

“Necessary Updates to the Act 250 Program”: A report to the Legislature

Appendix

Legislative directives of Act 182 and Act 47:

1. How to transition to a system in which Act 250 jurisdiction is based on location, which shall encourage development in designated areas, the maintenance of intact rural working lands, and the protection of natural resources of statewide significance, including biodiversity. Location-based jurisdiction would adjust the threshold for Act 250 jurisdiction based on the characteristics of the location. This section of the report shall consider whether to develop thresholds and tiers of jurisdiction as recommended in the Commission on Act 250: the Next 50 Years Report.
2. How to use the Capability and Development Plan to meet the statewide planning goals.
3. An assessment of the current level of staffing of the Board and District Commissions, including whether there should be a district coordinator located in every district.
4. Whether the permit fees are sufficient to cover the costs of the program and, if not, a recommendation for a source of revenue to supplement the fees.
5. Whether the permit fees are effective in providing appropriate incentives.
6. Whether the Board should be able to assess its costs on applicants.
7. Whether increasing jurisdictional thresholds for housing development to 25 units would affect housing affordability, especially for primary homeownership, and what the potential impact of increasing those thresholds to 25 units would have on natural and community resources addressed under existing Act 250 criteria.
8. Develop a proposed framework for delegating administration of Act 250 permits to municipalities.

Act 250 fees:

The NRB assesses Act 250 permit application fees based on project construction costs, the number of subdivided lots created, the volume of earth resources extracted, and a supplemental fee at a reduced rate for the review of master plans involving phased development. These are:

- a. 10 VSA 6083a (a)(1): For applicants for projects involving construction, \$6.65 for each \$1,000.00 of the first \$15,000,000.00 of construction costs, and \$3.12 for each \$1,000.00 of construction costs above \$15,000,000.00.

b. 10 VSA 6083a (a)(1): An additional \$0.75 for each \$1,000.00 of the first \$15,000,000.00 of construction costs shall be paid to the Agency of Natural Resources to account for the Agency of Natural Resources' review of Act 250 applications.

c. 10 VSA 6083a (a)(2): For applicants for projects involving the creation of lots, \$125.00 for each lot.

d. 10 VSA 6083a (a)(5): For applications for projects involving the review of a master plan, a fee equivalent to \$0.10 per \$1,000.00 of total estimated construction costs in current dollars in addition to the fee established in subdivision (1) of this subsection for any portion of the project seeking construction approval.

e. 10 VSA 6083a (b): Notwithstanding the provisions of subsection (a) of this section, there shall be a minimum fee of \$187.50 for original applications and \$62.50 for amendment applications, in addition to publication and recording costs