

Act 250 Legislative Changes

Developing CVRPC's Perspective

04/09/19 Commission Meeting

The Commission on Act 250

Legislative Charge

Review the vision for Act 250, adopted in the 1970s and **its implementation** with the objective of **ensuring that**, over the next 50 years, **Act 250 supports Vermont's** economic, environmental, and land use **planning goals**.

The Commission on Act 250

Process Used

- **Preliminary Meetings** to develop a common understanding.
 - Information from Advisors, Executive Branch work group, NRB data on Act 250, presentations by Legislative Council, public comment, subcommittees
- **Public Discussion** to understand priorities and preferences for future direction.
 - 6 public meetings, web survey, written comments submitted
- **Deliberation and Report** to develop its recommendations.
 - Public engagement report, Legislative Council research, witness testimony, Recreation Trails workgroup report, proposals from advisors and others, permit data review

To what degree has Act 250 been successful or unsuccessful in meeting its goals?

Finding

Act 250's success has been limited.

Supporting Data

- Land development substantially exceeded population growth.
- Impairment of Vermont waters remains significant.
- Significant creation of small parcels (10 acres or less).
- Decline in acres covered by forests.

Tonight's Goal

Understand current Legislative discussions and identify CVRPC's perspectives on changes related to:

- local and regional plan approval and use,
- transportation and energy criteria,
- interstate interchange jurisdiction, and
- enhanced designation jurisdiction.

Board activity is to identify areas where Commission consensus exists, where consensus does not exist, and whether/how current proposals could be modified to achieve consensus.

Summary of Recommendations

Local and Regional Plan Approval and Use

Regional Plans: (3 parts for discussion)

- must be submitted to the Vermont Environmental Review Board
- for review and approval of statutory consistency.
- must be approved to be used in Act 250.

Municipal Plans: (2 parts for discussion)

- must be consistent with state goals (24 V.S.A. § 4302) and compatible with approved plans of other municipalities and with the regional plan.
(currently *may* be consistent)
- must be approved to be used in Act 250.

Summary of Recommendations

Transportation Criteria

Transportation

- Adds consideration of *bicycle, pedestrian, and other transit infrastructure*
- Expands consideration of safe *use*, access, and connections to adjacent lands and facilities
- Requires District Commission state when it *declines to require* transportation demand management strategies *by issuing a finding*

What is transportation demand management (TDM)? (a.k.a. traffic or travel demand management)

TDM is a program of information, encouragement and incentives to help people know about and use all their transportation options and to counterbalance the incentives to drive. These are both traditional and innovative technology-based services to help people use transit, ridesharing, walking, biking, and telework. Strategies and policies are applied to reduce travel demand (ex. carpools) or to redistribute this demand in space or in time (ex. varied work shift hours among different companies).

Summary of Recommendations

Energy Criteria

Energy

- Updates statutory language to include 2015 energy efficiency *stretch code*
- Adds new requirement that applicants provide a *certification through inspection* that the proposed development complies with stretch codes
- Requires Environmental Board to *adopt rules for the inspection process*

What is a Stretch Code?

The Vermont Residential Building Energy Standards (RBES) was adopted in 1997. It applies to all residential buildings 3 stories or less above grade. Passed in 2013, the Stretch Code is defined as *a building energy code for residential buildings that achieves greater energy savings than the RBES*. The stretch code includes air leakage testing and electric vehicle charging stations for multifamily developments of 10 or more units. The Stretch Code has been applied in Act 250 since 2015. Municipalities can chose to adopt the stretch code.

Summary of Recommendations

Interstate Interchange Jurisdiction

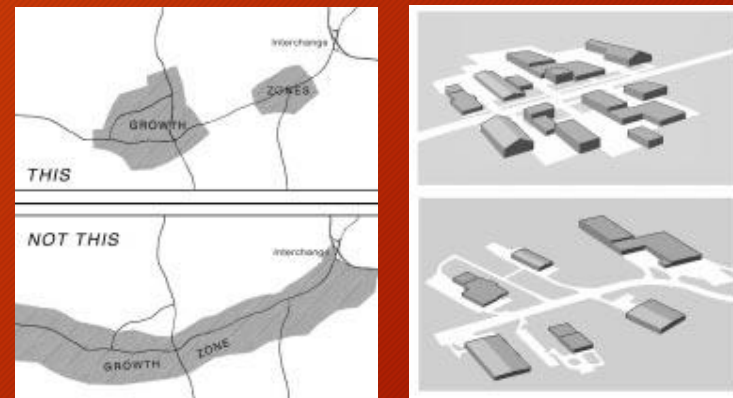
Applies to:

- commercial or industrial construction
- within a 3,000 ft. radius of an interchange, unless within an existing settlement

(see CV maps)

Must comply with:

- the *Vermont Interstate Interchange Planning and Design Guidelines*
- applicable to the category of land use identified for the area in the *regional plan*



Summary of Recommendations

Enhanced Designation Jurisdiction

Municipality applies to take over Act 250 review

In designated downtowns, growth centers, village centers, new town centers, and/or neighborhood development areas (existing State designated areas only)

Municipality must demonstrate:

- bylaws compliant with Act 250 criteria.
- review and enforcement capacity.
- *critical resource areas* identification. *(proposed new term for Act 250)*
(river corridors, Class I or II wetlands, land at or above 2,000 feet, ridgelines, and land characterized by slopes greater than 15 percent and shallow depth to bedrock)
- satisfies other requirements. *(as adopted by the VT Downtown Board)*

“Enhancement” can be appealed.

For More Information

The Commission on Act 250 Report

<https://legislature.vermont.gov/committee/document/2018.1/333/Date/1-4-2019#documents-section>

Current Legislative bills to modify Act 250

<https://legislature.vermont.gov/>

The bills receiving the most attention are S.165 and Bill 19-0040, which can be found through the “Bills” tab under the House Committee on Natural Resources, Fish & Wildlife.

Thank you for providing policy direction!