

TO: House Environment and Energy

FROM: C. Baker, C. Dimitruk and P. Gregory, RPC Testimony

DATE: February 2, 2024

RE: H. 687 and Draft Future Land Use Language

Attachment: FLU + Statutory Changes 20240202

The following written testimony summarizes the testimony this week, and provides some additional information and recommendations in response to the questions from Committee members. Thank you for the opportunity to provide feedback to the Committee.

H. 687, Tiers 1a and 1b

We recommend amending the bill so that 1b status confers automatically to Downtown and Village Centers, Planned Growth Areas and Village Areas upon approval of the regional plan by the new ERB. We understand concerns raised by the committee about this recommendation, and have adjusted the proposed definition of these areas to address those concerns that some villages won't have sufficient organizational capacity. In general, we still support being as inclusive of all areas of the state as possible. Those changes are summarized below and shown in the attached document.

Since not all eligible Tier 1a municipalities will choose to apply for 1a status, we believe there should remain an exemption for Priority Housing Projects in Downtown Areas and Planned Growth Areas. Otherwise, as currently drafted, exemptions would be limited to 50 units, which is a step backward from the current system.

Specific Recommendations for Requirements for Tier 1a (Page 48 of draft 1.1)

(F) Urban form bylaws.. ~~make reasonable provision for buildings in~~ designate a portion of areas ~~with served by~~ sewer and water to allow buildings of ~~have at least six~~ more than three stories, and conform...

(H) Wildlife habitat planning bylaws: understanding the intent described in the committee, we think the language here could be more focused. (H) Wildlife habitat planning bylaws for the planned growth area that ~~comply with standards established by the Board in consultation with the Department of Fish and Wildlife~~ protect Significant Natural Communities, Rare Threatened and Endangered Species and river corridors/floodplains.

(J) Municipal staff...

If this remains only applicable to Tier 1a, then this section as written makes sense given the complete Act 250 exemption.

Future Land Use, Statutory Changes dated 2024-02-02

Several changes were made to the RPC drafted legislative language in response to comments from Committee members. A summary of the changes is below, and they are marked in green on the attached document.

Page 8, adoption of a Regional Plan

Language was added to codify the intended approach of the regional planning process, and the approach that is generally followed already. This helps to ensure a consistent approach statewide and to ensure the intent of strong municipal and community collaboration remains clear well after this legislative session.

Page 19, Downtown and Village Centers

'hamlets' was removed from the definition. This was included initially by mistake; there is a separate category for hamlets.

Page 20, Housing

A more explicit link to the housing targets required in the HOME act was added.

Page 21/22, Village Areas

In response to concerns raised by Committee members, this definition was adjusted to:

- add a requirement for water, sewer or soils that can support community systems
- add a requirement was added that the municipality have an approved plan and land development regulations
- explicitly remove fluvial erosion and flood hazard areas (the same language proposed for Planned Growth Areas).

By adding these requirements to the area's definition, we believe we addressed the concerns about conferring 1b status automatically upon acceptance of the regional plan future land use map.

Page 23/24, Rural- Conservation

Wording was adjusted to reflect the importance of recognizing the people that own the land, use the land, or live there.

[END]