



February 25, 2014

The Honorable Tony Klein
Chair, House Committee on Natural Resources and Energy
Room 44
115 State Street
Montpelier, VT 05633-5301

Dear Representative Klein,

The City of South Burlington greatly appreciates this opportunity to comment on H. 823 entitled "An act relating to encouraging growth in designated centers and protecting natural resources". We offer the following comments for your consideration on Draft No. 1.6 – H.823, 2/21/2014 – ADA – 06:19 AM:

1. *Page 11, line 17-21, Page 12, line 1-3.* We strongly recommend either including "new town centers" or "designated centers" to *Page 11, lines 17-21*, and "mixed-use" to *Page 12, line 1* to incentivize Priority Housing Projects with mixed income housing and mixed use (which includes mixed income housing) in our community.

City residents and affordable and market rate housing developers have been meeting for two years to understand and identify strategies on how to create more affordable housing in South Burlington, where most housing is not affordable. A general finding has been that building new housing is expensive, and efforts to reduce development costs would facilitate more affordability.

The community vision for a downtown also includes commercial development mixed with residential. Our understanding is that mixed-use is more expensive to build and has a less reliable or established market; therefore it is less attractive to developers and incentives would help. Finally, we note that the bulk of our New Town Center would require redevelopment of existing strip development which has opportunity costs as well as additional demolition costs. Incentives to offset these costs will greatly assist our community in achieving the long held vision for City Center.

2. *Page 23 of 32, line 14 – 20, on line 17*, we strongly recommend the insertion of the modifier "associated with a downtown development district" after "neighborhood development area" so that the District Commission may, in appropriate circumstances and within any neighborhood development area, approve off-site mitigation or some combination of onsite and off-site mitigation if that action is deemed consistent with the agricultural elements of local and regional plans and the goals of 24 V.S.A. or on *Page 20, line 18*, delete "associated with a downtown development district" after "neighborhood development area".

The language in the current draft of § 6098. MITIGATION OF PRIMARY AGRICULTURAL SOILS (a)(1)(B)(i) and (a) (3)(B) in the aforementioned lines requires that neighborhood development areas not associated with a downtown development district have a stricter level of mitigation (required to mitigate onsite) than any other property outside of a neighborhood development area.

The District Commission is provided no flexibility within neighborhood development areas to mitigate offsite at a 1:2 to 1:3 ratio. This creates a disincentive to become a neighborhood development area, as, if we became a neighborhood development area, mitigation would then be always required onsite, whereas otherwise, the District Commission has flexibility.

This is also at cross purposes with the H. 823 intention to incentivize growth in designated centers and protect natural areas.

A South Burlington committee, Sustainable Agriculture, has been meeting over the past two years in order to develop recommendations for incorporation into the City's comprehensive plan and land development regulations update which, once completed, will provide the Commission a resource in granting flexibility.

We appreciate the following changes reflected in the current draft:

1. *Page 3, line 4.* The inclusion of "discrete" in describing how to count numbers of housing units in a given priority housing project that is categorized as "development" which result in jurisdiction is a substantial improvement.
2. *Page 13, line 4.* The reference to "designated center" as an Existing Development is a positive clarification.

Thank you for this opportunity to comment on this important House bill. Your committee's consideration of how the language will impact our community is critical to South Burlington's ability to develop a compact downtown.

Yours sincerely,



Ilona Blanchard
Project Director

Cc: Representative Ann Pugh
Representative Helen Head
Representative Michele Kupersmith
Representative Maida Townsend
Kevin Dorn, City Manager