



**CHITTENDEN COUNTY RPC**  
*Communities Planning Together*

## ***ad hoc Act 250 Commission***

**Tuesday, March 10, 2020**

**8:00am to 9:30am**

**CCRPC Small Conference Room, 110 West Canal Street, Winooski**

WIFI Info: Network = CCRPC-Guest; Password = ccrpc\$guest

### **Agenda**

- 8:00**    **Welcome, Changes to the Agenda, Members' Items**
- 8:05**    **Review Minutes from January 28, 2020\* and February 18, 2020\***
- 8:10**    **Review Draft Comments on the Proposed Act 250 Bill**
- **VPA's 3/4/20 Legislative Update\***
  - **Revised CCRPC Comments\***
  - **VAPDA's Comments\***
- 9:15**    **Next Steps and Set Next Meeting Date (if necessary)**
- 9:30**    **Adjourn**

\* = Attachment

**NEXT MEETING: TBD**



## ***ad hoc Commission on Act 250 Minutes***

**Date:** Tuesday, January 28, 2020

**Time:** 9:00am to 10:30am

**Location:** CCRPC Small Conference Room, 110 West Canal Street, Winooski

**Attendees:** Tony Micklus; Jim Donovan; Chris Roy; Justin Dextrateur (via phone); Charles Baker; Regina Mahony

- I. Meeting called to order at 9:05am. No changes to agenda or members' items.
- II. Review of Draft Comments on the Proposed Act 250 Bill:
  - a. The Committee discussed timing of the proposal and likelihood of the bill moving forward. Chris Roy indicated that he hasn't heard directly, but it is unclear if the House Natural Resources and Fish and Wildlife Committee will move forward with the VNRC/Administration bill or the bill they were working with last year. Chris Roy stated that the Enhanced Natural Resource Board part of the VNRC/Administration bill is facing more controversy than the proposed substantive changes to jurisdiction and criteria; and the latter might have a chance of being re-worked and passing if the former is removed or separated. The Committee decided to add this comment to the draft CCRPC comments.
  - b. The Committee discussed bringing these comments to the Executive Committee, Planning Advisory Committee and Board in February to provide Charlie Baker with comments that he can bring to the Legislature. Although Charlie may need to testify before comments can be finalized.
  - c. The Committee discussed and edited the attached comment document.
- III. Next Steps: The ad hoc Committee will meet again on Tuesday, February 18<sup>th</sup> at 8am.
- IV. Adjourned at 10:25am

# CCRPC Comments on VNRC/Administration proposed Act 250 Bill

**DRAFT – 1/29/2020**

Note: The comments herein include references to the “Discussion Document, Last Modified 1/14/2020, Version 1.1”

Here are a few broad thoughts for consideration before getting into specific provisions.

1. The substantive proposals in this draft bill have the potential of getting to a workable place much more so than the Enhanced Natural Resources Board concept and associated process. Therefore, CCRPC recommends that this Section be split from the rest of this proposal and be considered separately.
2. CCRPC believes that the state permit process should encourage development in appropriately planned places and discourage development in vulnerable and valued resource areas. Therefore, CCRPC strongly supports the concept that Act 250 should not have jurisdiction in areas planned for growth to encourage affordable housing and economic investment in our smart growth areas: walkable, transit-friendly, water and sewer-served areas. CCRPC appreciates the exemption for Designated Downtowns and Neighborhood Development Areas, but recommends further expansion of this exemption (see comment 7 below).
3. CCRPC supports the concept of relying on separate state permits to satisfy specific criteria as appropriate.
4. A general comment is to use existing definitions from other sections of statute wherever possible.

## **I. Act 250 Jurisdiction**

5. Section A, pg. 6 – This section proposes to include construction of improvements for commercial, industrial or residential use on ridgelines of at least 1,500’ elevation and within 200 feet below the ridgeline.  
*Comment:* CCRPC generally agrees with expanding protection of ridgelines, however the purpose of this jurisdictional expansion should be expressly stated (i.e. scenic viewshed or wildlife habitat). Further, if the land area for a proposed development project does not functionally serve the stated purpose, there should be a process for proving so and Act 250 review and a permit should not be needed (such as wetland re-classification from Class III to Class II). Otherwise, this is a blunt tool that will result in avoidance of Act 250 review and associated unintended consequences. Lastly, it would be best to include a specific map of the area regulated (<http://anrmaps.vermont.gov/websites/ridges/index.html>) and a process for how that map will be updated.
6. Section B, pg. 6 to 7 – This section proposes to include new road/driveway construction of 2,000 feet in length as development subject to Act 250.  
*Comment:* CCRPC is supportive of the goal of preventing forest fragmentation but believes that this is too blunt of a tool. Similar to the comment above, CCRPC recommends a connection between the 2,000’ road distance and the intended purpose of this jurisdictional trigger (habitat

protection? Forest fragmentation?) and allowing an applicant to indicate if the stated purpose is being achieved with the proposed development.

7. Section C, pg. 7 to 21 – This section proposes to exclude development in designated Downtowns and Neighborhood Development Areas from Act 250 jurisdiction. **The proposal also includes underlying changes to the mixed income housing definitions.**

*Comment:* CCRPC agrees with and appreciates this approach. However, development in both Growth Centers and New Town Center designations should also be excluded. These are also state approved growth areas and there is no need for additional Act 250 review. Further, if the conditions from previous Act 250 permits are going to be a responsibility of the municipalities, it is critically important that the municipalities have the authority to re-evaluate a previous condition already addressed by a municipal regulation and municipal standards (as stated on pg. 17 line 17 – 18). **Changes to the mixed income housing definitions including specification of unit types/bedrooms have been added which can be much more difficult to address and administer. It is unclear why these changes are being proposed.**

8. Section D, pg. 21 – This section allows for a reduction in the project area for certain transportation projects for previously disturbed area. The idea is that these projects could then fall under the 10-acre jurisdictional trigger.

*Comment:* CCRPC agrees with and supports this adjustment.

9. Section E, pg. 23 to 24 – This section proposes to expand Act 250 jurisdiction to commercial and industrial developments within 2,000 feet of interstate interchanges.

*Comment:* CCRPC feels that this is not necessary. Further, it is unclear if the Regional Planning Commission role in the exemption is a one-time exemption for the whole area or needs to be done on a case-by-case basis. If this is to be put in place, the process for exemption should be one-time for the whole area. We would also suggest that interchanges in a Census-defined urbanized area (Interstate 89 Exits 12 to 16) be excluded from jurisdiction since these areas are already developed and will only be infilling over time.

## **II. Changes to Act 250 Criteria**

10. Section A & B, pg. 26 to 29 – These two sections propose changes to standardize regulation of river corridors in Act 250.

*Comment:* CCRPC does not agree with this approach. The proposed language does not adequately address new and infill development in historic village areas that overlap with river corridor areas. CCRPC recommends that this issue be studied rather than changed this year, and/or ANR regulate these areas through a state permit program with appropriate infill in our already developed downtowns and villages (with the presumption provided in IV. Act 250 Permit Conditions and Permit Process, Section C, pg. 40 of this proposed bill).

11. Section E, pg. 30 to 32 – This section proposes to expand the Act 250 wildlife criteria to consider impacts to forest blocks and connecting habitat.

*Comment:* CCRPC agrees with protection of these resources, however, there needs to be clarity on how these resources will be defined. The recommendation from CCRPC is to refer to the local and regional plan maps for how these resources are defined, rather than the current broad definitions in the proposed bill.

12. Section G, pg. 33 to 34 – This section proposes modification to better address climate change.  
*Comment:* CCRPC feels that there should be one consistent energy code applied throughout the state, not a higher standard in Act 250 (the stretch energy code is proposed). Further, the proposed climate adaptation amendment is broad and unspecific. It will require guidance on how to meet this standard.
13. Section H, pg. 34 – This section proposes that a municipal plan must be approved by the Regional Planning Commission for consideration under Act 250 criteria.  
*Comment:* CCRPC agrees with this approach.

#### **IV. Act 250 Permit Conditions and Permit Process [should be III]**

14. Section A, pg. 36 – This section proposes a 30-day pre-application notice requirement to the public and affected agencies for larger Act 250 cases. The proposed bill contemplates rulemaking to determine when a pre-application process would be needed.  
*Comment:* CCRPC agrees with this approach; however, there are some process heavy components that may not be appropriate in Act 250, such as formal scheduling (pg. 37, lines 3 to 5). Also, CCRPC recommends that projects should be vested at time of submittal of the pre-application materials.
15. Section C, pg. 40 – This section proposes to make all ANR permits, and municipal permits, have a presumption automatically.  
*Comment:* CCRPC agrees with and appreciates this approach, especially the addition of municipal permits being considered.

#### **IV. Enhanced Natural Resources Board**

16. Section A. Creation of an Enhanced Natural Resources Board, starts on pg. 44 - This proposal recommends a professional three-person board to review major Act 250 applications instead of the current District Commissions. The three-person board would be joined by two regional commissioners who would hear applications and help decide on findings of fact, but would not participate in drafting conclusions of law, and not vote or help decide the case. Appeals of the Act 250 permits would go directly to the Supreme Court, rather than the Environmental Board.  
*Comments:* CCRPC appreciates what this proposal is trying to do regarding consistency throughout the state. However, there are a number of challenges with this proposal, and overall CCRPC recommends that this section of the proposal be studied further and considered in a separate bill.

#### **V. Reports and Miscellaneous Changes**

17. Section A. Municipal and Regional Planning Review, pg. 71, line 15 to 17 – Overall this section requires ACCD to develop a report and recommendations with respect to the capabilities and development plan requirements under Act 250. *Comment:* CCRPC agrees that this issue should be further studied. However, this report will also include recommendations for “how regional plans are reviewed and approved...”  
*Comment:* CCRPC agrees with this general concept and asks that this bill require consultation with VAPDA and VLCT on development of the recommendations and report.
18. Section A. Municipal and Regional Planning Review, pg. 71, line 18 to 19 - This report will also include “whether designations of growth centers and new town centers should be appealable.”

*Comment:* CCRPC feels that this is out of place, and not necessary for consideration of capability and development plan requirements. CCRPC recommends that this be removed from the proposed bill or if it remains that VAPDA and VLCT be consulted in the preparation of the report.

DRAFT



## ***ad hoc Commission on Act 250 Minutes***

**Date:** Tuesday, February 18, 2020

**Time:** 8:00am to 9:30am

**Location:** CCRPC Small Conference Room, 110 West Canal Street, Winooski

**Attendees:** Tony Micklus; Jim Donovan; Chris Roy; Curt Carter; Charles Baker; Regina Mahony; Taylor Newton

- I. Meeting called to order at 8:10am. No changes to agenda or members' items.
- II. Review Minutes from January 28, 2020 – tabled.
- III. Review of Draft Comments on the Proposed Act 250 Bill:  
The ad hoc Committee discussed the status of the Act 250 bill. It was voted out of the House Natural Resources, Fish and Wildlife Committee on 2/13/2020.

Staff explained that the draft comments before the ad hoc Committee are based on edits from the Planning Advisory Committee, but Staff did not have a chance to prepare edits based on the bill voted out of House Natural Resources. Staff and the ad hoc Committee reviewed the bill summary from VPA (dated 2/17/20) and identified edits to CCRPC's draft comments. Staff will incorporate these edits, and update references to the bill as voted out of Committee in time for tomorrow's Board meeting if possible.

- IV. Next Steps: The ad hoc Committee will meet again on Tuesday, March 10<sup>th</sup> at 8am.
- V. Adjourned at 9:25am

## Regina Mahony

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**From:** Vermont Planners Association <VPA@list.uvm.edu> on behalf of Alex Weinhausen  
<aweinhagen@HINESBURG.ORG>  
**Sent:** Wednesday, March 4, 2020 5:01 PM  
**To:** VPA@LIST.UVM.EDU  
**Subject:** [VPA] VPA Legislative Update - 3/4/2020

VPA members,  
Happy day-after election day! Interesting to see all the results from yesterday's voting here in Vermont.

The VT Legislature is off this week – Town Meeting week break. Next week is “crossover”. Non-money bills must be voted out of committee by Friday the 13<sup>th</sup> in order to stay alive. If a non-money bill is still stuck in committee beyond March 13, it gets shredded – presumably by the Speaker who will be wearing a hockey mask. Just kidding. Missing crossover simply means the bill is extremely unlikely to get a vote by the full House or Senate, and its only hope is to be tacked on to another bill that is moving. Money bills (e.g., a bill with a tax or spend provision) get an extra week to make it out of committee.

### Act 250 Reform (H.926)

The House ended last week with an Act 250 bang. The Act 250 bill (H.926) passed the House – but only after late night and early morning debate, and a bunch of amendments. Still waiting for the version as passed to be posted to the legislature's website - <https://legislature.vermont.gov/bill/status/2020/H.926>. With a lot of reading of the House journal for 2/27 and 2/28, and some detective work, here's how the bill changed:

- Existing District Commission structure and appeal route retained – as noted in my 2/24/20 update.
- No increased fees to help pay for more staff support – as noted in my 2/24/20 update.
- No new appropriations to help pay for more staff support. Study report on staffing/funding required by December 2020 instead.
- Trails language added to establish a jurisdictional trigger – i.e., over 10 acres of new trails created after July 2020. This new jurisdictional provision appears to sunset on January 1, 2022. Not sure why the sunset was included.
- Exempts projects in village center designation areas that have “enhanced designation” from the Natural Resources Board. Enhanced designation requires an adopted/approved municipal plan and adopted zoning and subdivision bylaws that address flood hazard and river corridor areas.
- Clarifies that new interstate interchange area jurisdiction doesn't apply if the area is in a designated center.
- Eliminates requirement for inspection of buildings to verify energy code certifications.
- Allows the Department of Fish & Wildlife to bill the applicant for costs of participating in Act 250 major permit review.
- Keeps the elevation jurisdictional trigger at the existing 2,500 feet – i.e., not the 2,000 feet in the bill as introduced.

The VPA Legislative Committee discussed this on March 2, and we are following up with legislators to get clarification on some bill elements (e.g., trail jurisdiction, environmental justice criterion 9N, etc.). The bill is now headed for the Senate



Natural Resources and Energy Committee. I spoke with the committee chairperson (Chris Bray), and he said the committee won't be taking the bill up until after crossover – i.e., sometime after March 13. He's interested in VPA's take on the strengths and weaknesses of the bill, and anticipates asking us to testify once the committee digs into the bill.

Honestly, it's really hard to parse what the House passed without a clean version of the bill. As soon as this is posted to the Legislature's website (see link above), I will send another email blast out. For more perspective on this, check out a February 28 VT Digger article (<https://vtdigger.org/2020/02/28/house-approves-act-250-reforms-after-contentious-debate>) and the VT League of Cities and Town's February 28 legislative update ([https://www.vlct.org/sites/default/files/2020\\_weekly\\_legislative\\_report\\_09.pdf](https://www.vlct.org/sites/default/files/2020_weekly_legislative_report_09.pdf)). The VLCT update also provides excellent updates on the omnibus housing bill (S.237) that is still in the Senate Economic Development Committee but has a new draft, as well as the cannabis bill (S.54), different versions of which passed both the House and Senate (i.e., headed to conference committee), and the tree warden bill (H.673), which could grant superhero powers to municipal tree wardens.

Don't hesitate to contact me with questions!

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*Advancing the art and science of planning in Vermont*

**Comments on proposed Act 250 changes**  
**Offered by Charlie Baker, Executive Director**  
**Chittenden County Regional Planning Commission**

**DRAFT 3/6/2020**

Note: The comments herein include references to House Bill 926 dated 2/13/2020; as amended and approved by the House on 2/28/2020. These comments are based upon discussion of CCRPC's Act 250 Committee, Planning Advisory Committee and the CCRPC Board.

General comments:

1. We support updating Act 250 and applaud the Committee for taking on this important work.
2. We recognize the challenge of addressing both substantive changes to Act 250 jurisdiction and criteria and process changes to the way Act 250 is administered. If there is not agreement on the process changes, we urge the Committee to move ahead with the substantive changes this session and continue work on the process changes in the future.
3. CCRPC believes that the state permit process should encourage development in appropriately planned places and discourage development in vulnerable and valued resource areas. Therefore, CCRPC strongly supports the concept that Act 250 should not have jurisdiction in areas planned for growth to encourage affordable housing and economic investment in our smart growth areas: walkable, transit-friendly, water and sewer-served areas. In Chittenden County this is 15% of the land area; meanwhile this legislation only proposes jurisdictional relief for two state designations that comprise a mere 0.4% of the land area in Chittenden County (and significantly less so in other regions). It is also important to note that the rules for these state designations only allow one per municipality; this does not acknowledge historic growth patterns in many municipalities that have more than one center or location for growth. CCRPC appreciates the exemption for Designated Downtowns and Neighborhood Development Areas (NDAs), and now the addition of Village Centers, but recommends further expansion of this exemption (see comments 8 & ~~13-10~~ below). Further, any evolution of this bill that removes these jurisdictional exemptions, but retains resource expansions, would not be supported by CCRPC.
4. CCRPC supports the development of a Resource Map that makes clear to all parties what resource areas trigger jurisdiction (see comments 2, 4, 7, & 14 below) and to assist in evaluating compliance with relevant criteria.
5. CCRPC supports the concept of providing a presumption of compliance to satisfy specific criteria as appropriate based upon issuance of separate applicable state and municipal permits (see comment 17).

Specific Comments:

6. Page 6, lines 14-20 – This section proposes to expand Act 250 jurisdiction to commercial and industrial developments within 2,000 feet of interstate interchanges.

*Comment:* CCRPC feels that this new jurisdiction is not necessary. If this provision is retained, we request that language be added to section (xi) to make explicit that the Regional Planning Commission exemption determination holds unless the RPC determines at a future date that the bylaws no longer meet the criteria. We appreciate that new interstate interchanges in designated centers will be exempt, though we still ~~would also~~ suggest that interchanges in a Census-defined urbanized area (Interstate 89 Exits 12 to 16) be excluded from jurisdiction since these areas are already developed and will only be infilling over time. Also, the standards written into this section could be used for Act 250 delegation to municipalities in full, rather than just 2,000' of an interchange. CCRPC suggests this is an option for streamlining of the permitting system in municipalities that have the capacity.

7. Pages 8-9, lines 8-5 – This section proposes to include new road/driveway construction of 2,000 feet in length as development subject to Act 250.

*Comment:* CCRPC is supportive of the goal of preventing forest and habitat fragmentation, but believes that this is not the most effective tool. CCRPC recommends a connection between the 2,000' road distance and the intended purpose of this jurisdictional trigger (habitat protection? Forest fragmentation?) and allowing an applicant to indicate if the stated purpose is being achieved with the proposed development. Alternatively, we recommend that this section be replaced with language to establish forest and habitat areas as jurisdictional triggers; those areas to be mapped by ANR (<http://anrmaps.vermont.gov/websites/ridges/index.html>) and adopted by reference as the area regulated; and, a process for how that map will be updated. Reliance on maps as a jurisdictional trigger should come with a process for the applicant to prove that the resource isn't on the property (similar to how wetlands are delineated on the ground).

8. Page 10 and 25 – This section exempts subdivisions inside designated downtowns and neighborhood development areas from Act 250 jurisdiction.

*Comment:* CCRPC agrees with and appreciates this approach, including the addition of Village Centers with enhanced designation. It is not clear if these areas are also exempt from the definition of development, and suggest that this be clarified. We suggest that development and subdivision in both Growth Center designations, and areas planned for growth or existing settlement areas, should also be excluded. We suggest expanding the criteria of NDAs to include areas served by public sewer and water even it is beyond the quarter to half mile from the designated center. In Chittenden County our existing settlement areas with both sewer and water cover 8% of our county compared to 0.4% in designated Downtowns and NDAs.

9. Page 11, lines 5-14 - These sections define “connecting habitat” and “forest block.”

*Comment:* CCRPC recommends that these definitions be expanded to specifically reference mapping developed by ANR. The forest block definition is too broad and should be replaced with priority forest blocks, reflecting the good work done at the state level on this prioritization. Some additional guidance may be helpful to provide parameters around the minimum size of forest blocks or connecting habitat (see also comment #7).

- ~~10. Pages 14-24 – This language makes changes to the Natural Resources Board (NRB) from five members to three full time members. This proposes that the NRB becomes responsible for~~

~~reviewing major Act 250 applications along with two members from the relevant District Commissions. District Commissions and District Coordinators remain in charge of reviewing minor permits and amendments and making determinations on whether a project is major or minor. Comment: CCRPC does not have a position on this change. However, we are concerned about losing the benefit of being able to combine appeals from Act 250, DEC, and municipalities at the Environmental Court. We ask that the ability to combine appeals in one body remain.~~

11.10. Page 25, lines 6-18 - This section exempts designated downtowns and neighborhood development areas from Act 250 and allows for extinguishing of Act 250 permits in designated downtowns and neighborhood development areas. It is likely that this section has been amended to include Village Centers with enhanced designation as well.

*Comment:* CCRPC agrees with and appreciates this approach. However, permits in both Growth Centers (also a state approved growth area) and areas planned for growth (see comment 3) should also be exempt and allowed to be extinguished.

~~12. Pages 27-32 – This section increases fees.~~

~~*Comment:* CCRPC believes that an increase in Act 250 fees is counter to helping meet the larger challenges the state is currently facing with a lack of housing that is affordable and population loss in most regions.~~

13.11. Pages 32-35 – This section proposes a 30-day pre-application notice requirement to the public and affected agencies for larger Act 250 cases. It allows for municipal or regional planning commissions to hold hearings and provide recommendations to the applicant or District Commission.

*Comment:* CCRPC questions the necessity of this process in Act 250 in 10-acre towns (aka those towns with zoning). This mimics the Section 248/PUC process where most projects are exempt from local zoning. Development projects reviewed under Act 250 are also reviewed at the local level with a process which largely serves this same role. In addition, having the hearings at the local planning commission could create inconsistent advice to the applicant that they received from the local Appropriate Municipal Panel (i.e. DRB or PC/ZBA). If this process remains in the bill, CCRPC recommends that projects should be vested at time of submittal of the pre-application materials.

14.12. Page 47, line 5 – This section provides stronger language for applicants to provide bike, pedestrian and transit infrastructure.

*Comment:* CCRPC supports this stronger language.

15.13. Page 51, lines 3-5 – We understand that the requirement for inspection of buildings to verify energy code certifications has been removed. This section proposes certification and inspection of energy conservation and efficiency and the stretch energy code.

*Comment:* CCRPC still feels that there should be one consistent energy code applied throughout the state, not a higher standard for projects subject to Act 250.

16.14. Pages 53, lines 3-13 – This section proposes that a municipal plan must be approved by the Regional Planning Commission; and a regional plan must be approved by the Natural Resources

Board, in order for Plan conformance to be evaluated in Criteria 10.

*Comment:* CCRPC agrees with this approach. However, see Comment 20 for how and who approves the regional plans.

17-15. Page 56-57 - Presumptions for ANR permits in Act 250 Proceedings

*Comment:* CCRPC appreciates and supports the permit deference proposed for ANR permits for Criteria 1 through 5, and for municipal permits for Criteria 1 through 7, 9 and 10.

18-16. Page 57-58, lines 20-2 – This section adds language noting that if a municipality does not respond within 90 days to whether a development will impose an unreasonable burden on “educational, municipal or government services” the municipality to provide educational services, it will be presumed to have no impact.

*Comment:* CCRPC supports this change.

19-17. Pages 67-68 – This section requires ANR to produce resource maps, including for forest blocks.

*Comment:* Thank you for this section. It mostly addresses concerns identified above and should be referenced more specifically with regards to forest blocks and connecting habitat. It may be useful to clarify the relationship between this resource map and the Capability and Development Maps proposed on pages 87-89 and which layers should be used for jurisdictional determinations.

20-18. Page 69, lines 14-20 - This section has the Natural Resources Board approve regional plans and amendments if consistent with the goals of section 4302 of Title 24 (state planning goals).

*Comment:* CCRPC supports State review of regional plans. We request consideration of adding relevant State agencies into this review process (maybe by consultation). The following agencies should be consulted during this review so that all of our collective planning is as coordinated and consistent as possible: ACCD, ANR, and VTrans. If this approval is only under the authority of the Natural Resources Board, it should be clarified that this “approval” is only for the land use element, and only relevant for Criteria 10 under Act 250. We also request additional language be added so that the review is more similar to how RPCs review municipal plans. Besides reviewing the plan for consistency with the goals we also confirm that the plan contains all the elements required by state law in 24 VSA §4382(a) and is compatible with the approved plans of adjacent municipalities (or in this case RPCs). CCRPC appreciates the 30-day turn-around time and recommends the same timeframe for the additional state agencies suggested above, and if the timeframe is not met the plan should be presumed adopted.

21-19. Pages 71-72 – This section provides for the appropriate municipal development review panel to review Act 250 permits and take on or remove previously required conditions under certain criteria.

*Comment:* CCRPC supports and appreciates the intent of this provision to remove unnecessary conditions from properties and level the playing field for all property owners in areas exempted from Act 250 going forward. However, the proposed approach is challenging as not all local decisions are issued by an appropriate municipal panel (some are issued administratively by staff) and not all Act 250 conditions will fall under the authority of local zoning regulations. CCRPC

recommends that an approach is found that: 1. Does not impose this burden on the municipalities and keeps the burden of extinguishing these permits on the body that originally issued them; 2. Provides notification to interested parties to the original permit; and 3. Provides the municipalities with an option to take on these conditions if they feel equipped.

22-20. Page 84, lines 3-10 – This section requires ANR to adopt rules to designate highest priority river corridors.

*Comment:* CCRPC thinks this is a step in the right direction, but would like to see explicit language added giving direction to ANR to allow for appropriate infill in our already developed downtowns and villages. In addition, prioritization of river corridors should take a wholistic approach that looks at water quality and river biology rather than the singular lens of fluvial erosion.

23-21. Page 87-89 - Capability and Development Facts and Findings, Plan and Maps.

*Comment:* Thank you for including consultation with RPCs in the development of the study of the Capability and Development Facts and Findings, Plan and Maps. Rather than simply updating the maps, the Plan would provide a much more comprehensive process that incorporates balance and prioritization that can be a useful base for the state permitting system. It might speed the process to start with a review of the maps produced by the RPCs as part of the recent enhanced regional energy planning work. Please consider making a clearer connection to the map layers that would be appropriate for determining jurisdiction in forest blocks and connecting habitat as noted in Comment #4.

24-22. Exemption for Certain Transportation Projects

*Comment:* CCRPC would like to see the exemption for transportation projects that disturb less than an additional 10 acres included in the bill as proposed in Joint Proposal of the Administration and VNRC. (See page 21 of the “discussion draft” dated 1/14/2020.)

## Act 250 Bill

### VAPDA Discussion Points with Legislative Committee feedback

- ✓ Consensus support
- × Consensus oppose
- ~ No consensus or not yet reviewed

### Expand Act 250 jurisdiction:

- X Commercial and industrial developments within 2,000 feet of interstate interchanges (unless in a designated area or RPC approval)
- X New road/driveway construction of 2,000 feet in length
- ✓ Elevation above 2500 feet
- ✓ Address road and elevation as more resource-based protection map

### Exemptions to jurisdiction:

- ✓ Designated downtowns and neighborhood development areas *and ADD growth centers (9-2 in favor)*
- ✓ 'Enhanced' designated villages (adopted/approved municipal plan and adopted zoning and subdivision bylaws that address flood hazard and river corridor areas) – *very small areas, consider updating NDA criteria?*

### Process:

- × Shifts the responsibility for jurisdictional determinations from district coordinators to District Commissions
- ~ Environmental Review Board hears major cases. *House kept existing process.*
- ✓ 30-day application notice to RPCs
- ✓ Capability and development plan process – *add RPCs to the process*
- ✓ Municipal plan must be regionally approved to be used in Criteria 10  
Regional Plans approved by NRB – *(8-3), review to confirm(?) that they **meet statutory requirements** by “the State” with additional comments to be considered*
- ✓ Disposition of Act 250 permits by municipality – *with state review*

### Criteria:

- ✓ Criteria 5, stronger language on bike/ped
- ✓ Requires ANR to adopt rules to designate highest priority river corridors – *based upon public health and safety while respecting our existing centers. Needs more critical thought from DEC.*
- ✓ Update Capability and Development Map
- ✓ Resource Map