

To the Honorable Members of the Vermont Senate Committee on Economic Development, Housing, and General Affairs.

My name is Michael Mittag. I'm a longtime volunteer and 22 year resident of South Burlington. I have served on the City's Form Based Code Committee, the South Burlington Planning Commission since 2017, chaired South Burlington's Interim Zoning Transferable Development Rights Committee in 2019-20 and most recently served on South Burlington's Climate Action Task Force. I am a founding member and a director of the South Burlington Land Trust.

My comments to you today concern (dr req 23-0091 – draft 7.2) 2/13/2023 – DPH/EMC – 5:28 PM) the Senate draft of “An act relating to expanding access to safe and affordable housing” (and a similar House bill #H-68).

I strongly support the goals and many of the provisions in these proposed bills and appreciate your work and that of your colleagues, to address the shortage of housing and of affordable housing in Vermont.

However I am deeply concerned about one particular provision that would allow five or more dwelling units per acre in any district served by municipal sewer and water infrastructure.

I believe that there will be significant unintended, very negative consequences should this provision remain part of these bills which could undermine much of the good work South Burlington has done on Environmental Protection and on Climate Change mitigation and adaptation

Our Planning Commission recently completed a comprehensive 3 year project to update our Land development Regulations.

The new regulations were approved and adopted by the City Council last year after extensive public engagement, comment and warned public hearings.

This update includes among others:

- An Inclusionary Zoning ordinance pursuant to 24 VSA § 4414(7) which provides integrated development incentives for affordable housing and applies City-wide to all developments of twelve (12) or more dwelling units. It requires that 15% of the total rental dwelling units and 10% of the total ownership dwelling units be affordable in perpetuity. South Burlington now has 1000 affordable dwelling units, just over 10% of our total housing stock, with many more in the pipeline.
- A Transferable Development Rights (TDRs) Ordinance originally adopted in 2006 and updated and expanded in 2022. The ordinance applied to about 1500 acres of farmlands, open fields, meadows and woodlands which were zoned Natural Resource Protection lands from which TDRs could be severed, sold and transferred to increase density in areas of the City designated for dense, urban development.
- Our Environmental Protection Standards protect our wetlands, streams and forested habitat blocks from encroachment. These protected natural resources are crucial to the preservation of biodiversity and provide resilience against the expected impacts of climate change. They sequester carbon, provide buffers against flooding, filter pollutants, provide habitat for pollinators, insects and wildlife, including bobcats, mink, fox, weasels, fisher and coyotes, clean and cool our air and sustain local food production.

These environmental protections form critically important parts of the Nature Based Solutions in South Burlington's Climate Action Plan (CAP). Without them we will not be able to meet the targets we have set for ourselves and those of the GWSA and the Vermont CAP to which all of us and all of you are committed.

Directing housing development to areas served by municipal water and sewer infrastructure will not accomplish the objectives of these bills.

Many towns and villages do not have that infrastructure so would not be captured by this provision.

Instead this provision would override most of our environmental protections and allow suburban sprawl across the very forests and meadows we have so carefully and consciously protected from development while balancing those environmental protections with the provision of affordable housing development.

If dense housing development is directed to city downtowns and designated development areas as done in South Burlington, and to all town and village centers, the objectives of these bills could be achieved statewide, without causing unintended, environmentally damaging consequences.

South Burlington has clearly and convincingly demonstrated how this can be done. Please do not undo what South Burlington's residents have achieved. Please do not force housing onto our precious rural lands.

Thank you for your time and attention,

Michael Mittag