

Administrative Procedures – Economic Impact Statement

Instructions:

In completing the economic impact statement, an agency analyzes and evaluates the anticipated costs and benefits to be expected from adoption of the rule. This form must be completed for the following filings made during the rulemaking process:

- Proposed Rule Filing
- Final Proposed Filing
- Adopted Rule Filing
- Emergency Rule Filing

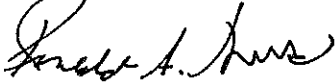
Rules affecting or regulating public education and public schools must include cost implications to local school districts and taxpayers in the impact statement (see 3 V.S.A. § 832b for details).

The economic impact statement also contains a section relating to the impact of the rule on greenhouse gases. Agencies are required to explain how the rule has been crafted to reduce the extent to which greenhouse gases are emitted (see 3 V.S.A. § 838(c)(4) for details).

All forms requiring a signature shall be original signatures of the appropriate adopting authority or authorized person.

Certification Statement: As the adopting Authority of this rule (see 3 V.S.A. § 801 (b) (11) for a definition), I conclude that this rule is the most appropriate method of achieving the regulatory purpose. In support of this conclusion I have attached all findings required by 3 V.S.A. §§ 832a, 832b, and 838(c) for the filing of the rule entitled:

Rule Title: Act 250 Rules



(signature)

, on

1/16/2015

(date)

Printed Name and Title:

Ron Shems, Chair, Natural Resources board

BE AS SPECIFIC AS POSSIBLE IN THE COMPLETION OF THIS FORM, GIVING FULL INFORMATION ON YOUR ASSUMPTIONS, DATABASES, AND ATTEMPTS TO GATHER OTHER INFORMATION ON THE NATURE OF THE COSTS AND BENEFITS INVOLVED. COSTS AND BENEFITS CAN INCLUDE ANY TANGIBLE OR INTANGIBLE ENTITIES OR FORCES WHICH WILL MAKE AN IMPACT ON LIFE WITHOUT THIS RULE.

1. TITLE OF RULE FILING:

Act 250 Rules

2. ADOPTING AGENCY:

Natural Resources Board

3. CATEGORY OF AFFECTED PARTIES:

LIST CATEGORIES OF PEOPLE, ENTERPRISES, AND GOVERNMENTAL ENTITIES POTENTIALLY AFFECTED BY THE ADOPTION OF THIS RULE AND THE ESTIMATED COSTS AND BENEFITS ANTICIPATED:

Participants in the Act 250 process, including:

Applicants for Act 250 permits, developers, builders and consultants. Neighbors to proposed projects, citizen and environmental groups; municipalities, Municipal and Regional Planning Commissions; Agency of Natural Resources; Agency of Agriculture, Food and Markets; Agency of Transportation; Agency of Commerce, Department of Housing and Community Development, Division of Historic Preservation; Public Service Department; Department of Buildings and General Services; and the Natural Resources Board. Current permittees, owners of grandfathered projects making substantial changes, and other persons potentially affected by projects needing Act 250 permits or by Act 250 jurisdictional determinations.

b. Estimated Costs and Anticipated Benefits:

Rule 3 provides the procedure for NRB reconsideration of Jurisdictional Opinions issued by District Coordinators, implementing recent statutory changes. Reconsideration is a less expensive and less formal process than an appeal to the Superior Court, Environmental Division. This process provides savings to affected parties.

Rule 10 allows for electronic submission of applications and filings that is anticipated to provide savings to applicants and other parties to the Act 250 process by avoiding or limiting paper, copying and postage costs and saving time. Paper filings will remain available for participants who do not have access to electronic information.

Rule 22 provides the procedure for review of designated downtown projects, pursuant to the new 10 V.S.A. Section 6086b. This procedure is expedited and no permit application fee is required. This provides significant savings to an applicant. A more efficient process may also provide benefit to other parties.

Proposed Rules 2(C)(26) and (7) are not related to a statutory change, but simplify the way jurisdiction attaches to formerly grandfathered projects. Although this may have an economic impact on some projects, the rule would be more economical to administer and would add significant clarification for affected parties by eliminating a piecemeal or patchwork approach to jurisdiction over these projects.

Other changes are technical or non-substantive clarifications without significant anticipated costs or benefits.

4. IMPACT ON SCHOOLS:

INDICATE ANY IMPACT THAT THE RULE WILL HAVE ON PUBLIC EDUCATION, PUBLIC SCHOOLS, LOCAL SCHOOL DISTRICTS AND/OR TAXPAYERS:

None anticipated.

5. COMPARISON:

COMPARE THE ECONOMIC IMPACT OF THE RULE WITH THE ECONOMIC IMPACT OF OTHER ALTERNATIVES TO THE RULE, INCLUDING NO RULE ON THE SUBJECT OR A RULE HAVING SEPARATE REQUIREMENTS FOR SMALL BUSINESS:

Please see above. It is anticipated that the overall economic impact of these revisions will be favorable to Act 250 applicants and participants in the Act 250 process, including municipalities, municipal and regional planning commissions, and affected state agencies, and to the Natural Resources Board. Alternatives considered in the prerulemaking process resulted in a decision not to include certain rules in this package. Two draft rules defining terms to implement the new Criterion 9(L) were dropped as a result of prerulemaking comment by the Chittenden Regional Planning Commission, the Vermont Chamber of Commerce, the Lake Champlain Chamber of Commerce and Greater Burlington Industrial Corporation. The Board will continue discussions with these groups and other stakeholders, to develop policies on industrial uses and other issues that will implement this criterion in ways that promote the law's goals.

The Master Plan and Partial Findings Rule was required by Act 199 of 2013 (adj.). This will help boost economic development in Vermont, particularly in industrial parks, ski areas, and other projects that use master planning.

6. FLEXIBILITY STATEMENT:

COMPARE THE BURDEN IMPOSED ON SMALL BUSINESS BY COMPLIANCE WITH THE RULE TO THE BURDEN WHICH WOULD BE IMPOSED BY ALTERNATIVES CONSIDERED IN 3 V.S.A. § 832a:

Please see above.

7. GREENHOUSE GAS IMPACT: EXPLAIN HOW THE RULE WAS CRAFTED TO REDUCE THE EXTENT TO WHICH GREENHOUSE GASES ARE EMITTED, EITHER DIRECTLY OR INDIRECTLY, FROM THE FOLLOWING SECTORS OF ACTIVITIES:

A. TRANSPORTATION —

IMPACTS BASED ON THE TRANSPORTATION OF PEOPLE OR PRODUCTS (e.g., “THE RULE HAS PROVISIONS FOR CONFERENCE CALLS INSTEAD OF TRAVEL TO MEETINGS” OR “LOCAL PRODUCTS ARE PREFERENTIALLY PURCHASED TO REDUCE SHIPPING DISTANCE.”):

Some of these rule revisions implement statutory changes that provide incentives for development in designated downtowns and other existing settlements, which reduce transportation needs and resulting greenhouse gas emissions. Additionally, the rule changes also better enable paperless filings in Act 250, which reduces the need for transportation of paper filings.

B. LAND USE AND DEVELOPMENT —

IMPACTS BASED ON LAND USE AND DEVELOPMENT, FORESTRY, AGRICULTURE ETC. (e.g., “THE RULE WILL RESULT IN ENHANCED, HIGHER DENSITY DOWNTOWN DEVELOPMENT.” OR “THE RULE MAINTAINS OPEN SPACE, FORESTED LAND AND/OR AGRICULTURAL LAND.”):

These rules implement Act 250 which implements Vermont's land use goals. The specific proposal here includes revisions to implement the new laws that promote development in designated downtowns and other existing settlements, while preserving Vermont's traditional settlement patterns of compact villages and communities separated by open, working lands.

C. BUILDING INFRASTRUCTURE —

IMPACTS BASED ON THE HEATING, COOLING AND ELECTRICITY CONSUMPTION NEEDS (e.g., “THE RULE PROMOTES WEATHERIZATION TO REDUCE BUILDING HEATING AND COOLING DEMANDS.” OR “THE PURCHASE AND USE OF EFFICIENT ENERGY STAR APPLIANCES IS REQUIRED TO REDUCE ELECTRICITY CONSUMPTION.”):

The rule revisions do not directly impact energy efficiency, but the rules implement Act 250, which does require building energy efficiency.

D. WASTE GENERATION / REDUCTION —

IMPACTS BASED ON THE GENERATION OF WASTE OR THE REDUCTION, REUSE,

AND RECYCLING OPPORTUNITIES AVAILABLE (e.g., "THE RULE WILL RESULT IN REUSE OF PACKING MATERIALS." OR "AS A RESULT OF THE RULE, FOOD AND OTHER ORGANIC WASTE WILL BE COMPOSTED OR DIVERTED TO A 'METHANE TO ENERGY PROJECT'."):

Some portions of the proposed rule are intended to facilitate electronic filings and electronic applications, which result in less paper waste.

E. OTHER —

IMPACTS BASED ON OTHER CRITERIA NOT PREVIOUSLY LISTED:
none anticipated

Run Spell Check

