

# Bulletin & Legislative Update

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### DEVELOPMENT, HOUSING, AND CONSERVATION

Farmland, wild and working forests, compact communities, and unmatched natural resources have been the backbone of Vermont's economy and quality of life for generations. Unfortunately—and despite a handful of laws designed to avoid it—disorderly development is spreading farther and faster into Vermont's rural reaches, whittling away the characteristics that make Vermont unique.

A misguided proposal recently released to address "affordable housing" needs would worsen the problem. This fall, the Secretary of the Vermont Agency of Commerce and Community Affairs suggested a slate of new policy initiatives that would turn any concept of smart growth completely

on its head.

The plan suggests imposing a 5 percent tax on farmers or others who wish to conserve land, condemning conservation easements, allowing for development of conserved property including precious public land resources, and weakening review of environmental protection. Additionally, public money would be used to subsidize private developers. In other words,

Vermonters would be picking up part of the tab to promote rapidly accelerated development of rural and recreational resources, while concurrently providing disincentives to build in village and downtown locations.

Ironically, at the same time, a special legislative committee met throughout the fall to investigate opportunities for reinforcing and strengthening Vermont's stated goal of developing compact settlements surrounded by open working





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landscapes. That concept has been referred to as the "growth centers" concept. Growth centers are areas where future development would be encouraged so that natural resources could remain undeveloped and productive in other areas. More accurately, the concept is about development *and* conservation.

This year, VNRC is supporting legislation that would accommodate new development and cultivate affordable housing opportunities while simultaneously conserving important rural resources. Poor planning has been a root cause of the problem, and present statutes could be used to revitalize

Vermont's planning and development program.

The existing "Downtown Law" should form the nucleus of growth center legislation. The Vermont Downtown Development Board currently administers the village, downtown, and "new town center" designation process. The newly formed Natural Resources Board considers additional review for approval of downtowns. Expanding existing law to include a growth and conservation plan is a logical next step, since the objectives of defining and designating growth centers are very similar to those for the existing three categories.

Any growth center legislation that is adopted

should contain:

- A consistent definition of growth centers that recognizes that development should be focused in downtowns, villages, and new town centers as the core of a growth center;
- A process for designation;
- Incentives for development within the centers;
- Insurance that state infrastructure investment (e.g. sewer, water, roads, schools etc.) will support Vermont's growth centers and not lead to sprawl;
- Protections for valuable resource lands in the countryside.

The legislation that catalyzed the growth center investigation was a bill introduced last year to allow for mitigation when developing the prime agricultural land in Vermont. This issue is still being considered in the context of this year's growth and conservation legislation. If the Legislature considers options for protecting prime agricultural lands, it should be careful to ensure that:

- Act 250 criteria are not weakened;
- Protection for farmland is strengthened;
- Agricultural land mitigation (buying easements elsewhere to sacrifice prime farmland for development) is only used as a last resort;
- Innovative site planning continues to be required as a way to protect farmland;
- Agricultural lands planning be carried out, as required by current law.



Ron Powers