

VNRC Bulletin



GROWTH AND OTHER ENVIRONMENTAL BILLS PASS AT THE CLOSE OF 1988 BIENNIUM

5/88

When the Vermont General Assembly finally retired in the third week of May, legislators left behind them two strong years of environmental success: a biennium highlighted by passage of comprehensive bills on solid waste and growth management, an expansion of the bottle deposit system, and anti-speculation laws on rapid land sales. Significant new funding was provided to such programs as the Vermont Housing and Conservation Trust Fund, the cleanup and upgrading of underground storage tanks, sewage treatment construction, and solid waste planning efforts.

Next year Vermont will usher in a new legislative cast. Many familiar faces and environmental leaders are leaving the House and Senate and the responsibility for protecting and fine-tuning these hard-won environmental programs will fall to new political leaders, the watch-dogging of the VNRC staff and you--the VNRC membership!

In the meantime, please thank your legislators for their assistance and support (if they gave it!). Our thanks go especially to the following members: Senators Doug Racine, Harvey Carter, Scudder Parker, George Little, David Deen, Seth Bongartz, and Peter Welch, and; Representatives Stephen Reynes, Tim Burke, Don Hooper, Paul Hannan, Paul Poirer, Robert Starr, and Kunin administration aide Karen Meyer.

The spotlight of the 1988 session was H.779, the wide-sweeping land use planning initiative. Inaccurately painted by some media accounts as purely a "growth control" bill, and the target of sometimes wildly rhetorical criticism, H.779 struggled through no fewer than eight legislative committees, countless drafts, and two committees of conference. The vote to concur with the final conference committee report, however, won comfortable margins in both the House and Senate on a spring Saturday, May 14th.

The House and Senate versions of the growth package differed in several key areas, especially the rate and disbursement of new property transfer tax monies, state goals to guide the planning process, and the structure of farm assistance. VNRC strongly supported the version of the bill reported by the Senate Natural Resources Committee. This bill was, however, significantly reshaped on the floor in order to win the acceptance of the full Senate. Less than a week after the Senate vote, a conference committee ironed out differences between the two chambers, an agreement was rejected once by the Senate, reworked, and then accepted by both bodies.

As is the case with any legislative package of this breadth and political attention, the growth bill was subject to compromise. The VNRC staff is disappointed by certain changes in the final bill. A key issue that was not addressed in the legislation was property tax reform. In order for effective land use planning to become a reality, this reform must occur soon, and VNRC will continue to educate and lobby on this issue. We believe on balance, however, that the final package will be a significant boost to promoting environmentally-sensitive land use decisions and to providing a citizen-based land use and development planning process.

The new financial commitment in H.779, thanks partly to recent budget surpluses, will speed the pace at which the Trust Fund can respond to housing and conservation needs, and new property transfer tax monies will ensure a steady flow of revenues to the planning program and Trust Fund after the surpluses are gone. And, financially-troubled Vermont farmers are given a temporary ray of hope through the new property tax abatement and milk subsidy program passed as part of the growth package.

Successful implementation of the growth bill is not inevitable. It will take the diligence and patience of many local government officials, planning commissions and people concerned about the future of their communities. We encourage all of you to participate and assist your local boards and planning commissions in their efforts.

Please see the other side for a more detailed breakdown on the growth bill and other VNRC legislative priorities. Thank you, VNRC members, for all your concern and work this year, particularly all of you who attended growth hearings, called, wrote, and encouraged your legislators to support the VNRC agenda.

The 1988 legislative scorecard:

H.779: key features of the final "planning" portion of the bill include:

- Statewide goals for guiding the planning process at each level of government. The goals are broad-based with the intention of directing the preparation of land use and development plans. They address a wide range of planning functions including natural resource use and protection, public and private investment, economic development, planning for housing, transportation systems, agricultural development and a process for encouraging broad public input. They are specific to the extent that they provide a check on towns' ability to receive planning grant monies or collect impact fees from new development if they do not prepare comprehensive land use use plans consistent with the goals.
- An increase in the property transfer tax from its current rate of one-half of one per cent (.5%) to a one and one quarter per cent (1.25%). (The first \$100,000 in value of all properties and farms are held only to the current .5%.) This is expected to raise roughly \$7.7 million of which 60% (\$4.1 million) will go to a newly created Municipal and Regional Planning Fund and 40% (\$3.5 million) to the Housing and Conservation Trust Fund. However, for the first year, one million of the \$3.5 million outlay to the Trust Fund will go to the milk price support program. Out of the \$4.1 million, \$750,000 will be allocated to the start-up of a statewide Geographic Information System (GIS) and \$400,000 to the "working farm" property tax abatement program.
- Monies awarded to towns from the Muni. & Reg. Planning Fund can be spent only on:
 - funding the regional planning commission in conducting capacity studies
 - carrying out a municipal planning process under the provisions of current law
 - acquiring development rights, easements or title to lands for local housing, aquifer protection, open space or farmland protection needs.
- From the state revenue surplus, \$20 million is allocated to the Housing and Conservation Trust Fund, and \$6.5 million is allocated to the the dairy price support program.
- If a town elects not to have a town plan which meets state goals and their regional commission's approval, it will not receive the new state monies. In this case the regional plan will be the only plan applicable in Act 250 proceedings.
- Regional commissions are instructed to review the planning process of their member municipalities at least twice in a five-year period to determine whether towns are implementing their town plans consistent with the statewide goals. The review is also to ensure that monies are being spent according to the three areas listed above.
- In the preparation of regional plans, regional commissions are required to:
 - plan consistently with state goals and develop regional data base compatible with GIS
 - prepare implementation guidelines to carry out the regional plan once it is adopted
 - review the compatibility of neighboring municipal plans
 - assist communities in designing strategies to manage cumulative impacts
 - appear before Act 250 commissions or the Public Service Board as necessary
- A 17-member state-level Council of Regional Commissions is created to review state agency plans and serve as an appeals board to resolve conflicts in the preparation and implementation of local and regional plans.

WHAT ELSE PASSED?

- H.221: The bottle bill expansion. The final bill has wine coolers at a 5 cent deposit and liquor bottles at 15 cents to go into effect in July of 1989 and 1990 respectively.
- H.681: Gives the Public Service Board authority to include Act 250 environmental criteria in review of energy projects and evaluate impacts from natural gas facilities.
- H.398: Was signed by the Governor to straighten out the confusing river reclassification process that clouded the hearings on the Ottauquechee River.
- H.803: Clarifies who can contribute to the non-game wildlife fund on their tax returns.
- H.762: Commits \$12 million of the surplus towards upgrading sewage treatment plants.

...and more! Look for a complete round-up in the next Vermont Environmental Report!!

Vermont Natural Resources Council
9 Bailey Avenue
Montpelier, Vermont 05602

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