



Memorandum

Date: August 27, 2020

To: Honorable Tom Stevens, Chair, and Members, House General, Housing and Military Affairs

From: Karen Horn, Director, Public Policy and Advocacy

RE: S. 237 Zoning and Housing Legislation

I am writing to you on behalf of the 246 cities and towns in Vermont, all of whom are members of the Vermont League of Cities and Towns, to urge you to amend S. 237 in Sections 1 and 2. We urge you to remember that local governments are closest to their constituents. Volunteer planning commissions, zoning and development review boards have spent decades developing and implementing plans that reflect their constituents' visions, and assure that Vermont's unique, place based communities you call home, meet the long standing state goals of compact settlement surrounded by rural countryside.

Please amend S. 237 to assure that local work can continue at the local level.

Section 1 requires that a municipal plan include maps of water supply lines, facilities and service areas, sewage disposal lines, facilities, and service areas. We urge you to delete this requirement.

There are several problems with this section. The first is that some water and wastewater lines are extremely old, dating to the Civil War, and locations are not precisely known. Secondly, maps of drinking water supply and wastewater lines and facilities are not typically made public due security and anti-terrorism concerns. Requiring municipalities to publish detailed information about security sensitive infrastructure such as drinking water and wastewater facilities and service lines is reckless. Maps of general service areas could be provided without specifics that raise those concerns. When engineers need such information for projects, they are welcome to ask the municipal public works department and they will receive the necessary information. Thirdly, producing such maps would be hugely expensive for many towns. And lastly, capacity to increase connections to service is limited significantly in some communities due to system capacity constraints.

Section 2 mandates that in any residential district, bylaws include:

- a. (1) (D) Multi-unit dwellings of at least four units in any district that allows multi-units
- b. (1) (A) 1/4 acre residential lots if the area is served by a municipal water supply
 - (B) 1/8 acre residential lots if the area is served by municipal water supply and wastewater systems
 - (C) prohibition of conditional use approval for a two-unit dwelling in any area that allows residential uses and is served by a water and wastewater municipal system.

The combined requirements would exponentially increase housing units in areas served by water and wastewater, some of which are quite rural in nature. If a town failed to include the above provisions, it would have to file a Substantial Municipal Constraint Report, which would be published on the Department of Housing and Community Development website along with all comments. Grant and loan funding on a range of programs will be prioritized for towns and cities that comply with the new mandates. We note that any number of programs direct the state to prioritize funding to achieve certain objectives. There is not enough funding in the named grant and loan programs and the priorities pile up so that the "incentive" ends up being largely ineffective.

We strongly urge you to delete the mandates in Section 2 and instead provide the encouragement and models that the new publication, "Zoning for Great Neighborhoods" recommends.

There are many problems with this one-size-fits-all mandate, which would have perverse results in many towns. A few examples follow.

Bennington

Complying with these mandates would radically change the land use plan in Bennington. Due to PFOA contamination of water supplies, Bennington had to extend water lines to very rural areas of town. The legislation would result in sprawling and scattered residential development in Bennington – the very antithesis of what Vermont land use plans are supposed to encourage, which is compact town and village centers surrounded by rural countryside.

Montpelier

Montpelier is a model community in terms of increasing housing density in its downtown and high-density core areas, allowing for duplexes in existing housing units and rehabilitating old buildings to provide housing. Nevertheless, Montpelier would be required to have 1/8 acre lots throughout much of the city. Several areas of the city would have to be rezoned to allow those small lots and multi-plexes. Montpelier worked to match densities to existing development on the ground in neighborhoods around the downtown core and to provide for residential development that integrates into the existing fabric of development. In the words of the planning director there, the city is getting slow infill which are good projects accepted by neighbors and neighborhoods. It would be problematic to see that approach thrown out the window.

Randolph

Much of West Randolph and Randolph Center are served by public water and wastewater. Section 2 of S. 237 would create major changes to several roads in the town of Randolph. Fish Hill Road in the residential district is just to the west of I-89. Current minimum lot size in the residential district is 5 acres (or 2 dwellings per 2.5 acres). Requiring 1/8 acre lots in the high visibility area just west of I-89 and close to the interstate exchange would result in a major change to the character of the neighborhood and population in that area.

Stowe

The sewer service district in Stowe extends over eight miles from the lower village to Stowe Mountain Resort, and the Trapp Family Lodge, approximately 6,400 acres. It includes thirteen different zoning districts with minimum lot sizes ranging from one quarter acre to five acres. Should the district be mandated to allow one eighth acre lots, thirteen zoning districts would be collapsed into one and the maximum potential build-out would be more than 51,000 units, completely subverting Stowe's fifty years of thoughtful locally generated land use planning. The Stowe planner, Tom Jackman, notes that in a resort community such as Stowe, higher density does not necessarily result in lower housing costs, but more likely in higher priced second homes and short-term rentals.

Thank you for the opportunity to testify.