Date: 2/6/2024
To: Sen. Kesha Ram Hinsdale, Sen. Alison Clarkson, Sen. Ann Cummings, Sen. Wendy Harrison, Sen. Randy Brock
From: Alex Weinhagen
Subject: BE Home Bill - Comments & Suggested Revisions

Senate Economic Development, Housing and General Affairs Committee,
re: BE Home Bill (DR 24-0067, draft 6.1)

Thanks for your hard work and deliberation on the BE Home Bill! Draft 6.1 of the bill has many strong provisions to help streamline Act 250 review in areas planned for growth. It also makes important and continued investments to make more housing possible. However, it also includes some very problematic provisions related to municipal zoning. As a long-time municipal planner and land use practitioner, I urge you to reconsider and remove the municipal zoning pre-emptions listed below as "cons". These provisions do not address the root causes of the housing supply issue, and will result in unintended consequences rather than substantial amounts of new housing.

Pros:

- Removes agricultural soil mitigation for alternative wastewater systems in designated centers. *Consider going further by removing ag soil mitigation fees for any development in a designated center.*
- Exempts housing developments in designated centers from Act 250 review.
- Elevates State permits (e.g., ANR stormwater) as conclusive evidence of compliance with relevant Act 250 criteria.
- Implements location-based jurisdiction over the next two years, in accordance with the VAPDA land use designation study and NRB study – i.e., municipalities to designate Tier 1, 2, 3 areas.
- Other non-regulatory provisions: funding for various housing programs; land bank study, rental registry, etc.

Cons:

- Sets dimensions for a parking space at 8'x16'. Section 14, page 18.
- Requires that municipalities allow for tandem (stacked) parking. Section 14, page 17.
- Requires that municipalities disregard any lot coverage maximums for subdivisions that create new housing in municipal water/sewer areas. Otherwise, requires that municipalities allow for a lot coverage of at least 50% in municipal water/sewer areas, and further that a 20% lot coverage bonus be provided on lots that allow access to new lots without road frontage. Section 23, pages 24-25.

- Extends the protected class of use related to State or community-owned facilities to include private institutions and facilities that serve a "public function" (not defined). Section 20, page 24.
- Requires that any type of permanently affordable housing be a permitted use if on land owned by a religious non-profit. Section 19, page 23.

Please note that the typical dimension for a parking space in land use regulations is 9'x18'. The overall length of a 2023 Ford F-150 pickup truck, with a standard cab, ranges from 17.4 feet to 18.9 feet. Those with extended cabs are even longer. Many Vermonters drive pickup trucks. They deserve at least the standard 9'x18' parking space in which to park. The State does not need to micro-manage parking space dimensions.

Tandem parking may make sense in some situations, but will be very problematic if universally allowed without understanding the context or the ability to apply reasonable conditions. How is someone in a 4-unit apartment building supposed to get their car out if parked on the inside? Are they supposed to knock on all their neighbor's doors to ask people to shuffle cars? In my community (Town of Hinesburg), our regulations allow for tandem parking as long as each resident has at least one space with direct access to get in and out.

The lot coverage provisions in the bill are ill advised, and have the potential to result in zero green space as well as adverse stormwater runoff implications and water quality degradation. Requiring an allowance for 50% lot coverage in all areas served by municipal water and sewer is a one-size fits all approach that doesn't reflect good planning. Core downtown and village areas do require higher lot coverage allowances (e.g., 60%, 75%, etc.); however, other areas within the water/sewer service area benefit from more green space and lower lot coverage.

Extending the protected class of use related to State or community-owned facilities to privately-owned facilities that serve a public function is a slippery slope and bad policy – especially without a definition for what it means to serve a "public function". Privately-owned facilities of any sort should be reviewed similarly under local zoning. Creating different classes of private facilities is unwarranted. If a particular type of use is the target for this change, it would be better to name it specifically.

Regarding affordable housing on land owned by a religious non-profit… I don't see the rationale for treating the review of this differently from permanently affordable housing on any other land. Why should a religious non-profit enjoy a "lighter" review? Consider a 24-unit building with affordable housing proposed in a community that requires conditional use review of projects of that scale. Why should such a project not be subject to conditional use review if it happens to be on land owned by a religious non-profit? We have just such a building under construction in Hinesburg now – a development where Cathedral Square and Evernorth are partner land owners. It went

through conditional use review, as required in our regulations. A success story, and one that the Town supported in multiple ways. But still a project that deserved proper vetting.

NOTE – These are my comments as a professional planner with over 20 years of experience. These comments are not made on behalf of my employer (Town of Hinesburg) or the professional organization I help lead (Vermont Planners Association).

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