

Testimony to Joint Meeting of Senate Committees of Natural Resources and Energy and Economic Development, Housing and General Affairs on January 24, 2024

Provided by Charlie Baker, Executive Director, Chittenden County Regional Planning Commission & Vermont Association of Planning and Development Agencies

Thank you for the opportunity to testify this morning. My name is Charlie Baker, and I am the executive director of the Chittenden County Regional Planning Commission. I'm here today testifying on behalf of both CCRPC and the Vermont Association of Planning and Development Agencies (the state association of RPCs). I have been a professional planner in VT for more than 15 years and more than 35 years in total.

One thing that experience has taught me is that our land use regulations absolutely influence developer behavior. We can see this in the housing construction trends in Vermont. During the 60's, 70's, and 80's before Act 250 really took effect, we had a high rate of growth of around 2%. In the last two decades, our housing growth rate has been less than ½ a percent. We have an opportunity now to adjust our land use planning and permitting policies to get to the goldilocks zone of about 1% annual growth in housing.

Now how do we do that? I'd like to start by thanking your committees for supporting the language in S.100 for the studies on Act 250, the designation program, and regional planning.

I believe there are at least four broad goals that those studies' recommendations will help us achieve:

1. Smart planned growth by encouraging more housing in the right places by reducing regulatory redundancy.
2. Stronger natural resource protection for flood resilience, protecting the rural character of Vermont, and achieving carbon reduction goals.
3. More reinvestment in our downtowns and village centers by making it easier to obtain state designations and increasing reinvestment in those cherished places.
4. Increased consistency and certainty in local and regional planning and regulatory processes.

It's important to think about planning, regulation/permitting, and investment as part of a system that implements our municipal and plans that hundreds of volunteers and staff have invested countless hours in.

Act 250 has been a positive regulatory system for VT over the years and has done a lot to preserve our rural character. However, are there opportunities to make it better? Absolutely!

I am here this morning to ask you to review and support the recommendations from the regional planning, Act 250, and designation studies. The RPCs were responsible for the regional planning report and worked closely with the Act 250 and Designation study efforts to have the three studies align and mutually support each other. Taken together the recommendations of the three studies align our planning, regulation, and investments to better achieve municipal, regional, and state goals.

How do they do that?

By addressing one of the weaknesses of Act 250; the lack of a map to guide those permitting decisions. Rather than develop a new state map, we are recommending using the regional planning

commissions to update and provide consistent mapping as the foundation for Act 250 reviews and designation investments. This will provide increased review in important natural resource areas and decreased review in planned growth areas that have infrastructure and zoning. This is where our plans call for housing growth and the municipalities determine the details of land use density and design through good zoning.

Last year, you adopted S.100 which focused on municipal zoning to increase housing in areas with infrastructure. This year is the time to update Act 250 to support municipalities in achieving what was required of them last year.

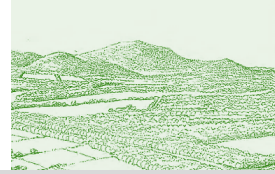
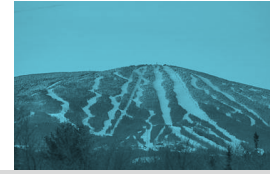
Municipalities in all parts of Vermont should be able to have some planned growth so that not all of the growth is concentrated in and around Chittenden County. As a group, the RPCs want towns in all of our regions to be healthy and prosperous.

The state's RPCs are recommending statutory language that would make our regional plans more consistent in our future land use planning including delineating the areas that meet designation program requirements and have the potential to meet criteria established by the NRB to achieve exemption from Act 250. The designation program is proposing to simplify the designations from five to three designations. The NRB is recommending a three-tier system in which we are clear that we are trying to encourage growth in the first tier (our planned growth areas) and we are clear about Tier 3 areas with important natural resources that will get a higher level of review (our rural conservation areas). You can see how these relate in the graphic attached and distributed to you all. This will not weaken Act 250 but rather strengthen it to better accomplish the state's goals.

There is also a report that we prepared about how it could work for high-capacity municipalities to obtain a delegation agreement from the NRB after demonstrating that their regulations are functionally equivalent to Act 250. I recommend reviewing that report for an option to consider.

Creating greater alignment between our plans, regulations, and incentive programs will greatly enhance our ability as a state to achieve our shared goals. We would be happy to provide more details about these issues in follow-up testimony. Thank you for your consideration. Please let me know if there are any questions.

Land Use & Development Reports: A Location-Based Framework



Regional Future Land Use

This table represents land use categories, not land area acreage or percentage of land area

Downtown Center	Village Center	Planned Growth Area	Village Area	Transition (optional)	Enterprise	Resource-Based Recreation	Rural
							Hamlet General Ag/Forest Conservation

State Designation 2050

Core		Neighborhood					
Development-Ready Area							

Act 250 Modernization

Tier 1a			Tier 2				
	Tier 1b						Tier 3

Act 250-Recognized Areas in Reports

KEY REQUIREMENTS

APPROVED BY

Regional Future Land Use

Planned Growth Area

- Public **Water and/or Wastewater**
- Local Land Use & Development **Regulations**
- Multi-Modal Transportation & **Complete Streets**

- Regional Planning Commission w/Towns
- State Board Review & Approval

Designation 2050

Development-Ready Area

- Within **Downtown Board-Approved** Core or Neighborhood
- Within a **Regional** Planned Growth Area
- Local **Framework for Growth and Development:** Planning, Regulation, Review & Investment

- Natural Resources Board

Act 250 Reform

Tier 1a

- **Water and Wastewater**
- Local Land Use & Development **Regulations**
- High Local **Administrative Capacity**

- Natural Resources Board

Tier 1b

- **Water and Wastewater or Soil Treatment Capacity**
- Local Land Use & Development **Regulations**
- Lower Local **Administrative Capacity**

- Natural Resources Board

Suggestions on Consistent Naming

Regional Planned Growth Area
Designated Planned Growth Area
Act 250 Primary and Secondary Planned Growth Area