

**Peg Elmer Hough's H. 687 Testimony to House Environment & Energy Committee H. 687
January 31, 2024**

Thank you for inviting me. I'm a retired professional planner. I worked for 40 yrs across the full spectrum of govt structures affected by H. 687. I currently volunteer on the Cabot Planning Commission and Cabot's Flood Resilience Task Force.

I worked:

- as a municipal planner in Chittenden County, 45 yrs ago
- for the Environmental Board, getting grounded in the details of A250 by Ed Stanak,
- for the Secretary of (what's now) ANR, to manage his special projects. That included coordinating response to permit applications across state agencies, running what was called the Act 250 club – and was loaned to staff Gov Kunin's Commission on VT's Future, which led to Act 200
- at VNRC to push for implementation of Act 200, trying to get more citizen involvement in local regional n state planning, and representing VNRC in some Act 250 cases before District Commissions
- I then moved to the Commerce Agency's Dept of Housing and Community Development to lead the state's smart growth work for more than a decade, which developed into the designation programs.
- And then, down at the Law School, while managing the land use clinic, I was appointed by the Governor Douglas to the "smart growth" seat on the Downtown Board, and served there for about a decade

I'm enthusiastically supportive of H. 687. Let me describe why via stories about **what we hoped for, what we had, what we've lost, and what this bill aims for in coping with land use development in Vermont**

what we hoped for: Since before Act 200, before Act 250, since forever - VT's land use goal has been to plan dev so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside. We've wanted a process that's open to citizen input and access. And a framework, something like a T, that connects municipal planning to regional planning to state planning, and at the state level, fosters communication and collaboration across state agencies.

what we've had: the decision to deny Pyramid Mall in favor of protecting downtown Burlington... prompted me to move to VT. I came from southern New England, which was getting "malled" to death – with interstate highways and malls being built on wetlands. VT and Oregon were the pre-eminent national environmental leaders. Oregon mainly gained the planning foundation – and the plans took on a regulatory role via their urban growth boundaries. Here in VT, we got the regulatory half, and lost the planning part of Act 250 – the Capability and Development Plan. But, regardless of losing that, **the strength of Act 250, to consider the overall impact of a development on a region, has been amazing.** A lot of that relates to citizen access and citizen boards

There was a boom happening in the late 70's and thru the 80's, VT was changing rapidly. Those were high years for the law – Southview, where the deer won out over more ski resort condos, Killington, where the bears won. Our state wildlife biologists were national leaders, because nobody else had what VT did, in the wildlife criterion in Act 250. The same for energy conservation. Even tho only a small percentage of development went thru Act 250, as is still true, the language of criterion 9(f) put VT in the national lead, on energy. And, using those energy and water conservation requirements as an example, Act 250 was influencing those components of all development. Low flush toilets became what the plumbing supply folks had on hand, for everybody. The mobile homes for sale here had a higher amount of insulation, way above the national minimum HUD requirements. **Act 250 was setting stds - of excellence**, but also long-term affordability.

Act 250 decisions were highlighting the need for better planning, to plug the gaps. Ed wrote a decision, approved by the Commission, for development on Rte 100 in Stowe that highlighted the crises in basic infrastructure there, which pushed the town to finally hire a professional planner. Concern about growth mgt reached a pitch, nationally. Every state in NE created some kind of state level commission. Here, Rich Cowart, who was at the Law School, teamed up with state senators Peter Welch, Scudder Parker and Seth Bongartz and Rep Harvey Carter, holding citizen hearings around the state. Politically, they leveraged Gov Kunin to create her Commission on VT's Future which led to Act 200.

Act 200: bolstered and re-created our planning framework around a set of goals that municipalities, the regional planning commissions and state agencies would all aim to be consistent with. There was a very carefully considered decision to build strength at the regional planning level – they were weak at the time, while respecting the municipal planning process and creating cooperative interagency overview at the state level. **From Act 200, we gained much better local and regional plans.** The RPCs were funded to be the source of GIS info, and collected many more responsibilities, in their role between the state and towns.

Growth Ctrs: the first and foremost goal of Act 200 – to plan dev so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside. Those programs have met with a lot of success, but needed the examination being given. The Downtown Bd has been great for collaboration and offering of benefits to encourage planned centers. But it's makeup is not conducive to controversial reviews or enforcement. The blurring of the edges of those centers continues to be the hard part, which H. 687 is aimed to get at.

what we've lost: We lost the state level that had been hoped for. By the 90's, during the Dean Administration, while I was Planning Director at the Dept of Housing n Community Dev, **we lost what was left of the State Planning Office.** There was an active Development Cabinet, which kept interagency discussion and cooperation around development happening, and that regular communication/cooperation is important.

In 2004, so...20 yrs ago, at the end of the Dean Administration, when the need for affordable housing was at a crisis level, we spent time via the Commission on Affordable Housing developing a reform of the regulatory side of Chapter 117 – municipal land use regulation. That included making accessory apts a permitted use statewide. But Gov Douglas paired that legislation with reform of A 250's structure, changing the EBd to the NRB, with appeals going to Court. **That change in structure did not improve either efficiency or effectiveness.** It was a gut punch, vastly diminishing Act 250's strength and impact. Pre-2004, Act 250 was something that most Vt'ers were aware of as being a good thing, what makes this state stand out. Post-2004, it been more broadly viewed as a nuisance.

Act 250 is still universally blamed for anything and everything related to state permitting in Vermont, while ANR had become increasingly siloed, into complex new permitting programs. The professionals in those departments don't appreciate Act 250 having the ability to question their work, but the very few times anybody has rebutted an Agency permit, it's been for good reason. We don't need to make that process harder.

Municipal planning and regulation has evolved, and professional planners coming in from other places are kind of offended by the "oversight" of Act 250 – it seems unnecessarily redundant.

H.687 – it's a great bill! Opportunities to make solid improvement don't come around all that often

- the locational, 3-tiered jurisdiction, makes a lot of sense.
- The proposed Environmental Review Board, training, intra-agency input, building statewide consistency
- Re-gaining the Capability n Dev Plan, via updated mapping by municipalities with their rpc's – pushing for Planned Growth Areas, very hard work, but made easier by being backed up by an Environmental Review Board review
- Being pushed to more detailed planning, may incentivize more towns to adopt Subdivision Regs

This bill would bring Act 250 back, as being relevant, important, incredibly useful once again. It would push us, at all three levels, to plan and regulate land use better.

I hope you're successful!