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VPA LEGISLATIVE UPDATE #2

January 25, 2010

The session is now well underway – two key, recurring themes: budget cuts and jobs growth. The undercurrent – positioning for upcoming elections. Not sure where planning will fall out in the mix – so far, so good?

VPA Legislative Priorities

VPA held its annual legislative workshop on Friday, January 15th for a 2010 session overview and discussion of our legislative priorities. Key areas identified for tracking and potential engagement:

- § FY10, FY11 Budgets – municipal and regional planning fund, municipal planning grants
- § Chapter 117 – riparian buffers, accessory apartments, telecom facilities, home occupations, etc.
- § Smart Growth – Act 250 criteria, growth centers and neighborhoods
- § Permit Reform – consolidation proposals
- § State Planning – state planning coordination, economic development planning, energy planning

The Executive Committee will be scheduling meetings to follow up on VPA's growth center forums. Ad hoc subcommittees of the Legislative Committee are being formed to 1) consider recommendations for updating the municipal planning grant program (MPG Group), 2) to track and respond to proposed 117 legislation, and to resume work on the "117 technical corrections bill" for introduction next year (117 Group), and 3) a Planning and Permit Reform Group to track and respond to proposed planning and permit reform legislation.

If you're interested in participating in the legislative process in anyone of the above areas – by reviewing and summarizing bills, doing some background research, drafting and reviewing informational materials and position statements, or by representing VPA in the legislature, please contact me or Dana Farley. Given that we're a volunteer organization, we're only as effective as your participation allows…

Budget Updates

FY10 Budget Adjustment (H.534). Funding for this year's round of municipal planning grants, proposed for elimination by the Administration, was restored in the FY10 Budget

Adjustment (H.534) that passed the House last week – thanks largely to VLCT. Dana Farley submitted testimony on behalf of VPA. VPA also coordinated our efforts with the Vermont Land Use Education and Training Collaborative, VNRC, VAPDA and others. H.354 is scheduled for markup this week in Senate Appropriations.

FY11 Budget: Given an anticipated $150 million shortfall in FY11 (and another $100 million in FY12), all programs are under careful scrutiny. A proposal to save $38 million – the "Challenges for Change" report prepared by the Public Strategies Group (http://www.leg.state.vt.us/reports/reports2.htm) – is making the committee rounds again this week. It calls in part for detailed and rapid strategic planning under each challenge. Given the state's current planning capacity, it's not clear if and how this can be accomplished over the next few weeks. Program cuts, especially in human services and education, additional federal funding, and use of rainy day funds are all being considered to plug gaps. Surprisingly, regional and municipal planning funds appear to be level funded in the Administration's budget, as presented by Governor Douglas last week (http://www.leg.state.vt.us/jfo/). House Appropriations is reviewing the Administration's proposal this week. It will also be taken up in Senate Appropriations, as time allows.

Permit Reform Update:

Three "permit reform" bills have been introduced to date, including S.214 (S. Natural Resources) and a modified companion bill, H.546 (H. Natural Resources)–based largely on environmental group proposals – as well as a much less ambitious H.486 (H. Natural Resources and Energy). These have been introduced to initiate discussion – no action is anticipated this year. S.214/H.546 would do away with the Agency of Natural Resources and E-Court and, in their place, consolidate all agency permits under a Department of Environmental Quality, directed by an Environmental Council modeled on the Public Service Board. The Council also would have appellate authority for agency, Act 250, downtown board and municipal land use permits and approvals.
A planning division within the new department would assume state planning assistance and training functions under Chapter 117, including training in the adoption and administration of municipal bylaws. The E-Council could also be granted the authority to review municipal and regional plans (in place of the Council of Regional Commissions).
H.486, a simpler alternative introduced by Reps. Deen and Nuovo, would re-establish an Environmental Board, also modeled after the Public Service Board, with Act 250 appellate and rulemaking authority.

VPA Activities (VPA positions posted at http://www.vermontplanners.org/)_

H.323 Riparian Buffers – VPA generally supported the bill in testimony before H. Fish, Wildlife & Water Resources, and worked with legislative counsel to clarify Chapter 117 language.
H.534 FY10 Budget Adjustment – VPA requested the restoration of municipal planning grant funds in correspondence to H. Appropriations; will follow up in S. Appropriations as needed.

S.99 Smart Growth Committee/Act 250 – VPA endorsed the bill in S. Natural Resources & Energy, as recommended by the Smart Growth Committee; the bill has since been ordered to lie (1/19/10).

Tracking Bills (http://www.leg.state.vt.us/database/database2.cfm)

H.476 Real Property – 15-yr enforcement limit on highway permits H. Judiciary
H.485 Use Value Appraisal – moratorium, land use change tax H. Floor, Third Reading
H.486 Permit Reform/E-Board – appellate E-Board H. Natural Resources, Energy
H.498 Private Roads – abutter maintenance requirements H. Commerce, Economic Dev
H.503 Chapter 117 – accessory dwellings, 750 sf cap H. General, Housing, Military
H.504 Chapter 117 – telecom facilities permitting H. Natural Resources, Energy
H.509 Lake Champlain – includes road BMPs tied to funding H. Fish, Wildlife, Water
H.534 FY10 Budget Adjustment – passed House 1/22/10 S. Appropriations
H.546 Permit Reform – consolidation, DEQ, E-Council H. Natural Resources, Energy
H.547 Permits– track permit processing over 120 days H. Natural Resources, Energy
H.550 Economic Development Board, long-term economic plan H. Commerce, Economic Dev
S.147 Chapter 117 – accessory dwellings, 750 sf cap S. Natural Resources, Energy
S.170 Chapter 117 – home occupations, accessory structures S. Natural Resources, Energy
S.198 Economic Development Board, long-term economic plan S. Government Operations
S.204 Tax Increment Financing S. Finance
S.208 Vermont Agricultural Advisory Board S. Agriculture
S.214 Permit Reform – abolish VANR; DEQ, E-Council S. Natural Resources & Energy
S.231 Planning – VLS land use/energy planning bill S. Natural Resources & Energy
S.233 Chapter 117/Act 250 – TDRs, off-site mitigation S. Natural Resources & Energy
S.237 Salvage Yards – operational standards, buffers S. Natural Resources & Energy
S.238 Planning Coordination – VLS state planning bill S. Natural Resources & Energy
S.263 Jobs, Economic Development – for-benefit corps (Shumlin) S. Economic

Development

Committee Calendar (http://www.leg.state.vt.us/schedule/schedule2.cfm):

H. Appropriations – FY11 budget overviews (all week)
H. Commerce, Econ Dev – Smart Grid, Energy (W), H.550/ED Board-CVRPC (W), H.498/ Roads (Th)
H. Fish, Wildlife, Water – H.323/Buffers (Tu)
H. General, Housing, Military – affordable housing-VHCB (Tu)
H. Transportation – Budget (M-W), I-89 Exit 12B Study-CCMPO (Th)
S. Appropriations – H.534/FY10 budget adjustment-markup (all week), FY11 budget overview
S. Economic Dev, Housing, General – job growth priorities, strategies (W), committee job growth bill
S. Natural Resources, Energy – Energy planning-DPS, CVPS, GMPC (Th)
S. Transportation – FY11 transportation budget (all week); I-89 Exit 12B Study-CCMPO (F)

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