

Testimony to Senate Natural Resources and Energy Committee

Regarding H.424

Charles Baker, Executive Director, Chittenden County Regional Planning Commission

Friday, April 10

Thank you to the Committee for providing me the opportunity to comment on H.424. I am here this morning representing the Vermont Association of Planning and Development Agencies (the state association of regional planning commissions) as well as the Chittenden County Regional Planning Commission. Prior to taking the job with CCRPC in 2008, I ran a large department in New Castle County, DE that had integrated permitting with State agencies and processed more permits per year than are issued in the entire State of Vermont each year. I also serve on the Housing Vermont board.

We support this bill and the effort it represents to review Act 250. This is a great idea and this is the right time to evaluate it.

We support Chair Snelling's idea of evaluating how well Act 250 is helping Vermont to achieve our planning goals. As one example, in Chittenden County, after Act 250 became law the percentage of our rural development increased from 20% to 35% of our housing units. While I can't say that this was solely due to Act 250, it is interesting to note that the intent of Act 250 was to limit sprawl yet the opposite occurred.

Much has changed over the last 50 years in State and municipal land use and natural resource regulation. There are new State regulations and permitting processes that did not exist when Act 250 was created. And there is a significant difference how many of our municipalities regulate development since the early 1970s.

There is an opportunity here for the Commission on Act 250: the Next 50 Years to develop recommendations that will build on the permitting systems that have developed over time to create a more integrated system. Today, there is no clearly articulated connection between state regulatory processes and the municipal regulatory system unless the municipality decides to create the connection on its own. This situation leads to much of the frustration that is often blamed on Act 250. Property investors are understandably frustrated when the same issue is getting review by two or three different agencies. This is the time to improve the system and provide clarity as to which issues get reviewed by which agency.

There is also an opportunity here to look at whether Act 250 could better support the implementation of municipal plans. The reliance of criteria 10 on municipal plans without involving municipal regulation (when the municipality decides to regulate development), I believe, reduces the incentive for municipalities to implement their plans through their bylaws.

We would like to see a stronger direction in the bill to evaluate not just Act 250, but it's key role that it does play or could play in the overall permitting system that has evolved in the State. We would like to see the development of an INTEGRATED permitting system as an explicit objective. Suggested changes to the bill to accomplish this are provided below with underlined highlights:

Page 5 - (a) Establishment. There is established the Commission on Act 250: the Next 50 Years to:

- (1) provide information regarding Act 250 and its operation and implementation to date; and
- (2) review and make recommendations on improving the effectiveness and efficiency of the Act and other permitting processes as currently implemented in achieving the Act 250 goals.

Page 7 - (d) Information. The Commission shall summarize and present to the public:

- (1) the purpose and requirements of Act 250 and the rules adopted pursuant to the Act, and the process for appealing decisions;
- (2) the history of Act 250 and its implementation; and
- (3) the data on numbers of applications and appeals and processing times for each; and
- (4) the relationship of other state and municipal permitting processes to the Act 250 permit process.

Page 10 - (B) The Commission's examination shall identify changes in these planning and permitting processes that would assist in making Act 250 and the entire Vermont land development and natural resource protection permitting system more effective and efficient.

On a final note, due to the significant role that the regional planning commissions play in supporting municipal planning and bylaw development and our statutory party status and involvement in Act 250, we would ask to formally have a seat on the Commission or an advisory board if one is formed. We believe we could provide valuable insight and data to the Commission and would commit to an internal process to reflect the views of all of the regional planning commissions around the State.

Thank you for your consideration.