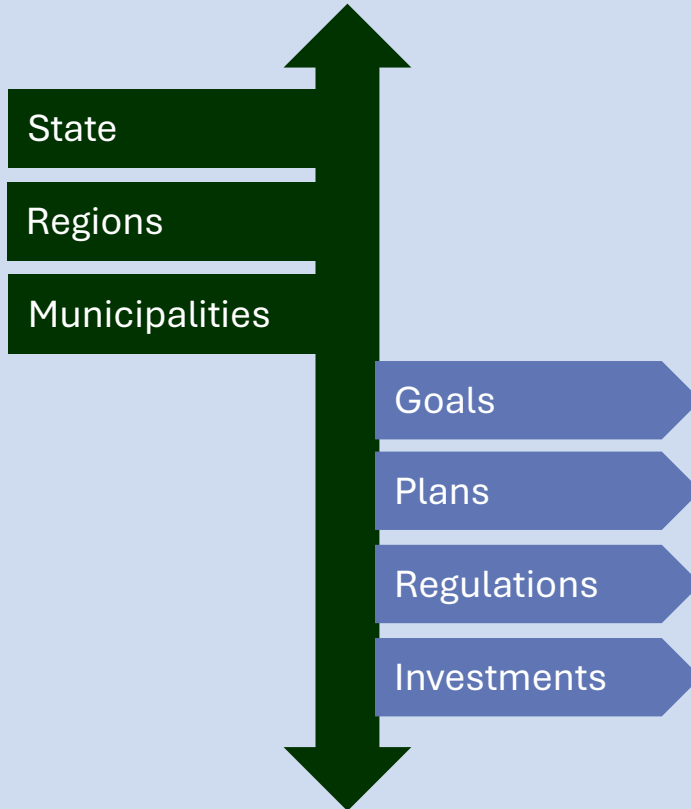


Tier 3 subject to rulemaking; not derived from regional maps.

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

Modernized Process & Platform

Approaches that Better Align Best Practices for Good Outcomes

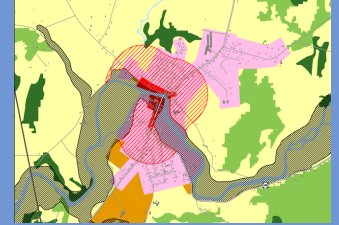


Four planning systems come together

- Act 181 directs all **Regional Planning Commissions** (RPCs) to create new regional plans with consistent future land use maps.
- **Municipalities** are working with the RPCs to implement these changes.
- The State's Downtown Development Board became **the Community Investment Board**. They will implement a phased transition from the current system of development incentives based on 5 state designations to a new system based on 2 designations. Current and new state-designated areas will be integrated into the future land use maps in the new regional plans.
- The **Land Use Review Board** (LURB) will review and approve all regional plans, including new future land use maps, new state designations, and new requests for Tier 1A and Tier 1B status.

Act 181 (updates to Act 250)

- **Governance-** Appointed Full-time working Board with 6-year staggered terms with authority to :
 - Review 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))



What has been done thus far:

- Interim Housing Exemptions Implemented
 - Guidance/ Checklist- [Interim Housing Exemptions Guidance.pdf](#)
 - Map- [Interim Act 250 Exemptions](#)
- Statewide outreach to developers, attorneys, municipal officials, planning officials
- Documents, databases, digital assets, etc. converted to new name
- Land Use Review Board Seated January 27, 2025
- Task groups for reports and rulemaking

Guidance

Downtown Development Districts (unlimited units)

Summary:

Until January 1, 2027, an unlimited number of housing projects can be constructed within designated downtowns without an Act 250 permit or permit amendment.

Statutory language:

(dd)(3) Notwithstanding any other provision of law to the contrary, until January 1, 2027, no permit the construction of housing projects such as cooperatives, homes, constructed or maintained on a tract or tracts of land, lowtown development district with permanent zoning and sewer or water services or soils that are adequate for constructed pursuant to this subdivision shall not count in other areas. This exemption shall not apply to areas within is except those areas containing preexisting development in areas suitable for minimum development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule. 10 V.S.A. § 6081(dd)(3).

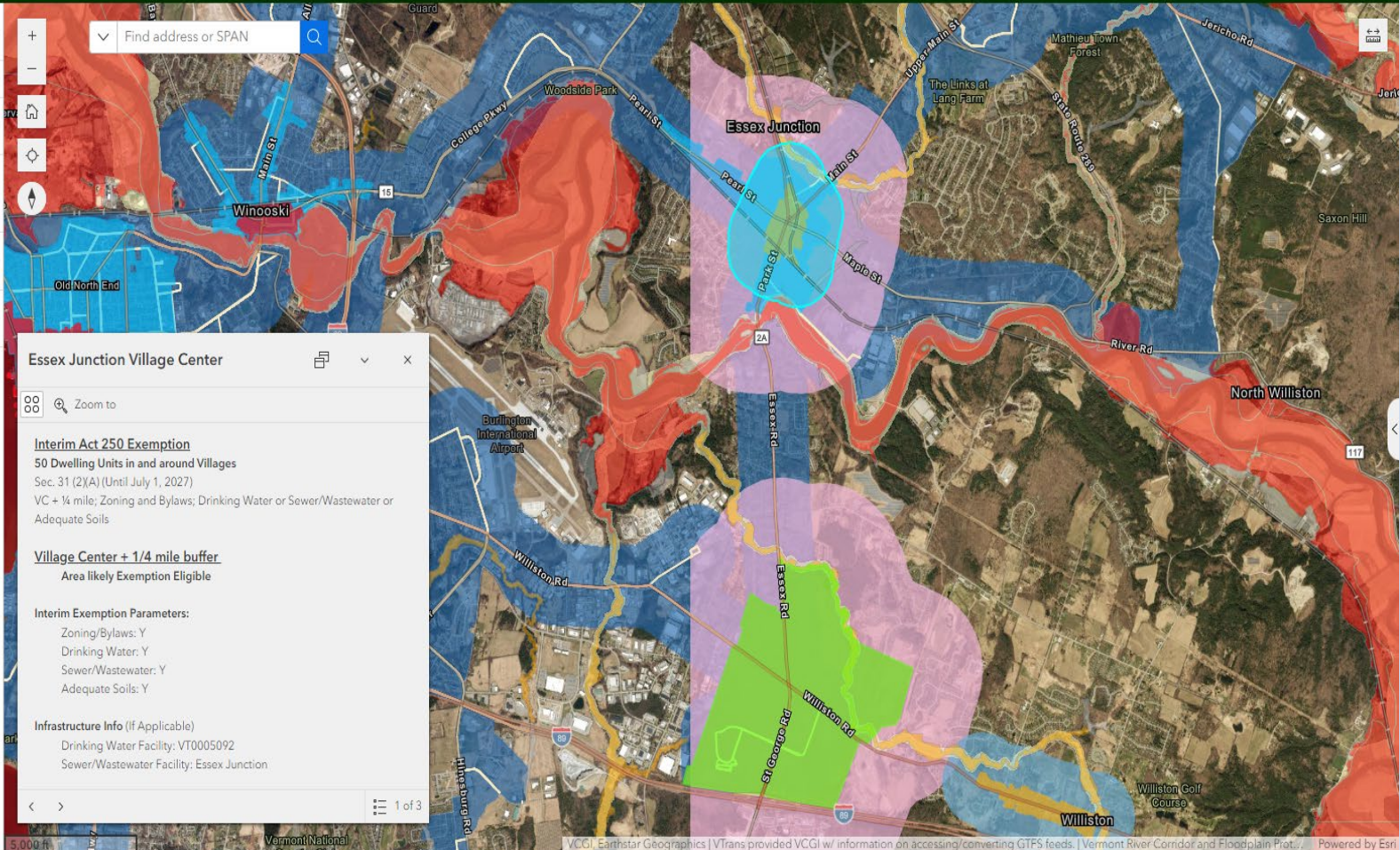
Requirements checklist:

- Construction of housing project (cooperative, condominiums, dwellings, or mobile homes, etc.)
 - ✓ For the definition of dwelling, see [Act 250 Rule 2\(C\)\(10\)](#).
- Commencement of construction by January 1, 2027.
 - ✓ For the definition of “commencement of construction” see [Act 250 Rule 2\(C\)\(2\)](#).
- Unlimited units created on the tract.
- The housing project and infrastructure incidental to use is located entirely within the designated downtown development district served by public sewer or water or soils adequate for disposal.
 - ✓ Review [Interim Housing Exemption Map](#) for designated downtown areas.



Interim Housing Exemptions: Guidance (Act 181 of 2024) State of Vermont Natural Resources Board

- > Designation Boundaries
- > Reference Layers
- I.) Downtown District Area
- II.) Town and Growth Centers & Development Areas
- III.) Village Center & Buffer
- IV.) Priority Housing Projects within Buffer
- V.) Urbanized Area within Transit Route Buffer



Essex Junction Village Center

Zoom to

Interim Act 250 Exemption
 50 Dwelling Units in and around Villages
 Sec. 31 (2)(A) (Until July 1, 2027)
 VC + ¼ mile; Zoning and Bylaws; Drinking Water or Sewer/Wastewater or Adequate Soils

Village Center + 1/4 mile buffer
 Area likely Exemption Eligible

Interim Exemption Parameters:
 Zoning/Bylaws: Y
 Drinking Water: Y
 Sewer/Wastewater: Y
 Adequate Soils: Y

Infrastructure Info (If Applicable)
 Drinking Water Facility: VT0005092
 Sewer/Wastewater Facility: Essex Junction

1 of 3

Act 181 Timeline

Immediate

Act 250 Interim Housing Exemptions (now until 2027- 2028)

Next Up

**Consistent Regional Planning
Approval of Regional Plans and Tier 1a areas**

Then

**New Designations & Community Investment Board
Municipal Plan Amendments
New Act 250 Location-Based Jurisdiction
 New Exemptions for Centers (Tier 1)
 Maintained Jurisdiction + Road Rule (Tier 2)
 New Critical Resource Jurisdiction (Tier 3)**

Further Out

**Improved Designation Technical Assistance/Investment
Improved Planning Data Center
Regional Governance Studies
Review of location-based jurisdiction (2029)**

Questions

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