



ACT 250 JURISDICTION CATEGORIES

State of Vermont
Natural Resources Board
District Environmental Commissions
<https://nrb.vermont.gov/>

Vermont's Land Use and Development Law prohibits the commencement of certain categories of development without first obtaining a land use permit. These categories are generally described below. To determine whether a specific project requires a permit, you should contact the district coordinator at the [Act 250 district office](#) (listed below) for a consultation or to obtain a written jurisdictional opinion.

ACT 250 REGULATES AND CONTROLS THE FOLLOWING:

1. Construction, logging, or farming above the elevation of 2,500 feet.
2. The construction of improvements for any commercial or industrial purpose (including not-for-profit developments but excepting farming, logging, or forestry) on more than 10 acres of land; or on more than one acre of land if the municipality does not have both permanent zoning and subdivision bylaws.
3. The construction of 10 or more housing units, or the construction or maintenance of mobile homes or trailer parks with 10 or more units, within a radius of 5 miles of any point within any continuous period of 5 years. The 10-unit threshold is higher for certain priority housing projects. (Priority housing projects are defined under 10 V.S.A. § 6001(35), must be located within certain state-designated centers, and must incorporate certain affordability requirements.) Furthermore, until July 1, 2026, in certain state-designated centers, the 10-unit threshold may be higher for non-priority housing projects as well. See your district coordinator for more information or to request a jurisdictional opinion.
4. Subdivision of land creating 10 or more lots of any size within a 5-mile radius or within the jurisdictional limits of a district commission within a continuous period of 5 years.
5. Within a town that does not have both permanent zoning and subdivision bylaws, subdivision of land creating 6 or more lots of any size within a continuous period of 5 years.
6. The partition or division of land creating 5 or more lots of any size within a 5-mile radius within any period of 10 years, by public auction.
7. The construction of improvements for a municipal, county, or state purpose on a tract of land involving more than 10 acres that is to be used, or is incidental to the use, for municipal, county, or state purposes.
8. Any physical change or change in use of an existing pre-1970 development or subdivision

(of a type that would require a land use permit if built today) that could result in a significant adverse impact with respect to the Act 250 criteria.

9. The construction of a support structure which is primarily for communication or broadcast purposes, and which extends 50 feet or more in height above ground level or 20 feet or more above the highest point of an attached existing structure.
10. The exploration for fissionable source materials beyond the reconnaissance phase or the extraction or processing of fissionable source material.
11. The drilling of an oil or gas well.
12. Any withdrawal of more than 340,000 gallons of groundwater per day from any well or spring on a single tract of land or at a place of business, independent of the acreage of the tract of land.

ACT 250 DOES NOT REGULATE OR CONTROL THE FOLLOWING:

1. The construction of improvements for farming, logging, or forestry purposes below the elevation of 2,500 feet.
2. The construction of improvements for an electric generation or transmission facility that requires a certificate of public good under 30 V.S.A. § 248 or is subject to regulation under 30 V.S.A. § 8011.
3. The construction of improvements for agricultural fairs that are registered with the Agency of Agriculture, Food & Markets and that are open to the public for 60 days per year or fewer, provided that, if the improvement is a building, the building was constructed prior to January 1, 2011, and is used solely for the purposes of the agricultural fair.
4. The construction of improvements for the exhibition or showing of equines at events that are open to the public for 60 days per year, or fewer, provided that any improvements constructed do not include one or more buildings.
5. The construction of improvements for certain composting operations located on farms, depending on the source, composition, and amount of the inputs to such compost.
6. The construction of certain priority housing projects below certain numerical housing unit thresholds in specific state-designated areas (consult with the [district coordinator](#) for more details).

ACT 250 PROCEDURE

Upon receiving a complete application, the district commission determines whether it will be processed using the "minor" or "major" review process. Applications that have thoroughly addressed all of the Act 250 criteria, and which present no significant adverse impact under any

of the criteria can be reviewed using the minor process. No hearing is held for a minor application unless an interested party, a local or state agency, or the district commission requests one. Major application reviews require a public hearing before the three-member district commission. The district commissioners are appointed by the Governor. Their responsibility is to consider each application for a land use permit in accordance with the criteria of 10 V.S.A. Chapter 151.

At the conclusion of a hearing, the district commission will either adjourn the hearing or declare a recess to a later date to allow additional information to be presented. Once the hearing is adjourned, the commission will issue a decision in the form of findings of fact and conclusions of law, and, if appropriate, a land use permit within twenty days.

Any party may appeal a decision issued by a district commission. The appeal from a district commission decision is to the Superior Court, Environmental Division. A decision of the Environmental Division may be appealed to the Vermont Supreme Court.

Act 250 permits do not supersede or replace the requirements of other local or state permits. For additional information about Act 250 and its relationship to local or state land use laws, contact the appropriate District Coordinator. You can look up district numbers by town online at <https://nrb.vermont.gov/documents/town-county-district-list>.

Districts 1 and 8

440 Asa Bloomer State
Office Building, 88 Merchants
Row, 4th Floor
Rutland, VT 05701
NRB.Act250Rutland@vermont.gov

Districts 2 and 3

100 Mineral Street, Suite 305
Springfield, VT 05156-3168
NRB.Act250Springfield@vermont.gov

District 4

111 West St.
Essex Junction, VT 05452
NRB.Act250Essex@vermont.gov

Districts 5, 6 and 9

10 Baldwin Street
Montpelier, VT 05633-3201
NRB.Act250Barre@vermont.gov

District 7

374 Emerson Falls Rd., Suite 4
St. Johnsbury, VT 05819-2099
NRB.Act250StJ@vermont.gov

Natural Resources Board Website: <http://www.nrb.vermont.gov>

This generalized fact sheet is not comprehensive. It is intended for informational purposes only. It does not have the force of law, nor does it supersede existing law and regulations, which should be reviewed for a more complete understanding of Act 250 jurisdiction.

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