From: Alex Weinhagen <aweinhagen@hinesburg.org>
Sent: Tuesday, January 30, 2024 9:04 PM
To: VPA@LIST.UVM.EDU
Subject: VPA Legislative Summary - 1/30/24
Attachments: H-0687 As Introduced.pdf; DR 24-0067_outline_1-26-2024.pdf; DR 24-0067_Draft4.1_1-26-2024.pdf

VPA Members,
A lot of bill introduction last week with some higher-level testimony. This week, the House Environment and Energy Committee and the Senate Economic Development, Housing and General Affairs Committee delved more deeply into their respective Act 250 reform bills.

H.687 – House Environment and Energy - *see attached bill language as introduced*
This bill expands Act 250 review criteria to protect forest blocks and habitat connectors (see pages 36-42). The bill includes some location-based jurisdiction with regard to automatic Act 250 jurisdiction in critical resource areas (see below) and the potential for Act 250 exemption in planned growth areas – determined by municipalities, recommended by Regional Planning Commissions, and approved by a State board (see pages 45-54). The bill mentions the future land use areas recommended in the VAPDA study report, but isn't strongly tied to them. The bill doesn't mention the tier areas recommended in the NRB study report. The bill proposes to expand Act 250 jurisdiction, by changing various triggers (see pages 42-45): 10+ lots/units reduced to 4+ lots/units in rural areas (most of the state); development more than 500 feet from a Town/State road; development within 25 feet of a critical resource area (e.g., river corridor, wetland, prime agricultural soil, 15%+ slopes). The beginning of the bill is concerned with changing the name and composition of the Natural Resources Board – would be changed to the Environmental Review Board. The new ERB would hear Act 250 appeals rather than the E-court. This organizational and appeal process change has been a deal breaker in past sessions, so it may not survive an eventual House, Senate compromise.

> **What do you think?** *Email members of the House Environment and Energy Committee and their staff person.*

DR 24-0067 – Senate Economic Development, Housing and General Affairs – *see attached outline and bill language (draft 4.1, 1/26/24)*
Known as the BE Home Bill, this draft bill is being developed by the committee before formal introduction. You can find it via the link above, or on the committee's webpage by scrolling down, clicking on Browse by "Bill". This bill has significant Act 250 reform elements (pages 4-16, 27-34), housing program/funding provisions, and municipal land use regulation changes (16-26). It also includes a welcome fix to remove the need for duplicative State water/wastewater permits for new development that will connect to a municipal water/sewer system. The Act 250 reform elements include a host of exemptions for housing projects – in designation areas, in municipal water/sewer service areas, etc. It also includes changes to the Act 250 appeal process and timing – notably not through the creation of an ERB like in H.687. The bill does an admirable job of incorporating provisions from the Act 250 reform study recommendations!

Unfortunately, the draft bill picked up several problematic municipal land use regulation pre-emptions from H.719, which are supported by the Governor. As noted in last week's update, these include mandates on the size of a parking space (no larger than 8'x16'), allowance for tandem/stacked parking

spaces, stipulating lot coverage allowances but also requiring that these be disregarded for new housing within municipal water and sewer areas, etc. The level of specificity in these limitations on municipal zoning regulations is so remarkable as to make one think that local planning practitioners were involved and submitted some sort of report with detailed recommendations. That of course did NOT happen.

Other unfortunate municipal zoning provisions include seemingly contradictory requirements on minimum allowed residential density, and a new time horizon for a Development Review Board (any appropriate municipal panel) to render decisions. Last year's HOME Act mandated a minimum density of five dwelling units per acre in areas served by municipal water and sewer. DR 24-0067 retains this provision, but seemingly contradicts it by requiring that four-unit structures be allowed on lots as small as 1/5 acre. Sounds a lot like a mandate for 20 units per acre based on building type. Currently, DRBs and other appropriate municipal panels that review development applications have 45 days from the close of a hearing to issue a written decision. DR 24-0067 proposes to change this to 60 days from the date an application is submitted! Far shorter than what the same bill proposes for the E-court's decision time horizon.

<u>These both picayune and sweeping changes to municipal zoning need substantial revision or simply need to be removed from the bill.</u> They do not address the real limitations to creating more housing, and have the potential to do just the opposite by tying local zoning regulations and development review in knots, and creating unnecessary and unintended consequences.

> ***What do you think?*** *Email members of the Senate Economic Development, Housing and General Affairs Committee and their staff person.*

Really… please do! If for no other reason than to remind them of how long an F-150 pickup truck is. Hint: it's longer than a 16' parking space.

Alex Weinhagen
Vermont Planners Association
President & Legislative Committee Member
aweinhagen@hinesburg.org
https://nne.planning.org/sections/vermont/
802-777-3995 (cell/text)
802-482-4209 (Town of Hinesburg – the day job work phone)

VERMONT PLANNERS ASSOCIATION

Advancing the art and science of planning in Vermont