In reviewing the version of H.687 as passed the Senate on Friday, the following language re duplexes raised concerns at our VT Planners Association Legislative Committee meeting today, which I was asked to forward for your consideration as time allows.

Request: simply keep highlighted language below, as proposed for deletion – to require that duplexes be allowed under the same conditions as single-unit dwellings (which we support), but still allow for municipal review of how these are sited within environmentally sensitive areas (e.g., conservation, agricultural, forest districts).

We agree that duplexes should be allowed wherever single family dwellings are allowed, under the same dimensional standards, as proposed. Our concern is the proposed change from "an allowed" use to a "permitted" use, as highlighted below. They should also be allowed under the same conditions of review.

As you may be aware, in more rural communities that have Conservation, Forest Reserve, Ag Overlay Districts, etc. single-family, or single- unit dwellings are often allowed as conditional use, to provide for housing in these districts that is also compatible with the primary intent, to conserve or protect environmental resources. Conditional use criteria are used in this context to regulate the siting of dwellings--whether single- or two-unit (as exempted from site plan review)– in relation to resources identified for protection in the municipal plan.

This is still allowed under the S.100 provision passed last year, in which duplexes must be "allowed,"-- in this context also as a conditional use, to minimize associated impacts. If a duplex is instead considered a mandatory "permitted" use, without any site plan or conditional use review as proposed, this suggests that single-unit dwellings in these districts must also be a permitted use, limiting the ability to regulate their siting for resource protection purposes. An unintended consequence could be the elimination of any housing development in these districts, as necessary to conserve resources.

The alternative, as requested, is to simply retain the language passed last year that requires that duplexes be an "allowed" use wherever single-unit dwellings are allowed, under the same dimensional standards, etc.

Sec. 52. 24 V.S.A. § 4412 is amended to read:
§ 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS
Notwithstanding any existing bylaw, the following land development provisions shall apply in every municipality:
(1) Equal treatment of housing and required provisions for affordable housing.
* * *
(D) Bylaws shall designate appropriate districts and reasonable regulations for multiunit or multifamily dwellings. No bylaw shall have the effect of excluding these multiunit or multifamily dwellings from the municipality. In any district that allows year-round residential development, duplexes shall be ~~an allowed~~ a permitted use with ~~the same~~ dimensional standards ~~as~~ that are not more restrictive than is required for a single-unit

dwelling, including no additional land or lot area than would be required for a single-unit dwelling. In any district that is served by municipal sewer and water infrastructure that allows residential development, multiunit dwellings with four or fewer units shall be a permitted use on the same size lot as single-unit dwelling, unless that district specifically requires multiunit structures to have more than four dwelling units.

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