

## The WRC and Act 200

In 1987, in response to the rapid growth that characterized portions of Vermont in the mid 1980's, Governor Madeleine Kunin appointed a blue ribbon commission to consider how the state might mitigate such growth through stronger, coordinated local, regional and state agency planning. Act 250 was already deeply embedded in Vermont's development and regulatory culture, but many public officials and private sector developers argued that a consistent, predictable planning process, based on clearly defined goals, would make Act 250 more effective and more user-friendly for permit applicants. In late 1987 the report of the governor's commission, based on extensive research and public input, led to a complex, controversial legislative bill that became Act 200.

The WRC's Legislative Committee reviewed the bill during the 1988 legislative session, continuing a tradition that dated back to the late 1960's that had earned the respect of legislators through its analysis of draft legislation and for its useful suggestions for revised language.

Four objectives formed the heart of Act 200 when the Legislature turned it into law in Spring 1988:

- Greater opportunity for public participation in the planning process at all levels,

- Compatibility of local, regional and state plans,

- Consistency of local, regional and state agency plans with a common set of planning goals,

- Greater state financial support for local and regional planning.

To ensure planning coordination, Act 200 included thirty-two goals (later streamlined to twelve) that all town, regional and state agency plans had to address, as well as a thorough but bureaucratic plan

review process to verify that these plans were compatible with each other and were consistent with the state goals

Under Act 200 regional planning commissions were to receive significantly larger grants, and for the first time town planning programs were also to receive state funds. Though local planning was still voluntary, to earn planning funds town plans had to be consistent with the state's planning goals. While all this sounded very promising in 1988, a steep decrease in state revenues in 1990 and 1991 quickly led to a cut in state spending, including the appropriations for local and regional planning. The Legislature's cuts were so deep that between 1993 and 1995 they completely eliminated town planning funds, and in 1994 even required regional planning commissions to return a portion of the yearly funding they had already received. Appropriations for regional planning went from a state-wide high of \$1.5 million in 1988 to less than \$1 million in 1994. These actions, though perhaps necessary, handed Act 200 opponents the opportunity to accuse the state of creating "another unfunded mandate."

That accusation was perhaps the mildest charge against Act 200. As soon as the Legislature passed the Act in 1988, it generated a sometimes bitter controversy throughout Vermont between defenders of local control and advocates of greater state influence in local land use planning and regulation. During the early 1990's the WRC had to walk a very delicate political line between the pressure from member towns uncomfortable with Act 200 and the pressure from the state to serve as a public advocate for vigorous implementation of the new law. The WRC could not ignore the latter because the state still contributed an important portion of the Commission's annual revenues.

A related portion of Act 200 that the WRC and its member towns did not support involved an "Approval Process" that required regional planning commissions to measure the consistency of a town plan with the state planning goals. Even though the submission of a town plan

for “approval” was voluntary, seeking regional approval raised the specter of loss of local control over planning that was anathema to many Vermonters.

Traditionally the WRC had helped towns craft plans and bylaws that expressed the individual municipalities’ vision. The new responsibility to verify that local plans were consistent with state goals put the Commission in an untenable position and fundamentally changed the WRC’s relationship with its member towns. Suddenly, the Commission could become “them” in what towns perceived as a “them or us” conflict. Since passage of Act 200, the WRC has walked the line carefully when implementing this part of the law, but inevitably the competing responsibilities of assisting with town preparation of plans reflecting local needs and priorities, and then “judging” their plan for conformance with state statute, created a constant potential disruption of the Commission’s relationship with its member municipalities.

Though the Legislature has amended Act 200 several times, and despite efforts to repeal it in the early 1990’s, legislative support and the governor’s veto power have prevented the Act’s demise.

In retrospect, Act 200 did improve planning in Vermont. While the Legislature has repealed much of the bureaucratic complexity of the bill, or simply ignored it, several critical portions remain. The twelve planning goals still keep town and regional planning more or less on the same page, though review of state agency plans for compatibility with local and regional plans has been abandoned. There is still a process to measure local and regional plan consistency with state goals, but not state agency plans. Annual funding for municipal planning is still available, though dramatically reduced dollars are now competitively awarded to a relatively small number of towns. While funding for regional planning commissions has improved since the 1990’s, it remains fragile and unpredictable. The most significant outcomes of the Act 200 saga have been the growth of regional planning

commissions' credibility as players in the legislative process, and the reputation they have earned as bridges between town and state government.