

**State of Vermont  
Natural Resources Board  
Land Use Panel**

**Procedure Statement**

**RE: Fees**

**JP 11-1**

**File Under: § 6083a**

**Cross Ref:**

**Supercedes: 8/1/90**

**Date: June 27, 2006**

**1. Statutory Provisions**

Statutory provisions regarding fees are found at 10 V.S.A. § 6083a.

**2. Fees for Partial Findings, Master Plans, and Phased Review**

The fee for an application for partial findings under Rule 21 shall be the same as the minimum application fee for an “original” application as stated in 10 V.S.A. § 6083a(b).

The fee for a master plan review under Rule 21 is stated at 10 V.S.A. § 6083a(a)(5). If the applicant is seeking construction approval for one or more phases or elements of the master plan, the applicant pays the fee stated at 10 V.S.A. § 6083a(a)(1) for any proposed construction. This fee is in addition to the master plan fee for the entire project.

The coordinator shall determine when an application for partial findings is subject to the fee for master plan review set forth in § 6083a(a)(5). Generally a master plan application will include a request for findings under a majority of the 10 criteria and subcriteria, while an application for partial findings will include a request for findings under one or several criteria.

Fees for all construction authorized by a permit are due at the time the permit application is filed. For projects that are broken into distinct phases over time, an applicant may seek positive findings of fact, conclusions of law, and a land use permit for the entire project, however the applicant may request that the permit fee be paid in increments based on the construction phases of the project. In these instances the permit will be conditioned to limit construction to those phases for which a fee has been paid. Prior to construction for any future phase, the applicant must submit the appropriate fee for that phase of construction. The District Commission will acknowledge receipt of the fee by issuing an administrative amendment which is limited in scope to confirmation of the fee receipt and authorization to proceed with construction. The administrative amendment will not contain any other substantive conditions.

### **3. Fees for Administrative Amendments**

The minimum fee for an administrative amendment requested by the applicant shall be the same as the minimum fee for amendments set forth in § 6083a(b). This includes, but is not limited to, administrative amendments issued for the purpose of incorporating other permits, extensions of construction completion dates, and changes in the permittee's name or address.

In cases where the administrative amendment involves the construction of improvements not already reviewed by the commission and authorized in a prior Act 250 permit, the applicant shall pay a fee based on the construction costs of the project, as specified in § 6083a(a)(1).

No fee is charged to the applicant when the district commission issues an administrative amendment on its own motion.

### **4. Fees for Residential Subdivisions**

Pursuant to 10 V.S.A. § 6083a(a)(1), the applicant is responsible for paying a fee for a residential subdivision based on the number of lots and the construction costs of the project. Construction costs include any construction which the applicant, or an affiliated "person" (see 10 V.S.A. § 6001(14)) proposes to carry out as part of the project, including the construction of infrastructure and related improvements, single and multi-family dwellings, and commercial buildings.

### **5. Estimate of Construction Costs**

It is the Coordinator's responsibility as part of the completeness review to determine whether the applicant has submitted an adequate application fee. This includes a review of Schedule A - Fees to determine whether the construction costs stated by the applicant are reasonable given the type and location of the construction. The Land Use Panel will from time to time provide average construction cost information for a variety of types of construction to be used as guidance by coordinators in determining whether the applicant's fee calculation is reasonable. Pursuant to 10 V.S.A. § 6083a(g), "[a] commission or the board may require any permittee to file a certification of actual construction costs and may direct the payment of a supplemental fee in the event that an application understated a project's construction."

### **6. Fee Refunds**

The procedure for obtaining a fee refund is set forth at 10 V.S.A. § 6083a(e)(1-7).

Approved by the Land Use Panel June 27, 2006