



## ***ad hoc Commission on Act 250 Committee***

### **Minutes**

**Date:** Wednesday, March 13, 2019, 5:30pm to 7:00pm

**Location:** CCRPC Small Conference Room, 110 West Canal Street, Winooski

**Attendees:** Chris Roy, Tony Micklus, Justin Dextrateur, Curt Carter (GBIC), Charlie Baker and Regina Mahony

- I. Welcome, Changes to the Agenda, Members' Items.** Chris Roy welcomed everyone.
- II. Review Minutes from January 30, 2019.** Tony Micklus made a motion, seconded by Justin Dextrateur, to approve the minutes of January 30, 2019. No further discussion. MOTION PASSED.
- III. Review of additions to CCRPC Position Statements**

Charlie Baker provided an overview of his testimony that he provided to the House Natural Resources Committee on February 21st. He testified after Kate McCarthy (VNRC) and Alex Weinhagen (Vermont Planners Association) and only had about 9 minutes. He was able to move quickly through CCRPC's positions that were similar to or supported VNRC and VPA's statements. Charlie also provided them with a map of Chittenden County's state designations versus areas that already have water and sewer infrastructure to reiterate how small the state designations are in comparison to our areas planned for growth. The House Natural Resources Committee is still not marking up their bill, so it is hard to tell if they are agreeing or disagreeing with any testimony received so far. Chris Roy added that he testified this morning as well. It seems clear that they aren't going to move this forward this session, with the crossover deadline this Friday (3/15/19).

Regina Mahony described the two additional position statements regarding the Regional Plan approvals, and appeals of those approvals. The language is what VPA recommended in their testimony, and CCRPC Staff are okay with being accountable to the statutory requirements. Discussion ensued on the idea of regional plan approvals and who should approve the plans. There was a suggestion that we are already committed to ACCD through funding, so why not have them do it? Charlie indicated that some of his peers would be more comfortable if it wasn't just one state agency that had the authority; and our Plans cover many topics that are relevant to a variety of state agencies. The ad hoc Committee decided to make it clear that we are supporting this VPA position so if they modify the position down the road we can stay aligned with them; and to add some flexibility to the Development Cabinet with "or some instrument of the state" to be clear that the authority of approval shouldn't just be with the RPCs, or the Natural Resources Board/Environmental Review Board. Regarding which body should hear appeals of the plan approval, staff isn't sure about VPA's recommendation of the Natural Resources Board/Environmental Review Board because those Boards would be using the Plans in their regulatory process. The ad hoc Committee decided to recommend the Environmental Court as the appropriate body to hear both regional and local plan approval appeals. Staff will make these edits and forward them on to both the Executive Committee and full Board for their March 20<sup>th</sup> meetings.

#### **IV. Review of VNRC Jurisdictional Tiers Proposal**

Charlie Baker explained that Brian Shupe of VNRC is looking for feedback on their ideas to bring more clarity to the various geographic areas and associated jurisdiction. Regina Mahony explained their proposal as described in four tiers:

- Critical Resource Areas (river corridor, a significant wetland, land at or above 2,000 feet, and land characterized by slopes greater than 15% and shallow depth to bedrock) – as proposed in the bill this



would trigger Act 250. VNRC is suggesting just state permitting for wetlands and river corridors rather than Act 250 jurisdictional trigger. The ad hoc Committee had some questions about why VNRC is taking this position.

- Enhanced designation areas – as proposed in the bill these areas would not be subject to Act 250, and VNRC is not proposing any expansion of this concept. The ad hoc Committee indicated that these areas need to be expanded.
- Areas Currently Defined as Rural and Working Lands – as proposed in the bill this would include everything that isn't currently under the first two bullets.
  - Regionally Designated Areas – VNRC is suggesting that regions can define these growth areas. This is good idea, however they are only proposing to change the jurisdictional threshold from 10 or more lots/units to 20 or more lots/units; 10 acre commercial stays the same. The ad hoc Committee recommended that these areas should be given the same Act 250 relief as the enhanced designation areas.
  - Resource areas – VNRC is suggesting that land that is neither an enhanced designation or a regionally designated area would fall within this category for the purposes of addressing incremental loss of resources areas, including farm, forest land and natural areas. The jurisdictional threshold would be subdivisions of three lots or more, commercial or industrial development on one acre or more, and/or roads and driveways segments that total more than 1,200 feet are subject to Act 250. The ad hoc Committee commented that it is imperative that this not happen unless full Act 250 relief happens in an expanded geographic area; and this expansion in resource areas should not happen before Act 250 is released in appropriate areas. This is reflected in CCRPC's position statement #7.

Charlie will provide this feedback to Brian Shupe.

**V. Next Meeting.** The ad hoc Committee decided to not set another meeting until there is a marked-up bill to respond to.

**VI. Adjourned at 6:22pm.**