



VPA LEGISLATIVE UPDATE #5

February 23, 2010

Weekly Highlights

With town meeting week and cross over deadline fast approaching, the number of new bills introduced has dropped to a trickle. Committees are now moving all but big committee bills out for floor vote, and setting their legislative priorities for the remainder of the session.

Wednesday (February 24th) will be a hopping day at the statehouse – it's **Housing and Conservation Day** (VT Housing and Conservation Coalition), **Local Government Day** (VLCT), and the day the Senate is scheduled to vote on Vermont Yankee. The Vermont Yankee bill (S.289), as introduced by the Senate Finance Committee last week, would in effect approve the continued operation of VT Yankee and on-site storage of spent waste until March 21, 2032 as long as they obtained a certificate of public good and all other necessary permits and approvals. Look for the no votes...

Riparian/River Corridor Bill (H.763). The mandatory riparian buffer bill, reconstituted as a voluntary river corridor management bill in House Fish, Wildlife and Natural Resources, passed the House on Friday after some debate. While VPA supported both versions, the river corridor management bill which presented an incentive-based approach to river corridor protection, received much broader support. As reported last week, the bill as passed establishes the state's river corridor management program in statute, more specifically enables municipalities to adopt riparian buffer bylaws under Chapter 117, and requires that financial incentives be identified to encourage municipalities to adopt shoreland, river corridor and riparian protection measures.

Smart Growth (S.99). It was confirmed last week by Senator Lyons that the Smart Growth bill, despite general support from the planning community, has stalled for the year – though the proposed changes to Criterion 5 (Transportation) may show up in other legislation. Additional testimony, especially from former District Commissioner Peter Van Oot of Downs, Rachlin and Martin, the Greater Burlington Industrial Development Corporation and Lake Champlain Regional Chamber of Commerce and the Central Vermont Chamber muddied the waters sufficiently to confuse what was intended as clarifying language to address rural growth centers and strip development. They suggested, incorrectly, that all existing settlements would have to go through a growth centers designation process, that the bill would make development outside of growth centers a “high-risk enterprise” thereby limiting economic and affordable housing development, that economic criteria should be added to Act 250 and that, instead of changing Act 250, we should focus on revitalizing town and regional planning... Next year?

Growth Centers (S.64). Instead, Senate Natural Resources is now revisiting S.64 – last year's growth centers bill. Last Friday Agency Secretary Kevin Dorn and Paul Bruhn of Preservation Trust Vermont jointly met with the committee to outline a new proposal – also supported by VNRC, Smart Growth Vermont, and program staff – that would eliminate the Planning Coordination Group in favor of a reconstituted board with more technical expertise and “scoping” duties, make the application process easier, allow for decisions to be reconsidered (rather than appealed), and further limit the size of growth centers in statute – with the intent to first protect the viability of downtowns. Revised language, still being drafted by Legislative Counsel Aaron Adler, is expected to be presented to the committee this Thursday, and will be forwarded to VPA for review. Senator Lyons has also asked for a copy of VPA's growth centers platform, once adopted. They would like to act on this before crossover.

Municipal Planning Grants (H.534, FY11). The FY10 budget adjustment (H.534) bill was reconciled in the House and Senate, and as passed by both includes roughly \$250,000 for municipal planning grants (depending on ancient road money recaptures). According to Joss, grant announcements will be out sometime this week, with an April 30th deadline. It appears that FY11 funding for municipal planning grants (\$400,000) and RPCs is still in the appropriations bill, as included by the Administration. The FY11 budget is in markup this week in House Appropriations.

Challenges for Change Legislation (S.286). The House passed a strike-all version of the Senate bill last week, which is scheduled for consideration by the Senate on today's calendar.

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

H. Agriculture – Agricultural Development Board/ Paul Costello, VCRD (T)
H. Appropriations – FY11 budget (all week), markup; VHCB, DEHCD (Th)
H. Corrections, Institutions – Capital bill (all week), markup; H.760/Boards, Commissions (T)
H. Fish, Wildlife, Water Resources – H.586, H. 593/Chapter 117–water, wastewater permits (T, Th), markup;
H.509/L. Champlain TMDLs (W), VT Yankee Update (F)
H. General, Housing, Military – FY11 Budget/VHCB (W)
H. Gov Operations – H.667/Chapter 117,Wind (W), H.579/Merger ACCD, DOL (Th)
H. Natural Resources & Energy – Renewable energy bill (all week), testimony (T, W)
H. Transportation – Transportation bill, markup (T, W)
S. Appropriations – FY11 Budget (T,W)
S. Econ Dev, Housing, General – S.263/Jobs Bill, B-Corps (W), VT Environmental Consortium Report (Th)
S. Finance – H.485/Use Value Appraisal (Th)
S. Institutions – FY11 Capital bill (all week); UVM (T), school construction (Th)
S. Natural Resources, Energy – S.288/2010 Recovery Act, Growth Centers (Th), S.237/Salvage Yards (Th, F)
S. Transportation – Local Motion (T), VLCT, Local Government (W)

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

(Highlighted active this week)

H.323 Chapter117 – state, municipal riparian buffer regs	H. Fish, Wildlife, Water Resources
H.470 Judicial Restructuring – E-Court?	H. Judiciary
H.476 Real Property – 15-yr enforcement limit on highway permits	H. Judiciary
H.485 Use Value Appraisal – moratorium, land use change tax	S. Finance
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 – highway funding tied to road BMPs	H. Fish, Wildlife, Water Resources
H.534 FY10 Budget Adjustment	Passed House, Senate
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
H.579 Merger ACCD, Department of Labor	H. Government Operations
H.586 Chapter 117– state water supply, wastewater permits	H. Fish, Wildlife, Water Resources
H.593 Chapter 117– water supply, wastewater encumbrances	H. Fish, Wildlife, Water Resources
H.604 Municipal regulation of agricultural uses	H. Government Operations
H.642 Use Value Appraisal – incentives to not post land	H. Ways & Means
H.652 Chapter 117/Act 250 – TDRs, off-site mitigation ag soils	H. Natural Resources, Energy
H.654 Renewable energy plants – local ordinance appeals to PSB	H. Natural Resources, Energy
H.664 Act 250 – 10-acre towns	H. Natural Resources, Energy
H.677 Chapter 117/Act 250 regulation of wind energy plants	H. Natural Resources, Energy
H.686 Prohibit affordable housing discrimination in permitting	H. General, Housing, Military
H.714 Authorizes citizen initiative legislative process	H. Government Operations
H.717 Regulation, licensing of homebuilders	H. General, Housing, Military
H.721 Chapter 117– mandates municipal plans, ridgeline plans	H. Natural Resources, Energy
H.731 Chapter 117 – expedited permitting, on record proceedings	H. Natural Resources, Energy
H.732 Construction within public airport hazard areas	H. Natural Resources, Energy
H.741 Complete street principles	H. Transportation
H.760 Boards, Commissions – repeal CORC, Development Cabinet	H. Government Operations
H.763 Chapter 117 – River Corridor Management Plan, Bylaws	Passed House 2/19
S.64 Growth Centers	S. Natural Resources, Energy
S.99 Smart Growth/Act 250 – transportation, rural growth	Senate – Ordered to Lie
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. Econ Dev, Housing, General

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 ag soils	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 – B-(benefit) corps (Shumlin)	S. Econ Dev, Housing, General
S.286	Challenges for Change– regulatory reform, etc.	H. Appropriations
S.288	2010 Vermont Recovery & Investment Act (Illuzzi)	S. Finance
S.289	Vermont Yankee	S. Calendar, 2nd Reading (Tues)

Sharon Murray, AICP
VPA Legislative Liaison