

**NRB Act 250**  
**Interest-Based Stakeholder Meeting**  
**Questions for Consideration**  
**August 31, 2023**

**Location Based Jurisdiction**

There appears to be some interest in a three-tiered system for Act 250 land use permitting. Even if that approach is not part of the final recommendation, we believe it still provides a useful framework for analyzing location based jurisdiction.

*Tier 1 Established or Designated Growth Areas*

Should the report incorporate utilizing existing designations, suggest creating new ones, or defer to Vermont Association of Planning and Development (VAPDA) or ACCD studies on Act 250?

How should these areas be determined? What entity should approve the designations?

Should developments in these areas be exempt from Act 250?

If the report recommends exemptions in established and designated growth areas, should the exemption apply to all developments (residential, commercial, industrial, governmental)?

Should the report recommend developing separate growth areas for commercial and industrial development?

If so, should fewer criteria be applicable or should the project be exempt? Should master planning be utilized?

*Tier 2 Rural Villages and Hamlets (on-site septic)*

Do current jurisdictional triggers adequately address sprawl in rural areas?

If not, should the jurisdictional triggers be modified?

If so, should the jurisdictional triggers be scaled based on the size of the municipality with larger cities having higher lot and unit triggers and smaller villages having lower lot and unit triggers?

*Tier 3 Natural Resource Areas*

There appears to be interest in adding protection for natural resources if it's not redundant with other state or federal permits or programs. Which natural resources should we protect?

Forest Blocks? High Quality Waterways? River Corridors/Riparian Areas? Prime Ag soil?

Development over 2,500 feet automatically triggers jurisdiction. Should any development in designated natural resource areas trigger jurisdiction?

If not, should the trigger be based on impact such as the number of lots and units?

If so, how many lots and units should trigger jurisdiction?

Should all criteria apply to any development that triggers jurisdiction in a designated natural resource area?

If not, which criteria should apply and which ones should be waived?

Should additional criteria be applied to certain natural resources such as minimizing developed acreage in designated forest blocks?

There used to be a “road rule” that triggered jurisdiction if it was longer than 800 feet or provided access to more than 5 lots. Should the road rule or some modification of it be recommended to minimize forest fragmentation?

Should the elevation jurisdictional trigger be lowered from 2,500 feet to 2,000 feet?

Currently, several state permits create a rebuttable presumption for Act 250. Should we recommend keeping the rebuttable presumption or should the state permit automatically satisfy the criterion?

## **Governance**

There appears to be wide support for a robust NRB that can provide oversight and rulemaking. Regardless of which entity hears appeals, what model do you favor?

Professional Board? NRB Chair with rotating District Commission Chairs? Hybrid? Secretary?

In order to keep Act 250 citizen friendly, there have been suggestions to create a position to assist citizens participate in Act 250 hearings. Some people have suggested we need a public advocate while others suggested an ombudsperson. Do you agree with the need?

If so, should there be a public advocate/ombudsperson and should that advocate/ombudsperson be available for both applicants and opponents?