

2008 LEGISLATIVE SUMMARY



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The Vermont Planners Association actively tracked and commented on legislation of interest to the planning community in the 2008 session of the Vermont General Assembly. A position paper on the housing bill was prepared and distributed by VPA's Legislative Committee. A summary of the outcome of the session is included below:

Housing

The legislature passed a bill (H. 863) to provide incentives for housing. Generally speaking, VPA sees this as a success. The incentives are restricted to growth centers, or to proposed neighborhoods within or adjacent to downtowns, village centers, and new town centers. This provision is consistent with VPA's position as to location, reasonable size limits and not having the designation decisions subject to appeal. The legislation includes a provision for a performance report on the program. This may provide an opportunity for fine-tuning areas in which there is concern, such as high Act 250 thresholds and the incentives being used for market rate - instead of affordable - housing. VPA was not successful in obtaining adequate funding for the Department of Housing and Community Affairs for its downtown, growth center, and neighborhoods programs, or for its general planning efforts. However, there is a provision requiring that DHCA and the Natural Resources Board work together to ensure adequate staffing.

VPA will have a representative on a legislative committee which is required to issue a report by January 15, 2009 on early forms of the legislation that didn't make it through the process, including evaluation of certain Act 250 criteria designed to promote compact settlement patterns; incentives to encourage municipalities to develop new neighborhoods and housing; and periodic assessment of the designation programs established under 24 V.S.A., Chapter 76A.

Waterway Buffers

After numerous iterations and several rounds of testimony, the waterway buffer bill (H.549) made it to the House floor but was tabled indefinitely. VPA will work with the Agency of Natural Resources and sponsor Rep. David Deen to address the intent of the bill and to better integrate it with related protections measures and programs as part of any future legislative initiative on this topic.

Impact Fees

There was little interest in the House on clarifying a potential statutory conflict related to school impact fees, but there was an effort in the Senate near the end of the session with support from Senator Condos and others to add language to H. 888, the miscellaneous tax bill to correct this. VPA supports the use of impact fees as a tool to help communities mitigate the costs of needed municipal and school capital projects resulting from new development. Homebuilders and developers oppose impact fees in general and the end result was that no language was added to H. 888. Therefore, significant future efforts will be required by municipalities to gain legislative support.

The Vermont Planners Association (VPA) is an organization representing citizen and professional planners, landscape architects, housing and economic development specialists, developers, and engineering consultants from throughout the state. VPA is committed to advancing the art and science of planning.

Energy

VPA-supported legislation was passed this session that will boost opportunities for renewable energy development in Vermont and increase energy efficiency. The Vermont Energy Efficiency and Affordability Act (S.209) encourages in-state electricity generation from renewables such as wind, solar, hydropower and biomass. Weatherization services to low-income Vermonters will be expanded. The bill sets efficiency standards for both residential and commercial buildings and expands the capacity of net-metering operations in Vermont. In addition, a climate change bill (S.350) was passed which will help meet greenhouse gas reductions already in Vermont statute. State agencies will be required to include a greenhouse gas impact statement when they craft administrative rules to govern new programs. Municipalities are enabled to adopt zoning regulations which provide green building incentives. Importantly, this legislation sets goals to integrate Vermont's transportation network and sets goals to expand public transportation use. A Vermont Climate Change Oversight Committee will be created to generate a report to the Legislature which identifies priorities in last year's Commission on Climate Change report and potential barriers to implementation and funding sources.

Chapter 117 Technical Corrections

The Chapter 117 technical corrections bill, S. 317, was not taken up by committees. As part of another bill, H. 436, one of the technical corrections was made to 24 V.S.A. to §4442(c) clarifying bylaw amendments made by Australian ballot.

Office of Policy Coordination

There was no legislative committee consideration of S.287 on the Office of Policy Coordination initiative during the 2008 legislative session.

Healthy Community Design and Access to Healthy Foods

Health care reform legislation (H. 887) was passed which requires the Health Department to work with municipalities to develop comprehensive plans that identify and prioritize community needs relating to wellness and healthy living. The planning process must involve schools, worksites, and other stakeholders interested in improving community health. The development of this plan is outside the Chapter 117 planning process but should be coordinated with ongoing community planning, including the municipal plan and implementation tools, as communities are being asked to promote the goals of physical activity, nutrition and healthy living in planning processes that involve zoning and land use, growth centers and downtown revitalization.