

**From:** Vermont Planners Association <VPA@list.uvm.edu> on behalf of Alex Weinhagen <aweinhagen@HINESBURG.ORG>  
**Sent:** Tuesday, February 6, 2024 11:44 AM  
**To:** VPA@LIST.UVM.EDU  
**Subject:** [VPA] VPA Legislative Summary - 2/6/24  
**Attachments:** 24-0067 Draft 6.1 Outline~2-2-2024.pdf; DR 24-0067 draft 6.1~2-2-2024.pdf

VPA Members,

Permit reform via the [BE Home Bill \(DR 24-0067\)](#) has the spotlight this week in the Senate Economic Development, Housing and General Affairs Committee. A new draft of the bill (version 6.1) was released at the end of last week. See attached for the outline and the draft bill language. Thankfully, changes to how long appropriate municipal panels (e.g., DRB) have to render decisions have been removed in this new draft. However, most of the problematic pre-emptions of municipal zoning remain in the bill. It's really important that committee members hear from the planning community, particularly municipal planning and zoning staff! **Please consider sending a brief email THIS WEEK to the Senate Economic Development, Housing and General Affairs Committee.** Members and email addresses listed below.

The BE Home Bill (DR 24-0067) contains both pros and cons. The municipal zoning changes/pre-emptions are largely problematic, but many of the Act 250 reforms are very substantive and worthy of consideration. Here are some highlights from yesterday's discussion amongst the VPA's Legislative Committee.

**Pros:**

- Removes agricultural soil mitigation for alternative wastewater systems in designated centers.
- Exempts housing developments in designated centers from Act 250 review.
- Elevates State permits (e.g., ANR stormwater) as conclusive evidence of compliance with relevant Act 250 criteria.
- Implements location-based jurisdiction over the next two years, in accordance with the VAPDA land use designation study and NRB study – i.e., municipalities to designate Tier 1, 2, 3 areas.
- Other non-regulatory provisions: funding for various housing programs; land bank study, rental registry, etc.

**Cons:**

- Sets dimensions for a parking space at 8'x16'.
- Requires that municipalities allow for tandem (stacked) parking.
- Requires that municipalities disregard any lot coverage maximums for subdivisions that create new housing in municipal water/sewer areas. Otherwise, requires that municipalities allow for a lot coverage of at least 50% in municipal water/sewer areas, and further that a 20% lot coverage bonus be provided on lots that allow access to new lots without road frontage.
- Extends the protected class of use related to State or community-owned facilities to include private institutions and facilities that serve a "public function" (not defined).
- Requires that any type of permanently affordable housing be a permitted use if on land owned by a religious non-profit.

**Senate Economic Development, Housing and General Affairs Committee:**

- Senator Keshia Ram Hinsdale (Chair) - [kramhinsdale@leg.state.vt.us](mailto:kramhinsdale@leg.state.vt.us)
- Senator Alison Clarkson - [AClarkson@leg.state.vt.us](mailto:AClarkson@leg.state.vt.us)
- Senator Randy Brock - [rbrock@leg.state.vt.us](mailto:rbrock@leg.state.vt.us)
- Senator Ann Cummings - [acummings@leg.state.vt.us](mailto:acummings@leg.state.vt.us)
- Senator Wendy Harrison - [wharrison@leg.state.vt.us](mailto:wharrison@leg.state.vt.us)
- Committee Staff/Assistant – Magali Stowell Aleman - [mstowellaleman@leg.state.vt.us](mailto:mstowellaleman@leg.state.vt.us)

Other news and bills on the Senate side of the Statehouse:

**S.213 – State regulation of flood hazard areas, wetlands, river corridors and dam safety**

Perhaps most significantly, this bill proposes to move regulation and permitting in flood hazard areas from municipalities to the State, while allowing delegation back to those municipalities interested in retaining that responsibility. This bill is slated to be voted on by the Senate Natural Resources and Energy Committee at the end of this week. The VPA Legislative Committee discussed it briefly yesterday, and felt there were potential resourcing issues (need more State personnel and funding) and unintended consequences of moving to a uniform statewide flood hazard code. Our committee felt this idea deserved further study – i.e., a summer study committee with any legislative action to occur in 2025. A more thorough summary of the bill follows:

Proposes to amend state policies and rules regarding wetlands, flood hazard areas, and river corridors, effective July 1, 2026. Wetland rules would be amended to incorporate a new state policy to produce a net gain in wetlands acreage; and ANR would be required to update and revise VT Significant Wetlands Inventory Maps annually. The Flood Hazard Area and River Corridor Rule would be amended to require that the state issue and enforce permits for development within these areas, along with a process for the delegation of state authority to qualified municipalities. It would also amend the rules to include a process to amend the River Corridor Base Map to identify areas within designated centers that are suitable for infill and redevelopment. The bill would also amend the Unsafe Dam Revolving Loan Fund to provide loans for both emergency and nonemergency dam repairs, and would hold land or dam owners liable for harm caused by dam breaches.

**S.308 – Act 250 Reform Bill**

This is a companion Act 250 reform bill to H.687 on the House side. However, having had more time for drafting, this is a much more comprehensive bill that thoroughly seeks to implement the various recommendations in the summer studies from VAPDA, the NRB, and ACCD’s designation reform study. Refreshing to see so much work by planners transferred from study recommendations into a piece of legislation! Lots of provisions to be phased in over a couple years to exempt designated centers from Act 250 review, but with very stringent requirements for municipalities, which could make actual exemption areas very limited. Like H.687, this bill increases Act 250 jurisdiction outside of designated centers by lowering the trigger from 10 lots/units to 4 lots/units, and creating automatic Act 250 jurisdiction for development in any “critical resource areas”. It will be interesting to see how the “marriage” of H.687/S.308 goes with the BE Home bill (DR 24-0067), given that the BE Home Bill has much more robust Act 250 exemption provisions.

**S.55 – Open Meeting Law and hybrid meetings**

This bill seeks to make permanent changes to the Open Meeting Law to require hybrid meetings that became more widely used in response to the covid pandemic – i.e., in person and remote at the same time. The Senate Government Operations Committee has been discussing this for some time. VPA has only been lightly tracking this bill. The VT League of Cities and Towns (VLCT) is more involved. See this [link](#) for testimony provided by Ted Brady (VLCT Executive Directory) in late January.

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