

House Committee on Environment and Energy

Comments on 24-0067 (2/1/2024) from

Charlie Baker and Catherine Dimitruk, Vermont Association of Planning and Development Agencies

General comments – Thank you for your work on addressing our housing crisis, improving environmental protection, and strengthening the planning and permitting processes to better support implementation of municipal and regional plans.

1. Regional planning updates.

We recommend including attached language to update relevant regional planning sections of Title 24, Chapter 117. Here is the very basic outline of what we would like to see amended

- a. 24 V.S.A. § 4302 – updated planning goals
- b. 24 V.S.A. § 4345a – updated duties of regional planning commissions
- c. 24 V.S.A. § 4347 – updated purposes of regional plan
- d. 24 V.S.A. § 4348 – updated process for regional plan adoption
- e. 24 V.S.A. § 4348a – updated elements of a regional plan, including specific detail on future land use areas that serve the basis for the Tiers.

2. Mapping of Tier 3.

We would like to see clear minimum direction to RPCs as to what to include in Tier 3 to inform our regional plan update process. We do not have a formal position on which of these resources should be included in Tier 3 but offer these as some options for consideration by the Committee. We hope that statute for our regional plans can include clear direction as to the minimum resources that should be included in our Rural – Conservation areas to promote some degree of consistency across the State. Listed below and in the attached pdf maps and tables are some possible Tier 3 resources. We are working on a web-based map that will allow you to explore the resources by individual layers. We will share the link to the map as soon as possible.

- a. Known constraints from the Enhanced Regional Energy Plan process.
 - i. Vernal Pools from Vermont Center for Ecostudies (VCE; confirmed layers)
 - ii. DEC River Corridors
 - iii. FEMA Floodways
 - iv. State-significant Natural Communities
 - v. Rare, Threatened, and Endangered Species
 - vi. National Wilderness Areas
 - vii. Class 1 and Class 2 Wetlands (VSWI and advisory layers)
 - viii. Regionally or Locally Identified Critical Resources *If areas are constrained for the development of renewable energy due to the desire to protect a locally designated critical resource (whether a natural resource or a community-identified resource), then the land use policies applicable to other forms of development in this area must be similarly restrictive; for this category, policies must prohibit all permanent development (and should be listed in the Notes*

column). These areas should be subtracted from raw renewable energy resource potential maps to form Secondary Resource Maps

- b. Highest Priority Interior Forest Blocks and Highest Priority Connectivity Blocks
- c. Critical Resource Area (per Sec. 23, page 46)
 - i. River Corridors
 - ii. Significant Wetland as defined in Sec. 902
 - iii. Land at or above 2000'
 - iv. Land with slopes greater than 15% and shallow depth to bedrock (*only mapped 15% - may need more definition on how to determine shallow depth to bedrock*)
 - v. Prime Agricultural Soil
 - vi. Connecting Habitat (*mapped Priority and Highest Priority Interior Forest Blocks and Connectivity Blocks assuming this is what was intended*)

3. Timeline –

Here are recommended dates for implementation from the RPC perspective. The NRB and DHCD may not be able to meet these deadlines depending upon staffing and how much is required to happen through rule making. We would prefer to see as much clarity as possible in statute to eliminate or reduce the need for rulemaking and guidance, particularly as it applies to the criteria for approval of a regional plan and designations.

- July 1, 2024
 - RPCs begin informing municipalities and the public about this new process.
 - RPCs may begin to draft regional plans consistent with state statute.
- By July 1, 2025
 - DHCD has developed guidance for updated designation program.
 - DHCD is prepared to review regional plans and provide a recommendation to the NRB when requested by an RPC.
 - NRB has received training on statutory requirements and is prepared to approve regional plans when requested by an RPC.
 - Tier 1B jurisdictional status is conferred to all Designations/Centers, Planned Growth Areas and Village Areas upon approval of each regional plan.
 - Tier 3 jurisdictional status is conferred to the Rural – Conservation Area upon approval of each regional plan.
- By December 31, 2025 - NRB has received training and is prepared to approve municipal requests for Tier 1A Planned Growth Area Designations.
- By June 30, 2026 - All RPCs have completed regional plans and have submitted to the NRB for approval, consequences for RPCs not completing the regional plan begin.