



Testimony on H.687 and S.311

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We provided much of our testimony on S.311 previously and appreciate the opportunity to comment on H.687 today. We will also suggest how to integrate sections of S.311 into H.687. In H.687, Section 26 page 45 10 VSA 6001 is the place to insert interim exemptions.

It is critical that this committee substitute Sections 2 and 3 from H.311 in place of Section 26 of H.687. We believe that these interim exemptions should extend to all designated areas in Vermont until June 2029. If you want to incent housing development, this is how you do it.

This will also requiring striking Sec 28 a (threshold 25 units because it conflicts with language from S.311) and Sec 28c Jurisdictional Opinions.

#### Environmental Board

We have always been in favor of efforts to better support the Natural Resources Board and their evolution to a professional Environmental Board. In our written comments to the Natural Resources Board Study Committee, we identified providing consistency and predictability across the 9 District Commission decisions as a key priority. We believe that a well-supported Environmental Board, supporting the district commissions with training and professional services, providing rules and input on decisions will lead to a more transparent permitting process.

#### Habitat Connectors

Vermont's forests cover 4,591,281 acres of land. That is equal to 78% of the state, a level which has remained steady since the 1980s. Individuals and families own more than 80% of the forest. Laws that regulate forests impact these landowners.

On page 37 (C) This language will impact all these landowners. The Board and ANR will adopt rules by 6/15/26.

#### Road Rule

When we ask our members their opinion on the road rule, they are universally opposed to this concept. We recognize that this rule is important to many organizations and suggest that it apply to tier 3 areas and ask the committee to develop an opinion on what parts of tier 2 the road rule should apply to.

## Location Based Jurisdiction

### Section 27, Tier 3 rulemaking

Our opinion on Tier 3 is that it addresses disparate sensitive ecological areas of Vermont. When we think about tier 3 areas forests and areas about 2500 feet come to mind. When we consider river corridors and headland waters, we are looking at a vastly different environment. The impact of river corridors through most tier 1A and 1B towns will have a significant impact on future incentives for development. The regulations around river corridors will need to drive future planning.

This bill requires the Board and ANR to enact a work group by 1/1/25 with a report due 2/1/26. We would like to be added to this group.

### Tier 1

Tier 1B Requirements are reasonable but as we noted previously, (D) flood hazard conditions will be extensive for many towns.

### Tier 1A 1/1/26

Appeal of tier 1A pg. 58(e) (2) (A) A person owning title to or occupying property within or abutting tier 1A areas? One person? This conflicts with (D) and should be removed.

### Tier 2 Area Report 2/15/26

The definition of tier 2 all lands as not tier 1 or tier 3 needs to be better defined. Tier 2 will encompass most of the state including one-acre towns, rural and working lands, forests, and areas of tier 1A and 1B towns that fall outside the designated growth areas. Tier 2 does not have the same regulations as before. This bill would add Forest Blocks, Connective Habitat regulations as well as the road rule to all of tier 2.

Section 36 Future Land Use Maps Will they be ready by 12/31/2026, suggest 2027 Location based review 2/1/29D.

Pg 87 Land use definitions we believe that these definitions should be used for the Board rulemaking as well. Suggest that perhaps definitions of (H)rural general, (I) Rural Ag and forestry and (J) Rural Conservation starting on page 91 should be considered as areas to implement forest fragmentation and the road rule.



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Section 47 State Community Investment Program. Page 108 (2) review and comment on regional plans, We believe that this section should have a time limit and not interfere with .

I want to finish with our position on the Environmental Review Board hearing appeals. We believe that the Board should be creating rules and providing guidance and assistance when district commissions make decisions. We do not think that a board that is involved in permit decisions should then hear appeals of decisions that they have been involved in. This process needs a separation of powers and appeals need to be heard by the judiciary.

Sections of S.311 that should be added to H.687

Housing programs starting at Sec 40 of S.311

Sec 56 Flood Disclosure language

Sec 65 Land Bank study

Sec 67 Landlord Tenant Work Group, we would like to participate in this group.