

VPA LEGISLATIVE REPORT #5 – 2008

VPA Legislative Committee Members Assignments: Fred Dunnington (VT Legislative Liaison), Sharon Murray (NNECAPA Legislative Liaison) - - both of us are assigned to particularly follow bills on Housing / 'New Neighborhoods', Chapter 117 Technical Corrections, and Planning Coordination, Sarah Hadd (Prime Ag bills), Scott Gustin (Riparian buffer bill), Greg Brown ('New' Neighborhoods), Brian Shupe and Mike Munson (Growth Centers, 'New' neighborhoods, impact fees), Deb Sachs (Energy and Climate Change), Peg Elmer (Planning Coordination and Chapter 117 Technical Corrections) and Lani Ravin (stormwater legislation).

NEW BILLS OF NOTE

(since last report)

H.801 AN ACT RELATING TO STORMWATER MANAGEMENT

Introduced by Representatives Kupersmith of S. Burlington, Audette of S. Burlington, Head of S. Burlington and Pugh of S. Burlington

Subject: Conservation; water resources; stormwater

Statement of purpose: This bill authorizes real estate subdivisions to transfer a pretransition stormwater permit to a municipal stormwater utility. The bill also proposes that the failure of a real estate subdivision to obtain, renew, or comply with the terms of a pretransition stormwater discharge permit shall not create an encumbrance on record title to real property within the real estate subdivision or affect marketability of title of real property within the real estate subdivision, provided that the stormwater system for the subdivision is transferred to a properly formed stormwater utility. The bill would also require the agency of natural resources to submit to the general assembly a schedule for issuance of the implementation plans for the total maximum daily load plans for the stormwater-impaired waters of the state. In addition, the bill increases the maximum amount of funds in the Vermont environmental protection agency pollution control revolving fund that may be appropriated for the construction of stormwater management facilities.

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-801.htm>

H.792 AN ACT RELATING TO THE ADOPTION OF MUNICIPAL BYLAWS

Introduced by Representative Nease of Johnson

Subject: Municipal planning; bylaw adoption

Statement of purpose: This bill proposes to allow municipal legislative bodies, on a case-by-case basis, to refer to the voters the question of whether to adopt bylaws, bylaw amendments, or repeals. It also revises the powers of certain rural towns with regard to their ability to require that bylaws, bylaw amendments, and bylaw repeals be adopted by Australian ballot.

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-792.htm>

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 4442(c) is amended to read:

(c) Routine adoption.

(1) A bylaw, amendment, or repeal shall be adopted by a majority of the members of the legislative body at a meeting that is held after the final public hearing, and shall be effective 21 days after adoption unless, by action of the legislative body, the bylaw, amendment, or repeal is warned for adoption by the municipality by Australian ballot at a special or regular meeting of the municipality.

(2) However, a rural town with a population of fewer than 2,500 persons, ~~by action of the legislative body~~ or by vote of that town at a special or regular meeting duly warned on the issue, may elect to require that bylaws, bylaw amendments, or bylaw repeals shall be adopted by vote of the town by Australian ballot at a special or regular meeting duly warned on the issue. That procedure shall then apply until rescinded by the voters at a regular or special meeting of the town.

H.821 AN ACT RELATING TO TAX INCENTIVE FINANCING OF PUBLIC TRANSPORTATION

Introduced by Representatives Masland of Thetford, Minter of Waterbury and Westman of Cambridge

Subject: Economic development; tax incentive financing; public transportation

Statement of purpose: This bill proposes to allow municipalities to use tax incentives to finance capital investment in public transportation.

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 1891(4) is amended to read:

(4) "Improvements" means the installation, new construction, or reconstruction of streets, utilities, and other infrastructure needed for transportation, telecommunications, wastewater treatment, and water supply, parks, playgrounds, land acquisition, parking facilities, brownfield remediation, capital investment in public transportation, including buses and local rail service, and other public improvements necessary for carrying out the objectives of this chapter.

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-821.htm>

H.828 AN ACT RELATING TO INCREASING THE SUPPLY OF HOUSING THAT WILL BE PERMANENTLY AFFORDABLE TO LOW INCOME VERMONTERS SHORT FORM

Introduced by Representatives Pearson of Burlington, Aswad of Burlington, Botzow of Pownal, Devereux of Mount Holly, Donovan of Burlington, Edwards of Brattleboro, Fisher of Lincoln, Howrigan of Fairfield, Leriche of Hardwick, Lorber of Burlington, McCullough of Williston, McFaun of Barre Town, Nuovo of Middlebury, Spengler of Colchester and Wheeler of Derby

Subject: Housing; affordable housing; inclusionary zoning

Statement of purpose: This bill proposes to ensure that at least 20 percent of the total housing units in new residential housing developments approved after the effective date of this act be permanently affordable to low income households.

It is hereby enacted by the General Assembly of the State of Vermont:
(TEXT OMITTED IN SHORT-FORM BILLS)

H.841 AN ACT RELATING TO A CONCIERGE BUSINESS ASSISTANCE SERVICE

Introduced by Representatives Condon of Colchester and Clark of Vergennes

Subject: Conservation and development; department of economic development; concierge business assistance service

Statement of purpose: This bill proposes to establish a one-stop regulatory assistance program in the department of economic development to be known as the concierge business assistance service. The service would assign a designated regulatory specialist to requesting businesses that are planning to establish, expand, or relocate a commercial facility in Vermont. The concierge business assistance service would aid businesses in securing all state-required permits, including Act 250, septic, stormwater discharge, and subdivision, and all locally required permits, including construction, development, planning, and zoning. The service would also serve as an information resource for other state or local government information that the participating business requires for the establishment, expansion, or relocation of its commercial facility in the state.

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 10 V.S.A. § 15a is added to read:

§ 15a. CONCIERGE BUSINESS ASSISTANCE SERVICE

(a) There is established in the department of economic development a one-stop regulatory and information assistance service for businesses that propose to establish, expand, or relocate a commercial facility in Vermont. The service, to be known as the concierge business assistance service, shall entail designating a regulatory specialist to assist the business, throughout the administrative permitting process, in securing all state-required permits, including Act 250, septic, stormwater discharge, and subdivision, and all locally required permits, including construction, development, planning, and zoning. The service shall also serve as an information resource for any other state or local government information that the participating business requires for the establishment, expansion, or relocation of its commercial facility in the state.

(b) The department shall develop a site on the World Wide Web and use other print and electronic media to promote the service.

Sec. 2. 10 V.S.A. § 16 is amended to read:

§ 16. VERMONT BUSINESS RECRUITMENT PARTNERSHIP SPECIAL FUND

The Vermont business recruitment partnership special fund is created in the department of economic development for the purposes of carrying out ~~section~~ sections 15 and 15a of this title. The fund shall be administered by the commissioner of economic development, and expenditures ~~therefrom~~ from the fund shall only be made to implement and effectuate the policies and purposes of this chapter. Deposits shall be made to the fund from monies ~~appropriated thereto by the~~ that the general assembly shall appropriate and

from any other source, public or private. Unexpended balances and any earnings shall not revert to the general fund, but shall remain in the fund for use in accordance with the purposes of this chapter.
<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-841.htm>

COMMITTEE AGENDAS – of note –

HOUSE AGRICULTURE

Tuesday, February 5, 2008

2:30-4:00 PM **H.549**

Riparian Buffers

Jackie Folsom, Vermont Farm Bureau

Ed Larson, Vermont Forest Products Association

Kim Greenwood, Vermont Natural Resources Council

HOUSE FISH, WILDLIFE & WATER RESOURCES

Wednesday, February 6, 2008

3:00PM **H.549 Establishing Waterfront (Riparian) Buffer Zones**

Thursday, February 7, 2008

10:00AM **H.549**

1:00PM **Floor**

3:00PM **H.549**

Friday, February 8, 2008

8:30AM **H.549**

9:30AM **Floor**

1:00PM **H.549**

Vote

HOUSE GENERAL, HOUSING & MILITARY AFFAIRS

Tuesday, February 5, 2008

11:00 **Housing Creation**

a.m.

Karen Horn, Vermont League of Cities and Towns

Lea Terhune, Burlington, VT

Erhard Manke, Vermont Affordable Housing

2:30

Housing Creation

p.m.

Pat Parenteau, Professor, VT Law School (Teleconference - 802-831-1305)

Peter Gregory, Ex. Director, Two Rivers-Ottawaquechee Regional Commission

Mike Munson, VT Planners' Association

Jim Murphy, Attorney, Montpelier

George Malek, Central VT Chamber of Commerce

Greg Brown, Ex. Director, Chittenden County Regional Planning Commission

Brian Shupe, Smart Growth Vermont

Wednesday, February 6, 2008

9:00 **Housing Preservation**
a.m.

John Wood, Fire Safety, Dept. of Public Safety

Sarah Carpenter, VT Housing Finance Agency

2:00 **Housing Preservation**
p.m.

Liz Curry, Loan Fund Manager, Champlain Housing Trust

Thursday, February 7, 2008

9:00 **Housing TBA**
a.m.

2:00 **Housing TBA**
p.m.

Friday, February 8, 2008

10:30 **Committee Discussion**
a.m.

HOUSE NATURAL RESOURCES & ENERGY

Tuesday, February 5, 2008

9:45AM **Committee Discussion**
S.209 The Vermont Energy Efficiency and Affordability Act

2:30PM **Committee Discussion**
S.209

Rep. David Deen, Chair, House Comm. on Fish, Wildlife, and Water Resources
(3:00PM)

4:00PM **Committee Discussion and VOTE**
S.209

Wednesday, February 6, 2008

9:00AM **New Bill Introduction**
H.758 The Parcelization Of Vermont Forests

Rep. Dave Potter, House Comm. on Transportation

11:00AM **New Bill Introduction**
H.561 Allowing Business Directional Signs In Adjoining Municipalities

Phil Tonks, Grand View Winery

Wednesday, February 6, 2008 - Public & Joint Hearings

7:00PM- | Joint Public Hearing: The Future of Fuel Costs in Vermont

8:30PM | Joint Hosts: House Comm. on Natural Resources and Energy/ House Comm. on Ways and Means/House Comm. on Commerce

Gary Flomenhoft, Faculty and Research Associate, Gund Institute, UVM
Matt Cota, Exec. Director, VT Fuel Dealers Assoc.
Dave Lamont, Power Supply Planner, Dept. of Public Service

For information, call: 802-828-3559

HOUSE WAYS & MEANS

Tuesday, February 5, 2008

1:00 **Caucus**
pm

After **Misc Tax Policy Bill, Section 19, Vt Economic Growth Incentives**
Kevin Dorn, Secretary, Agency Commerce & Community Development
Fred Kenney, Exec Dir, Vt Economic Progress Council
Tim Smith, Franklin Co Industrial Development Corp

SENATE NATURAL RESOURCES & ENERGY

Tuesday, February 5, 2008

10:00 a.m. **FLOOR**
10:30 a.m. or **S.311 - Current Use**
when off the floor

Tom Vickery, Vt. Assessors & Listers Assn. (10:00 a.m. or when off the floor)

Amy Shollenberger, Rural Vermont (10:00 a.m. or when off the floor)

Ed Larson, Vt. Forest Products Assn. (10:00 a.m. or when off the floor)

Jamey Fidel, Vt. Natural Resources Council (10:00 a.m. or when off the floor)

Darby Bradley, Vt. Land Trust (10:00 a.m. or when off the floor)

Tim Buskey, Vt. Farm Bureau (10:00 a.m. or when off the floor)

Bill Johnson, Dir., Property Valuation & Review (10:00 a.m. or when off the floor)

Sam Burr, Leg. Counsel (10:00 a.m. or when off the floor)

Wednesday, February 6, 2008

9:00 a.m. **S.339/S.350 - Energy Bill 2**
Al Boright, Leg. Counsel

10:15 a.m. **BREAK**

10:30 a.m. **S.339/S.350 - Energy Bill 2**
Al Boright, Leg. Counsel

5:15-7:30 p.m. **S.339/S.350 - Energy Bill 2**
Al Boright, Leg. Counsel

Friday, February 8, 2008

9:15 a.m. **S.304 - Groundwater Withdrawal**
 Jeff Nelson, Clearsource
 Doug Concialdi, Clearsource
 Jon Groveman, Vt. Natural Resources Council
 Warren Coleman, General Counsel, ANR
 Matt Levin, Vermonters for a Clean Environment

10:15 a.m. **BREAK**

10:30 a.m. **S.304 - Groundwater (cont'd)**

11:30 a.m. **FLOOR**

SENATE TRANSPORTATION

Wednesday, February 6, 2008

10:00 a.m. **Regional Planning Commissions**
 Peter Gregory, VAPDA

Links to VPA's bills of interest:

S.317 – Chapter 117 Technical Corrections

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-317.htm>

S.325 – TIF (Tax Increment Financing) technical corrections bill

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-325.htm>

S.267 Potential traffic impact - notice to potential interested parties

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-267.htm>

S.300 - Conservation; Act 250; smart growth principles and state funding

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-300.htm>

S.268 – Act 250 Criterion 9B

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-268.htm>

S.287 -State planning coordination bill

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-287.htm>

S.304 Groundwater protection; groundwater withdrawal

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/S-304.HTM>

H. 561 - tourism directional / off premises business signs

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-561.HTM>

H.594 - Chapter 117 interested person status; conservation commission

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-594.htm>

H.669 Downtown Program designation renewals 3yrs to 5yrs

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-669.htm>

H.694 AN ACT RELATING TO ALLOWING MUNICIPAL DEVELOPMENT REVIEW DECISIONS TO BE MADE BY MAJORITY VOTE, A QUORUM BEING PRESENT<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-694.htm>

H.696 AN ACT RELATING TO GIVING ACT 250 APPLICANTS THE OPTION OF ON-THE-RECORD

REVIEW<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-696.htm>

H.697 AN ACT RELATING TO REQUIRING THAT JUDICIAL REVIEW OF PLANNING AND ZONING CHAPTER DECISIONS IN TOWNS OF MORE THAN 5,000 PERSONS BE CONDUCTED ON THE

RECORD<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-697.htm>

H.698 AN ACT RELATING TO ESTABLISHING A UNIFORM FEE-SETTING PROCEDURE FOR DEVELOPMENT

REVIEW<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-698.htm>

H.722 24 V.S.A. § 4454 ENFORCEMENT; LIMITATIONS - actions involving “curb cut” and other permits for working within a town highway right-of-way limited to a 15-year statute of limitations.

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-722.htm>

H.703 AN ACT RELATING TO AMENDING ACT 250 TO AUTHORIZE AN APPLICANT TO MITIGATE THE LOSS OF CERTAIN NECESSARY WILDLIFE

HABITAT <http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/bills/intro/H-703.htm>

H.549 – Riparian buffers See 1-14-08 VPA Legislative Report #2-08

Contact Scott Gustin with comments SGustin@ci.Burlington.vt.us

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