



April 30, 2019

Rep. Amy Sheldon, Chair
House Committee on Natural Resources, Fish, and Wildlife
Vermont State House
115 State Street
Montpelier, VT 05633-5301

Dear Chairperson Sheldon:

I am writing on behalf of the 246 cities and towns, all of whom are members of the Vermont League of Cities and Towns. As you move toward the end of the session and continue work on the Act 250 legislation, we want to make clear our position on issues in the draft bill that relate to local governments. I testified comprehensively on the draft legislation on February 13, and the sections of concern to us have not changed significantly since that time. I do not mean to repeat that testimony here but rather to highlight sections that cities and towns oppose because they are antithetical to the premise of locally based planning upon which Vermont's planning and zoning statutes are based.

Project developers contort their projects in order to avoid Act 250 jurisdiction if at all possible. The legislation under consideration would extend Act 250 jurisdiction to a host of new areas that are already subject to regulation by state agencies, departments and local governments. The draft bill if enacted, would amplify the sense, which we can ill afford, that Vermont is inhospitable to development and growth.

The draft bill would require regional plans to be approved by the Natural Resources Board or its successor, the new Environmental Review Board. We oppose that section of the bill. Today, regional plans are adopted by at least 60 percent of the regional commissioners representing municipalities. That law is appropriate as it maintains the relationship between local governments and regional commissions. Implementing an additional state approval puts the lie to "locally based planning" and essentially changes regional commissions from locally based entities to agents of state government.

Municipal plans would need to be consistent with the municipal planning goals (24 V.S.A. § 4302), compatible with the plans of adjoining municipalities in the region, with the regional plan, and, by extension, with the state capability and development maps and plan. As currently drafted (draft 9.2), regional commissions would be consulted in the state capability and development plan development process, but no provision is made to ensure that municipalities would be consulted.

Section 5 of the bill would establish a process for achieving enhanced designation. We oppose the proposal for enhanced designation. Municipalities which have taken the time, expense, and effort to apply for and obtain a designation for a downtown, village or growth center, new town center, or new neighborhood have already engaged in comprehensive and detailed planning as well as zoning to implement those plans. Requiring an additional level of enhanced designation is an excessive requirement that disregards the considerable work already accomplished and designations already secured. We believe few cities or towns would pursue that additional level of designation.

The draft bill also defines a subdivision as a development outside of an area that has received an enhanced designation under 24 V.S.A. Chapter 76A. It would bring back the 800-foot road rule,

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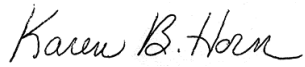
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which contributed to the creation of spaghetti lots when it was in effect. It would extend jurisdiction to rural and working lands areas. Each of these measures would vastly expand Act 250 jurisdiction.

We urge the committee to re-visit the direction of the Act 250 legislation over the course of the summer and to evaluate how this legislation would interact with efforts elsewhere in the State House to encourage right sized growth in municipalities around the state and to build out infrastructure such as broadband capacity that makes it feasible to live and work in communities both large and small.

Thank you for consideration of these topics.

Sincerely,



Karen B. Horn
Karen B. Horn, Director
Public Policy & Advocacy