



# southburlington

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## VERMONT

February 27, 2023

Vermont Senate Committee on Natural Resources & Energy  
c/o Senator Christopher Bray, Chair

Re: S.100, Senate Omnibus Housing Bill

Dear Chair Bray and members of the Committee,

Earlier this month, the City of South Burlington provided a letter and testified before the Senate Economic Development, Housing, and General Affairs Committee on what became S.100, the omnibus housing bill.

The bill has evolved since that time and, of course, has been voted out of committee to introduced to Natural Resources & Energy. The City supports the overall goal of the bill: to address the statewide housing crisis in a manner that reinforces the State's longstanding commitment to smart growth. Indeed the City has taken concrete actions to implement many similar changes within our own Regulations over the past several years.

The bill as modified over the past few weeks is responsive to some of the concerns raised in the City's testimony to Senate Natural Resources and includes new provisions that we are supportive of; however some key areas of concern remain. These include:

Sewer Service Areas:

Draft section 24 VSA 4412(15A) requires that areas served by municipal water & sewer allow a minimum of four (4) dwelling units per acre. The draft language now includes specific exceptions to this requirement; are supportive of these. These exceptions, however, create a new area of uncertainty: whether municipalities retain the right to delineate current and planned water & sewer service areas.

Municipalities have long used such tools to ensure that limited capacity is applied in a thoughtful and compact manner, and to ensure that zoning and infrastructure areas can be aligned. S.100 presumably has this same intent, however the exceptions created in 4412(15A) Create some uncertainty. This clarification would ensure that municipalities can still allow for intentionally rural residential areas.

- Recommend that the bill explicitly state that municipalities retain the authority to define current and planned water & sewer service areas. This could be an explicit statement with 4412 15(A), 15(B) or a new 15(C).

Pre-Existing Homes in Unserved Areas

Circumstances exist where a municipality has no allowance for future residential development in a given area, but where homes already exist. In establishing the exceptions enumerated in 4412(15A), however we are uncertain as to whether such pre-existing homes would be allowed to connect to water & sewer.

- Recommend that the bill allow pre-existing homes in areas that do not otherwise allow new development to connect to water/sewer

### Net results of compact development or conservation

S.100 strives to ensure that where development occurs, that it is allowed to proceed in a compact manner of four (4) or more dwelling units per acre. South Burlington has taken several steps to promote this objective, and to do so in a manner that also supports land conservations in priority areas. The City has employed several tools, including Transfer of Development Rights and Planned Unit Developments that allow (and in some cases require) areas planned for development be built in a higher-density, compact manner, while areas planned for open space are conserved for that purpose. These tools include both mapped boundaries, as well as boundaries established at the time of subdivision and development based on the characteristics of the land and availability of infrastructure. The City recommends that tools such as these, enumerated in 24 VSA 4417 and 4423, may continue to be applied in support of these goals.

- Recommend that the bill clarify that a program that redistributes development within a parcel or within the community be allowed to exist, so long as conservation / sending land prohibit future residential development

### Affordable Housing Bonus

Iterations of S.100 have applied a variety of tools to provide bonuses in support of Affordable Housing Development. South Burlington is strongly supportive of bonuses, and has included several as incentives/offsets accompanying its citywide affordable housing (inclusionary zoning) requirements. The specific tools as presented in S.100 – 40% density bonus and additional story – are overly blunt instruments.

- Recommend that the bill provide a clear expectation that bonuses be provided but not to specify a precise method that each municipality must adopt.

### Energy Standards

The draft bill is unclear as to whether it limits municipalities authorities to establish complementary energy regulations, for example to regulate fuel types and/or require the installation of solar PV within areas designated as “solar ready zones” in the State energy codes. The City supports the existence of a statewide energy code, however there are complementary standards which municipalities are exploring as ways to meet Act 153, Global Warming Solutions Act, Act 174, Regional & Local Energy Planning, and accompanying local climate goals

- Recommend that the bill be clarified to allow municipalities to establish ordinances and regulations that are not specifically regulated by the CBES or RBES.

We would very much welcome the opportunity to have a dialogue on these items, and well as to express our support for other aspects of the bill, should the Committee have availability.

Warmly,

Paul Conner, AICP  
Director of Planning & Zoning

cc: Helen Riehle, City Council Chair; Jessie Baker, City Manager; Senator Kesha Ram-Hinsdale