

## **Testimony on H.687 – Community Resilience and Biodiversity Protection through Land Use**

House Environment and Energy Committee

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Representative Sheldon and members of the committee: Thank you for inviting me to testify today on H.687 as introduced. I come to this testimony with over 15 years of professional experience as a land use planner, currently with the Bennington County Regional Commission, and previously as the Planning and Zoning Director for the Town of Manchester.

I am here to testify in support of H.687. The bill has the potential to lead to meaningful protection of Vermont's landscape and biodiversity while at the same time further addressing the state's housing needs. This bill underscores that addressing the climate crisis is inextricably linked to alleviating the state's housing crisis by aiming to protect ecosystem functions while facilitating the development of denser and more vibrant built environments in our community cores.

Although Act 250 can be rightfully credited with saving Vermont from indiscriminate and uncontrolled development, for too long it has allowed continued small-scale sprawl that has had negative consequences on our forest environments, our rural working landscape, the development of an adequate supply of housing, and on the vitality of our towns and villages. By restructuring the board that implements the law and underpinning its implementation on approved future land use mapping, Vermont's land use goal of compact vital and resilient centers surrounded by rural working lands and protected natural areas will be better served.

I will focus my testimony on provisions of H.687 that I think may need further clarification or revision to maximize the effectiveness of the proposed reforms, particularly with respect to the ability of Vermont municipalities to secure the Tier 1A and Tier 1B planned growth area designations that will re-enforce centralized development within our community cores and protection of rural character and ecological integrity outside of those cores. This will happen by incentivizing environmentally responsible development in the core areas with Act 250 exemptions and ensuring clustered and environmentally responsible development outside of those cores through improved implementation of Act 250 review and permitting.

First of all, it is clear that the proposed reformulations will take years to roll out and implement. Consequently, in the interim, it will be critical that the Act 250 exemptions for priority housing projects within state designated areas that were enacted under the HOME Act are carried forward until the new Act 250 rubric is in place. Therefore, I support H.652 as introduced by Rep. Bongartz as a companion to H.687.

As currently contemplated under H.687, the Tier 1B designation will not likely be attainable by most municipalities for which it was envisioned. In the Bennington region, only Bennington and possibly Manchester would be eligible for consideration of the Tier 1A designation and none of the remaining 15 municipalities in this region would likely meet the requirements for Tier 1B designation. This is because they lack staff capacity to meet the requirements, and none operate both municipal water and wastewater systems (although three incorporated villages

utilize the Bennington and Manchester water and wastewater systems, they lack staff capacity). To maximize the effectiveness of the bill, it will be important to consider revisions that will allow more municipalities to attain the designations.

Accordingly, I suggest the following revisions for H.687:

- Incorporate regional future land use categories and mapping into regional plan adoption procedures as proposed by VAPDA representatives Charlie Baker and Catherine Dimitruk. These future land use categories should be clearly defined and delineated from the designation categories contemplated in H.687.
- Consider requiring only a municipal water **or** wastewater system or allowing for the development of community scale water and wastewater systems with proposed development for Tier 1B municipalities.
- Require flood hazard and river corridor regulations for Tier 1B municipalities unless there are no identified flood hazards or river corridors within the municipal boundaries.
- Articulate minimum standards for permanent subdivision regulations. These are currently not spelled out in statute or rule.
- Articulate minimum standards for wildlife habitat bylaws contemplated under 10 VSA Section 6032(b)(1)(H) in the bill. There are likely very few municipalities that have any such bylaws currently, and most would require assistance to develop and adopt minimum standards to be eligible for the Tier 1A or 1B designations.
- Increase RPC capacity to help with municipal staffing deficiencies for contemplated Tier 1B towns and villages, coordination on future land use mapping, and assistance with adopting land use regulations that meet minimum standards for designation.
- Increase capacity of the Department of Housing and Community Development Bylaw Modernization Grant Program to assist more municipalities to adopt land use regulations that meet minimum standards for Tier 1A and 1B designations.
- Insofar as the online ANR Natural Resource Atlas GIS data will be used to help develop regional and local land use maps, the atlas must be updated with current and corrected data on a more regular basis.
- Consider removing language from 10 VSA Section 6027(c) allowing the Board to designate or require a regional planning commission to “receive applications, provide administrative assistance, [and] perform investigations” on Act 250 applications. Although RPCs are regularly called upon to comment on applications for development with regional impacts, they have not been tasked to assist in the administration of Act 250 and are likely not equipped to do so.

The key idea that will lead to better land use decisions going forward is basing Act 250 jurisdiction on approved future land use maps. This will shift us to better decision-making early in the land use permitting process and reduce conflict and unintended consequences later. These maps will be developed with close collaboration between RPCs and municipalities, reflecting the longstanding working relationships that the RPCs share with their member municipalities.

As you continue your work on H.687, I would welcome the opportunity to comment further and I am happy to answer any questions that committee members may have for me this morning.