

NRB Act 250

Attorney Focus Group 8/31

Location Based Jurisdictional Discussion

Designated Growth Area: See questions re: if to defer to other studies, create new areas, etc.

Concepts for discussion:

Tier 1/Growth Areas

Should we recommend exempting designated growth areas from Act 250 jurisdiction?

- Benefits: Sufficient review on the local level, therefore, Act 250 isn't needed. Very complicated to become a growth area and then be regulated within it—should be exempt.

What entity identifies the designated areas? Regional planning commissions, towns approve boundaries, or does the state?

Responses:

- If towns, what are criteria?
- Follow water, sewer muni services as starting point.
- Statewide oversight is important so no little "fiefdoms."
- Need to address issue of villages having 5-acre zoning like Charlotte.
- Issue of lack of water and sewer
- Existing designations-process is onerous-multi-year process and very difficult for villages-work with the current system but make process easier and making water and sewer a part of getting areas designated.

Retain Act 250 in flood plains and certain vulnerable areas to address climate change as overlay to designation.

Responses:

- State Entity should have to approve boundaries with input from RPCs
- with no recourse/appeal from state entity's decision
- Act 200 Approach- State Entity makes decision.
- Oregon model based on data; quality of RCPs varies. VT's lack of data makes this process questionable. What data is needed? Can VT move forward without the data? Could there be steps to be considered?

If we recommend exemptions from Act 250 jurisdiction in growth areas, should it apply to all types of development?