

Natural Resources Board
Act 250 Necessary Updates
Steering Committee Meeting
October 19th 1:00 – 4:00ish pm

Note for Maddie – update calendar invites with video link for 10/26 remote option.

Meeting Objectives

- Address outstanding issues on jurisdiction.
- Clarify areas of consensus and differences on governance
- Highlight proposals for folks to come to the next meeting with ideas

Overview and ideas - Update proposal on jurisdiction

Tier 1B

- Tiers might not be the right word; also “large municipalities” might not be the right word to describe communities.
- Need to be specific about calling it “a designated area within the municipality” because it won’t always be the entire municipality.
- Hard time supporting 1B if we made it more restrictive for lot development in towns with zoning/bylaws
 - o You can have high density on not that many lots
- 1B is still amorphous to us
- Doesn’t make sense to have the 6 lot limit which is more restrictive when we are trying to have development; so keep threshold in 1B of 10 lots instead of 6 lots(keep the same as current); removing the unit trigger, all other triggers stay the same
 - o Footprint lots
- Leaving small retail out of – need examples/situations of this
- Mixed use under 10 acre lot wouldn’t trigger jurisdiction.
- What happens if someone is proposing development that is on the boundary of 1A&1B or 1B&2; do we need to address that because they have different triggers?

Tier 3

- Need more clear details of what this is; highly conceptual nature and broad implications
- What are we going to do with the information we have
- Last week discussed having RPCs talk with towns and then RPCs make proposal to state board that would approve/deny the proposal; state has some responsibility if there are areas of statewide importance; very few towns might initiate this kind of thing
- A lot of different resources here and not sure that Act 250 is the right avenue to protect them
- What resources is act 250 best sorted to handle/protect?
- What is the gap we are missing with the road rule?
- Current law is “rare and irreplaceable natural area,” “necessary wildlife habitat”
- Just like 1A need boundaries and criteria for tier 3

- Think RPCs have mapping capacity to find/identify those areas, included data from the state; seems reasonable and kind of partially done
- Forest blocks, wildlife habitat and corridors (for now); would be RPCs proposing to the state, town can participate in the process (only talking about a process and not getting into the weeds) our recommendation is consider this process
- Isn't disagreement on rational/concept; disagreement on level of detail having it in the report so it won't be misinterpreted with having jurisdiction across large sections of the state – what details do we need?
 - o Clear objectives
- Worried about submitting this idea with the report since we don't have clear recommendations
- Still necessary to have this piece in the report

Tier 2

- Avoid undue adverse effect by clustering development; and then have mitigation for impact if you can't avoid/minimize (like prime ag soils)
- Some mechanism to hit “natural communities” (climate change refuge area) e.g., possibly use RINA designation
- Should all act 250 criteria apply if only the road rule is the trigger? PARK IT FOR NEXT WEEK include the language in the document shared to group

Governance Topics

- Board structure and authority
 - o Budget implications for NRB (5-person professional board ~\$1million cost increase)
 - o Dual appointment for district chairs to also serve on the board (paid at 40%)
 - This would be challenging because as a person comes up to speed, they'd then be rotating off and would still have consistency issues
 - o 3-person professional board (most appealing)
 - o What would 5-person board not hearing appeals would do? (5-person board is in the house committee bill H 331)
 - o We should lay out why it's important for board to professional, tasks and responsibilities of that board, name options and reflect this conversation in our report
 - o Need a good “why & how” for making changes to the current board
 - o Rulemaking buckets – process rules vs. criteria rules; options to provide policy action
 - o JO Reconsiderations going to the NRB – it's a big lift to take it to the Environmental court;
 - if you do this, then the board needs to be professionalized
 - could have all JO's reviewed by NRB prior to issuance
 - o value in having 1 NRB Board member participate in a major case in a district to help drive consistency across regions
 - o board members are volunteers (compensation)
 - o H331 or H492 (80 page bill and 30 pages on how to select professional NRB members) phasing in FY26 and FY27
 - Would prefer to leave this out; no consensus

- Appeals
 - o No consensus
 - o Regardless of which model is chosen having it take 12-24 months kills a project, and that's what we have now.
 - Exemptions may help
 - o We are in a housing crisis
 - o Need to improve efficiency of appeals process and delays in review
- Permitting efficiency and resourcing
 - o More centralized review procedures and standards (internal);
 - o Expand the scope of AAs vs. minors
 - o Look back at historic staffing levels to guide moving forward
 - o Pre-application support
 - o Idea – professional NRB Board members approved via something like the judicial nominating process and then that Board appoints the District Commissioners
- Fees
 - o Exemptions will have significant impact on NRB budget (shortfall)
 - Will need general fund support
 - o NRB/ANR split of filing fees
 - ANR operates at a deficit to review Act 250 projects (receive about \$200k in fees from NRB but costs about \$800k to do the review)
 - o General fund vs. fee funding (currently 80% fees 20% GF; could it be flipped back to 40% fees 60%GF)
 - o We can't say that the likely decreases in applications due to exemptions will decrease NRB budget proportionately
 - There is a mis-match if 40% of fee funding comes from Chittenden county, it's subsidizing other districts

Other issues to be Addressed

- Affordable housing exempt in tiers 1. tier 2?
 - o PHP idea in tier 2
- Working Lands
 - o Relief for AOFB
 - o forest processing businesses
 - o suggestion to utilize H.128
- Criteria
 - o Forest blocks and connecting habitat.
 - o ANR minimum floodplain standard (demonstrates compliance with criteria 1D)

Next meeting Thursday 10/26 at Kellogg Hubbard Library, 135 Main Street, Montpelier.

Parking is available on the street