

**TO: Amy Sheldon, Chair  
House Natural Resources, Fish & Wildlife**

**FROM: Peter G. Gregory AICP, Executive Director**

**DATE: April 17, 2019**

**RE: Summary of Oral testimony presented Tuesday, April 16<sup>th</sup> on draft  
Act 250 bill (draft 9.2)**

Thank you again for inviting me in to comment on the planning sections of this draft. I remain pleased that the Committee recognizes the linkage between strong local and regional planning and the proper function of Act 250 and the preservation of resources.

I ask your consideration of the following points:

1. I support the proposed change in jurisdiction for commercial and industrial development for towns that have both zoning bylaws and subdivision regulations. (page 6)
2. I support the explicit reference to Hearing Officers being used by the proposed "Vermont Environmental Review Board". I also support your language enabling the VERB to hire the experts it needs to carry out its duties. This could relate to review of Regional Plans mentioned later. (page 17)
3. On updating Capability and Development Plan maps, on page 25, where the draft suggests state agencies, in consultation with regional planning commissions (RPCs) and others update these, I suggest the bill be changed to require the RPCs to prepare such maps, in consultation with state agencies, municipalities and others.
4. On page 42, regarding the requiring development to comply with the "Interchange Guidelines" concerns me. While I support the Guidelines, our staff helped develop them in 2004, and we have integrated much of them in our Regional Plan. I am unsure how easy it will be for District Commissions to make this determination uniformly across the state. I believe it might be easier to provide some statutory requirements for Regional Plans' Land Use and Transportation chapters, and require development to demonstrate conformance to those Regional Plan policies.
5. Approval of Regional Plans. All 11 regional planning commissions support some type of review and approval of Regional Plans. They all feel that a review, similar to what they provide municipalities, is important. RPCs questioned whether it is appropriate for the

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same body (VERB) to review and approve regional plans and also entertain appeals from RPCs on their Regional Plans. Perhaps your legal staff could review this issue and determine an alternative if warranted. Further, TRORC suggests adding a provision that ensures identified deficiencies get updated and adopted by RPCs by date certain. Failure to include such a requirement calls the entire review process into question. In addition, the review should be expanded to include not only consistency with the goals of 4302, but also the chapter requirements for regional plans found in 4348(a). This is the process used in reviewing local plans. (I would note that on line 6, page 44, perhaps the bill should reference 4348(f)(2), rather than just 4348?.)

6. RPCs are already required to participate in Act 250. The language you have in the bill seems to suggest that the Regional Plan cannot be used in Act 250 until such time as it is approved. I would caution that you should retain this mandatory Act 250 participation requirement and NOT give an out to those that may not seek approval, or amend their plans to address deficiencies.
7. Finally, on Enhanced Designation and the incentive that might provide. I noted my concern that yet another process required of municipalities may not provide enough incentive to municipalities and/or be one exercised by many municipalities. Rather, as I indicated, I believe that changing some of the accountability provisions noted above, that in a couple years, robust local and regional planning should allow all settlement areas (not just those in state designated areas) to have the Act 250 jurisdiction removed. I did note in my testimony that this change must be done in conjunction with additional jurisdiction in rural and sensitive areas.

Thank you.