Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

Burlington Planning Commission

Tuesday, April 8, 2025, 6:30 PM

Remote & Virtual Meeting via Zoom
In person option available:
Bushor Conference Room (Room 102), 1st Floor of City Hall, 149 Church St.
To Join the Meeting on a Computer
Link:https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09
Passcode: 658929
To Join the Meeting on a Phone
Number:+1 646 931 3860 US Meeting ID: 979 4188 3790

1. Agenda

2. Public Forum

3. Chair's Report

4. Director's Report

5. Proposed CDO Amendment ZA-25-08: Impact Fees

Subject	**5.1. Discussion related to proposed CDO Amendment ZA-25-06: PlanBTV Downtown Code Parking Setbacks**
Meeting	April 8, 2025 - Planning Commission Agenda - Tuesday, April 8, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Proposed CDO Amendment ZA-25-08: Impact Fees
Department	Planning
Type	
Recommended Action	

6. Proposed CDO Amendment ZA-25-04: Performing Arts Centers

Subject	**6.1. Discussion and review of proposed CDO Amendment ZA-25-04: Performing Arts Centers in the ELM District following City Council Ordinance Committee changes.**
Meeting	April 8, 2025 - Planning Commission Agenda - Tuesday, April 8, 2025, 6:30 PM, Burlington Planning Commission
Category	6. Proposed CDO Amendment ZA-25-04: Performing Arts Centers

Department Planning

Type

Recommended Action

7. Burlington Housing Targets and CCRPC Regional Future Land Use Map

Subject	**7.1. Discussion related to recently announced Burlington Housing Targets and CCRPC's Regional Future Land Use Map.**
Meeting	April 8, 2025 - Planning Commission Agenda - Tuesday, April 8, 2025, 6:30 PM, Burlington Planning Commission
Category	7. Burlington Housing Targets and CCRPC Regional Future Land Use Map
Department	Planning
Type	
Recommended Action	

8. Commissioner Items

9. Adopt Minutes & Communications

Subject	**9.1. Review and accept Communications and approve and adopt 3/25/25 Minutes**
Meeting	April 8, 2025 - Planning Commission Agenda - Tuesday, April 8, 2025, 6:30 PM, Burlington Planning Commission
Category	9. Adopt Minutes & Communications
Department	Planning
Type	

10. Adjournment

City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7194
www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Planner
DATE: April 8, 2025
RE: Proposed ZA-25-08 Impact Fees

Overview & Background

The City currently collects Impact Fees, which are charges on new development collected to defray capital costs directly related to new development. Specifically, impact fees are spent for the following purposes:

- To make improvements needed to serve growth;
- To maintain level of service as the city grows; and,
- To complete projects with community-wide benefit (not just one development)

Impact fees cannot be spent on maintenance, operations, or existing deficiencies; project-specific impacts; or paying for the same improvement twice. Burlington's first fees were adopted in the early 1990s. Finally, impact fees supplement the City's other capital revenues. Fees are currently collected for the following municipal services:

- Traffic (intersection improvements only)
- Fire
- Police
- Parks
- Library
- Schools

Of note, affordable and senior housing are exempt from impact fees, which are charged per 1,000 square feet of proposed development. The table below describes the current fee schedule:

Department	Residential	Industrial	Offices & Other	Retail
	$ per 1,000 sq. ft. - in 2023 dollars			
Traffic (DPW)	$224	$299	$771	$839
Fire	253	224	227	227
Police	51	400	400	400
Parks	848	481	478	478
Library	525	0	0	0
Schools	1,095	0	0	0
Total	**$2,996**	**$1,404**	**$1,876**	**$1,944**

The 10-year average for impact fee revenue is approximately $350,000 per year, with individual fee categories ranging from $30,000 to $80,000. In the determination of City staff and the project consultants, this revenue is not enough to fund significant capital projects. Below is a table documenting the last ten years of impact fee collection and revenue:

Fee Category	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-2024	
												Total	Ann. Avg.
Traffic	$15,956	$108,317	$35,287	$75,599	$156,560	$148,181	$165,906	$69,141	$4,395	$48,086	$26,121	**$853,549**	**$77,595**
Fire	$10,149	$47,704	$17,378	$43,529	$55,319	$63,569	$79,193	$10,136	$1,226	$17,234	$27,520	**$372,957**	**$33,905**
Police	$6,208	$51,538	$20,587	$70,348	$37,936	$59,331	$96,775	$16,245	$2,247	$24,085	$7,002	**$392,301**	**$35,664**
Parks	$31,089	$124,353	$48,848	$124,957	$137,357	$168,670	$190,026	$20,941	$3,087	$42,564	$92,582	**$984,474**	**$89,498**
Library	$19,536	$42,080	$15,947	$31,978	$69,664	$68,156	$72,544	$5,832	$3,038	$13,968	$57,502	**$400,245**	**$36,386**
School	$40,778	$87,838	$42,990	$156,750	$69,358	$122,835	$201,786	$17,685	$6,343	$24,792	$118,119	**$889,275**	**$80,843**
Total	**$123,716**	**$461,830**	**$181,037**	**$503,161**	**$526,195**	**$630,742**	**$806,231**	**$139,979**	**$20,336**	**$170,728**	**$328,846**	**$3,892,800**	**$353,891**

Burlington's Impact Fees, administered through both the Comprehensive Development Ordinance and *Impact Fee Administrative Regulations*, have not been comprehensively evaluated since 1992. As such, the Office of City Planning commenced a study in 2023, the goal of which was to assess and updated the overall structure, growth and infrastructure capacity assumptions, costs, and associated fees and regulations for the municipal services for which impact fees are currently collected.

At a high level, the Impact Fee Study recommendations are as follows:

1. The City should eliminate several fee categories, particularly where there is a weak nexus with growth. These eliminated categories include Parks and Recreation, Schools, Libraries, Police, Fire, General Facilities and General Fleet.
2. Create a new fee category framework in which fees are collected for Transportation and Multimodal Projects, Water and Sewer.
3. Increase the impact fees by a rate of $1,000 to $3,000 per residential unit.

Additional detail on the study recommendations is included in the attached presentation that was provided to City Council on March 24th, In summary, the Study's and staff's recommendations include the following:

- Update the Administrative Regulations to include the complete set of impact fee regulations and the newly adopted fee amounts.
- Repeal the Ordinance Code reference and amend the Comprehensive Development Ordinance to reference the Administrative Regulations.
- Determine what role the Department of Permitting & Inspections will play in fee collection.
- May need to include impact fee legislation in either or both the Comprehensive Development Ordinance and Ordinance Code, with appropriate cross references.
- Update regulations to clarify which inflation measure to apply.
- Review existing waivers and consider eliminating some.
- Consider fee credits for offsite construction other than streets/sidewalks and water infrastructure essential to the development of the project.
- Consider Inclusionary Zoning changes alongside proposed Impact Fee Changes.

Proposed Amendment: ZA-24-08

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

This amendment removes the Impact Fee regulations from the Comprehensive Development Ordinance but retains a reference to the Administrative Regulations, which are proposed to include the complete set of impact fee regulations and the newly adopted fees. The purpose of the amendment is to provide clarity and avoid potentially conflicting regulations.

1. Amendment to *Article 3: Applications, Permits and Project Reviews*
   - Amends Part 3: Impact Fees in the following ways:
     - Renames Sec. 3.3.1 Purpose and deletes the existing language in this section and replaces it with a new title - Sec. 3.3.1 Applicability, and language, which creates a new reference do the Burlington Code of Ordinance Section 21-41 and the Administrative Regulations
     - Deletes Sections 3.3.2-3.3.11

Relationship to *planBTV*

This following discussion of conformance with the goals and policies of *planBTV* is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

<table>
<tr><th>Theme:</th><th colspan="2">Dynamic</th><th colspan="2">Distinctive</th><th colspan="2">Inclusive</th><th>Connected</th></tr>
<tr><th>Land Use:</th><th colspan="3">Conserve</th><th colspan="2">Sustain</th><th colspan="2">Grow</th></tr>
</table>

Compatibility with Proposed Future Land Use & Density

The proposed amendment is consistent in many respects with the Land Use and Density-related policies of *planBTV.* The amendment's proposed changes to impact fee administration and rates will create opportunities for larger capital projects that have significant impact, allow for essential infrastructure to support the density and land uses envisioned in the Plan, and create a greater nexus with new development.

Impact on Safe & Affordable Housing

This amendment has no direct impact on safe and affordable housing.

Planned Community Facilities

This amendment has significant direct impact on planned community facilities, as impact fees will be streamlined to support facilities that will facilitate growth in the city.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

<table>
<tr><th colspan="6">Planning Commission Process</th></tr>
<tr><td>Draft Amendment prepared by:
Staff
4/3/24</td><td colspan="2">Presentation to & discussion by Commission:
4/08</td><td>Approve for Public Hearing:</td><td>Public Hearing</td><td>Approved & forwarded to Council:</td></tr>
<tr><th colspan="6">City Council Process</th></tr>
<tr><td>First Read & Referral to Ordinance Comm.</td><td>Referred back to Planning Commission:</td><td>Ordinance Comm. discussion</td><td>Ordinance Comm. recommend</td><td>Second Read & Public Hearing</td><td>Council Approval & Adoption</td></tr>
</table>

CITY OF BURLINGTON

ORDINANCE ___________
Sponsors: Planning, Planning Commission
Public Hearing Dates:___________
First reading:___________________
Referred to: ___________________
Rules suspended and placed in all stages of passage: ______________
Second reading: ________________
Action: ______________________
Date: ________________________
Signed by Mayor: ______________
Published: ____________________
Effective: _____________________

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

CDO—Impact Fees
ZA-25-08

It is hereby Ordained by the City Council of the City of Burlington as follows:

Part 3: Impact Fees

Sec. 3.3.1 Applicability ~~Purpose~~

~~These regulations are enacted to enable the city to require the beneficiaries of new development to pay their proportionate share of the cost of municipal and school capital projects which benefit them, and to require them to pay for or mitigate the negative effects of development in the community.~~ Unless otherwise provided in the Administrative Regulations adopted pursuant to Burlington Code of Ordinance Section 21-41, Impact fees shall be collected by the Department of Permitting & Inspections and the Burlington School District.

~~**Sec. 3.3.2 Applicability**~~

~~Any new development or additions to existing buildings which result in new dwelling units or in new nonresidential buildings square footage are subject to impact fees as is any change of use which results in an added impact according to Sec. 3.3.4.~~

~~**Sec. 3.3.3 Exemptions and Waivers**~~

~~(a) Exemptions:~~

~~The following types of development are exempt from this Part:~~

~~1. additions to existing dwelling units, provided such additions are for residential purposes;~~

~~2. alterations to an existing use provided that such alteration occurs entirely within an existing building and within the same square footage;~~

~~3. land development which does not result in new building square footage (e.g. parking lots, facade renovations, signs, etc.);~~

~~4. additions to existing buildings for which the sole purpose is to provide additional means of egress (e.g. stair towers, elevators, etc).~~

~~(b) School Impact Fee Exemption:~~

~~That portion of impact fees attributable to school impacts shall not be required for senior citizen housing projects or for that portion of a project where certain units are reserved specifically for the elderly. Any project, or portion thereof, which meets either state or federal guidelines for elderly housing, shall be deemed a senior citizen housing project and eligible for a full or partial waiver of school impact fees.~~

~~(c) Inclusionary Housing Exemption:~~

~~Inclusionary housing units per Article 9: Part 1 shall be exempt from this Part.~~

~~(d) Affordable Housing Waivers:~~

~~Any residential project containing newly constructed units or substantially rehabilitated housing units that are affordable for households as described in subsections (1), (2) or (3) below qualifies for a waiver of impact fees for that portion of the project containing affordable housing units in excess of the minimum inclusionary housing requirements of Article 9. The terms, rules, and regulations used herein shall be the same as those defined and specified in this Ordinance pertaining to Inclusionary Zoning (Article 9). For purposes of determining area median income (AMI), the income levels specified in Article 9 of this Ordinance shall be applicable.~~

~~1. 25% Waiver of Fees: Twenty-five percent (25%) of the fees will be waived for qualifying units in a project that initially sells for a price that is affordable for households below 90% of AMI or that initially rents for a three year period for a price (including utilities) that is affordable for households below 75% of AMI.~~

~~2. 50% Waiver of Fees: Fifty percent (50%) of the fees will be waived for qualifying units in a project that meets the dual test of initial affordability and continuing affordability. For the purposes of this section, "initial affordability" would be defined as a unit that sells for a price that is affordable for households earning less than 75% of AMI or that rents for a price (including utilities) that is affordable for households earning below 65% of median. "Continuing affordability" would be defined as affordability that lasts for a period of 99 years.~~

~~3. 100% Waiver of Fees: One hundred percent (100%) of the fees will be waived for qualifying units in a project that initially sells or rents for a price that is affordable for households earning less than 50% of AMI and that remains continually affordable as defined above.~~

~~(e) Community Garden Waivers:~~

~~A development that creates new community gardens as defined in Article 13 of this ordinance shall be provided a waiver of the parks impact fee in an amount equivalent to the actual cost of installation of the community garden created. The value of the garden shall be supported by a tabulation of the actual cost of installing the community garden and shall be subject to review and approval by the Department of Parks & Recreation. The waiver of parks impact fees shall not exceed 100% of the parks impact fee that would otherwise be paid.~~

~~To be eligible for the waiver, the community garden shall meet the following standards:~~

~~1. The community garden shall be made available to residents of the property and of the surrounding area.~~

~~2. It shall be located onsite in consultation with the Department of Parks & Recreation to ensure adequate solar access, visibility, and accessibility.~~

~~3. It shall contain an area of at least 360 square feet (i.e. such as 18 ft X 20 ft) with at least six (6) 4 ft X 8 ft plots and 2 ft wide aisles between plots. Soil testing to determine the safety of the soil for food gardening purposes shall be the responsibility of the applicant (or property owner if different). Where soils are found to be unsafe for food gardening purposes, the community garden plots shall be in the form of raised beds with imported soil safe for food gardening use. Results of soil testing shall be subject to review by the Department of Parks & Recreation.~~

~~4. It shall either be managed as a neighborhood garden by the Burlington Area Community Gardens program operated by the Department of Parks & Recreation or privately managed to the same operating standards as a neighborhood garden. If privately managed, all maintenance and repair costs shall be the responsibility of the applicant (or property owner if different). The community garden shall be managed as such for the duration of the approved development.~~

~~5. It shall be created within an area of the city consistent with the express goals and strategic plans of the Department of Parks & Recreation. The Department of Parks & Recreation may reject creation of a new community garden and require payment of the full impact fee if the development is located in an area of the city that is already adequately served by community gardens.~~

~~6. The completed community gardens shall be guaranteed for a period of five (5) years following their completion. All repairs and maintenance of the community gardens within this period shall be at the cost of the applicant (or property owner if different).~~

~~Sec. 3.3.4 Offsite Improvements~~

~~In categories for which impact fees have been charged, no exactions for construction of offsite public facilities will be required as a condition for a zoning permit except for water distribution lines, sewer connection lines and stormwater improvements, and street and sidewalk infrastructure that are essential to the development of the project.~~

~~For the purposes of this section, "offsite" public facilities are defined as those facilities which are not on or immediately adjacent to the private land proposed for development.~~

~~Sec. 3.3.5 Calculation of Impact Fee~~

~~The amount of impacts fees shall be as set forth in the Impact Fee Administrative Regulations as established by resolution of the city council. There shall be an automatic annual increase to the impact fee schedule reflected in the Impact Fee Administrative Regulations every July 1 equivalent to 100% of the annual change in the Consumer Price Index (CPI).~~

~~Impact fees are calculated on the total gross square footage of the principal use of a building, including accessory uses. In the event there is more than one principal use within a building, impact fees will be calculated separately for each principal use and associated accessory uses, with common space computed on a pro-rata basis.~~

~~Sec. 3.3.6 Effect of Project Change on Impact Fees~~

~~If a proposed development is substantially modified in terms of square footage, a request for an adjustment to the impact fee may be made by filing a zoning permit application subject to the applicable filing fees. Any adjustment, if approved, is subject to the Impact Fee Administrative Regulations in effect at time of the subsequent approval. Any change which increases a project size or impact shall require a new zoning permit and an accompanying adjustment to the impact fee amount.~~

~~For a change of use where there is an increased impact, the impact fee will be the difference in the amount for the specific uses as listed in the Impact Fee Administrative Regulations. If there is no change in use and no increase in square footage for that use, the impact fee would be $0.~~

~~Sec. 3.3.7 Demolition or Change to Existing Building~~

~~No impact fee rebates shall be assessed for the demolition of an existing building, a reduction in size of an existing building, or a change in the use of an existing building. There are no rebates if one decides to reduce the use of (or is unable to use) one's property for any reason.~~

~~Sec. 3.3.8 Time and Place of Payment~~

~~Impact fees must be paid to the city's chief administrative officer/ city treasurer according to the following schedule:~~

~~(a) New Buildings: Impact fees must be paid at least seven (7) days prior to occupancy of a new building or any portion thereof;~~

~~(b) Existing Buildings: Impact fees must be paid prior to issuance of a zoning permit, or if a building permit is required, within thirty (30) days of issuance of the building permit.~~

~~Sec. 3.3.9 Penalties for Nonpayment~~

~~If an impact fee is not paid, a certificate of occupancy shall be denied, a lien may be placed upon the property, and a fine of $200 a day shall be assessed along with other court-imposed penalties.~~

~~Sec. 3.3.10 Expenditure and Distribution of Impact Fees~~

~~Impact fees must be used for capital improvements to accommodate the demands created by new growth. The city's chief administrative officer/ city treasurer shall maintain records of all impact fee receipts and disbursements by category, and include a summary of same in each city Annual Report. Any expenditure of impact fees must be authorized by the city's chief administrative officer/ city treasurer.~~

~~Impact fees received will be distributed to city departments, upon authorization by the city's chief administrative officer/ city treasurer, solely for the purpose of capital projects, according to the Impact Fee Administrative Regulations.~~

~~If an impact fee is not expended on eligible capital improvements by the city within six (6) years of payment, it must be refunded to the property owner by the city's chief administrative officer/ city treasurer along with any accrued interest.~~

~~Sec. 3.3.11 Relationship to Other Fees~~

~~Impact fees do not replace other fees pertaining to development projects. All applicable permit fees, including, but not limited to, development review fees and building permit fees, must be paid prior to occupancy.~~

* Material stricken out deleted.
** Material underlined added.

BTV Impact Fee Program

Study Recommendations & Next Steps

March 24, 2025

What to Expect Tonight

- Overview of Current Fee Program
- Review of Proposed Recommendations
- Proposed Ordinance Changes
- Proposed Next Steps (& Schedule)

Current Fee Program

- Charges on new development to defray capital costs directly related to new development
- Spend on:
  - Improvements needed to serve growth
  - Maintain level of service as City grows
  - Projects with community-wide benefit (not just one development)
- Cannot be spent on:
  - Maintenance, operations, existing deficiencies
  - Project-specific impacts
  - Paying for same improvements twice (double charging)
- City's fees 1st adopted in 1990's
- Impact Fees supplement the City's other capital revenues

Current Fee Program

- Affordable & Senior Housing are exempt
- Fees are charged per 1,000 sq ft.
- Larger homes pay more than smaller homes

Department	Residential	Industrial	Offices & Other	Retail
	$ per 1,000 sq. ft. - in 2023 dollars			
Traffic (DPW)	$224	$299	$771	$839
Fire	253	224	227	227
Police	51	400	400	400
Parks	848	481	478	478
Library	525	0	0	0
Schools	1,095	0	0	0
Total	**$2,996**	**$1,404**	**$1,876**	**$1,944**

Source: City of Burlington

Current Fee Program – Revenue History

- $350,000/year in fee revenue total (10-year average)
- $30,000-80,000 across individual fee categories
- Not enough for significant capital projects

Fee Category	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-2024 Total	2014-2024 Ann. Avg.
Traffic	$15,956	$108,317	$35,287	$75,599	$156,560	$148,181	$165,906	$69,141	$4,395	$48,086	$26,121	**$853,549**	**$77,595**
Fire	$10,149	$47,704	$17,378	$43,529	$55,319	$63,569	$79,193	$10,136	$1,226	$17,234	$27,520	**$372,957**	**$33,905**
Police	$6,208	$51,538	$20,587	$70,348	$37,936	$59,331	$96,775	$16,245	$2,247	$24,085	$7,002	**$392,301**	**$35,664**
Parks	$31,089	$124,353	$48,848	$124,957	$137,357	$168,670	$190,026	$20,941	$3,087	$42,564	$92,582	**$984,474**	**$89,498**
Library	$19,536	$42,080	$15,947	$31,978	$69,664	$68,156	$72,544	$5,832	$3,038	$13,968	$57,502	**$400,245**	**$36,386**
School	$40,778	$87,838	$42,990	$156,750	$69,358	$122,835	$201,786	$17,685	$6,343	$24,792	$118,119	**$889,275**	**$80,843**
Total	**$123,716**	**$461,830**	**$181,037**	**$503,161**	**$526,195**	**$630,742**	**$806,231**	**$139,979**	**$20,336**	**$170,728**	**$328,846**	**$3,892,800**	**$353,891**

Source: City of Burlington

Proposed Impact Fee Program Recommendations

Conditions needed for Impact Fees:

1. Growing Community
   - Enough growth to create demand for services & capital facilities
   - More often suburban/exurban communities
   - “Greenfield” development
2. Clearly defined capital project needs
   - Steady, predictable growth drives capital needs
   - New & expanded bike lanes, sidewalks, & roads
   - New public safety facilities, new parks, new equipment
3. Infill communities are less suited to impact fees
   - Can serve new development with existing infrastructure
   - Efficient growth pattern
   - Less infrastructure demand

Proposed Impact Fee Program Recommendations

EPS	RSG	Raftelis
Fees Reviewed: - Parks, Police, Fire, Library, & School	Fees Reviewed: - Restructuring Traffic Fee to be Transportation & Multimodal Fee (capacity to increase moving people)	Fees Reviewed: - Water & Sewer Buy-In Impact Fees

Fee Study Process:

- Draft nexus study calculations
  - Inventory City capital assets & current replacement costs
  - Calculate potential for new impact fees with current fee categories
- Department Interviews: Capital Projects
  - Identify capital expansion projects
  - Found that most capital projects are for maintenance & upgrades
- Reorganized Fee Categories
  - Combined fee categories to give more flexibility to spend funds
  - Revised nexus study & fee calculations

Proposed Impact Fee Program Recommendations

Decision Criteria:

1. If we collect Impact Fees, can we spend them on eligible projects?
   a) Is there a nexus to growth/development?
   b) Do projects add capacity to provide services?

2. Will we need other funding to close the gap?
   a) Do we need other money to “unlock” the impact fees?
   b) Can we spend impact fees within 6 years?

3. Will Impact Fees generate enough money to be worthwhile?

Proposed Impact Fee Program Recommendations

1. Eliminate several fee categories

   - Weak nexus with growth

2. Replace with:

   - Water & Sewer Impact Fees

   - Transportation/Multimodal Impact Fee

3. Proposed changes = increase in impact fees $1,000-3,000 per residential unit

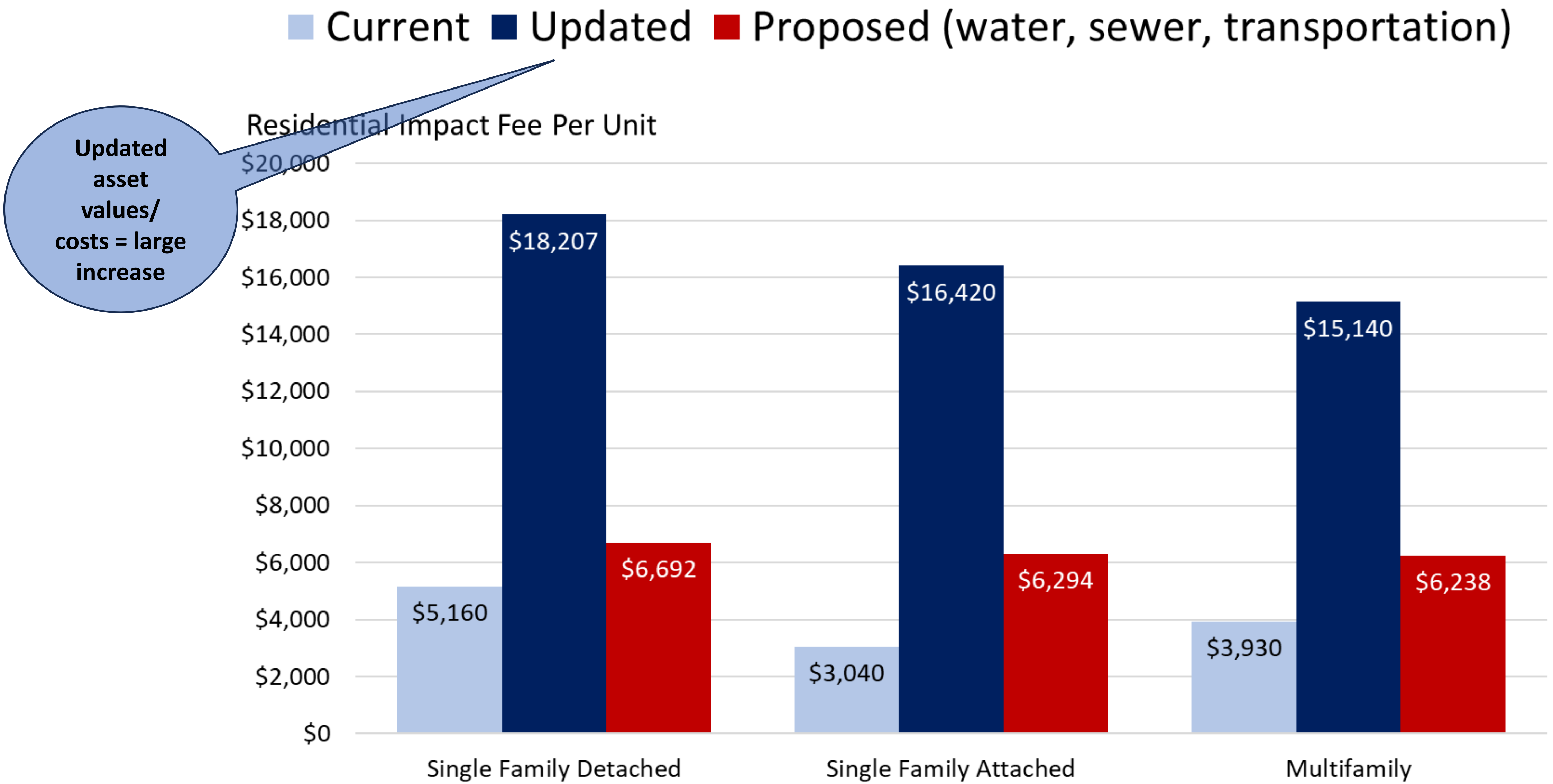
Fee Category	Current	Fee Study	Proposed
Transportation/Multimodal	✓	✓	✓
Parks & Rec	✓	✓	
School	✓		
Library	✓		
Police	✓		
Fire	✓		
General Facilities		✓	
General Fleet		✓	
Water		✓	✓
Sewer		✓	✓

Source: Economic & Planning Systems

Proposed Impact Fee Program Recommendations

- Continue collecting Impact Fees, but FOCUS on:
  - Essential Infrastructure
  - Large Capital Costs
  - Best Nexus with New Development
- Shift the “fee stack” to transportation, water, & sewer
  - Continue collecting revenue, but in different fee categories
- Moderate fee increases
  - Fees increase, but not as much as they would if current structure was maintained
- Water & Sewer Buy-In fees recoup the equity paid by current users from new customers who have been paying rates
  - Adopt incremental buy-in fee component for capacity expansion related portions of capital projects
  - Revenue will offset future debt service for all rate payers

What this looks like



Surrounding Community Comparison

Community	School	Parks/Trails/ Recreation	Fire	Police	Facilities	Fleet	Transport./ Roads	Water	Wastewater	Total
Single Family										
Burlington (Draft Proposed)	$0	$0	$0	$0	$0	$0	$871	$4,169	$1,653	$6,692
South Burlington	$8,900	$964	$0	$0	$0	$0	$1,010	$3,410	$3,459	$17,743
Colchester	$0	$0	$0	$0	$0	$0	$0	$1,250	$0	$1,250
Winooski	$0	$0	$0	$0	$0	$0	$0	$2,811	$2,856	$5,667
Essex	$0	$628	$0	$0	$0	$0	$0	$3,124	$2,239	$5,991
Essex Junction	$3,800	$628	$0	$0	$0	$0	$0	$0	$1,510	$5,938
Williston	$0 [1]	$2,100	$0	$0	$0	$0	$1,789	$2,376	$3,261	$9,527
Shelburne	$0	$1,864	$0	$0	$0	$0	$0	$3,598	$3,425	$8,887
Multifamily										
Burlington (Draft Proposed)	$0	$0	$0	$0	$0	$0	$417	$4,169	$1,653	$6,238
South Burlington	$4,600	$641	$189	$353			$670	$3,410	$3,459	$13,322
Colchester	$0	$0	$0	$0	$0	$0	$0	$1,250	$0	$1,250
Winooski	$0	$0	$0	$0	$0	$0	$0	$2,811	$2,856	$5,667
Essex	$0	$473	$0	$0	$0	$0	$0	$3,124	$2,239	$5,836
Essex Junction	$2,000	$473	$0	$0	$0	$0	$0	$0	$1,510	$3,983
Williston	$0 [1]	$1,659	$0	$0	$0	$0	$915	$1,395	$1,914	$5,883
Shelburne	$0	$1,017	$0	$0	$0	$0	$0	$3,598	$3,425	$8,040

[1] The School Impact Fee pursuant WDB 44 was retired on November 18, 2024.

Source: Economic & Planning Systems

Proposed Ordinance Changes

<u>Summary of Staff Recommendations for Implementation</u>:

- Update the Administrative Regulations to include the complete set of impact fee regulations & the newly adopted fee amounts.
- Repeal the Ordinance Code reference and amend the Comprehensive Development Ordinance to reference the Administrative Regulations.
- Determine what role the Department of Permitting & Inspections will play in fee collection.
- May need to include impact fee legislation in either or both the Comprehensive Development Ordinance and Ordinance Code, with appropriate cross-references.
- Update regulations to clarify which inflation measure to apply.
- Review existing waivers and consider eliminating some.
- Consider fee credits for offsite construction other than streets/sidewalks and water infrastructure essential to the development of the project.
- Consider Inclusionary Zoning changes alongside proposed Impact Fee Changes.

Proposed Ordinance Changes

The City's current Impact Fee Regulations live in 3 places:

- B.C.O. Section 21-41: https://www.codepublishing.com/VT/Burlington/#!/Burlington21/Burlington2101.html#21-41.
- B.C.D.O. Article 3, Part 3: https://www.burlingtonvt.gov/DocumentCenter/View/2501/Applications-Permits-and-Project-Reviews-PDF?bidId=, beginning at p. 3-23.
- The City's Impact Fee Administrative Regulations: https://www.burlingtonvt.gov/730/Impact-Fee-Administrative-Regulations.

- Having the same set of rules in 3 places can create confusion & conflicting regulations.
- Staff recommends updating the Administrative Regulations, to include the complete set of impact fee regulations and newly adopted fee amounts.
- If DPI continues to administer the fee program, staff recommends repealing the Ordinance Code reference & amending the Comprehensive Development Ordinance (CDO) to reference the Administrative Regulations.
- Water fees may not always be collected at receipt of development permit. Staff needs to determine what the fee collection process will look like.

Proposed Ordinance Changes

What Exemptions Should Apply?

- <u>Current</u> exemptions include:

  - Additions to an existing residential unit
  - Certain other additions & changes in use
  - School impact fees for senior housing projects
  - Affordable housing waivers for affordable units in excess of IZO requirements (ranging 25-100%, depending on levels of affordability)
  - Inclusionary Units
  - Community garden waiver

- Staff Recommendations: **maintain existing waivers except –**

  - Community Garden waiver: Eliminate as it has never been used and would be moot with adoption of new fee structure
  - Senior Housing Project waiver: Leave dormant in case future school fees are adopted

*** Different exemptions may ultimately apply to Water Resources Impact Fees**

Proposed Ordinance Changes

Credits:

- City’s regulations provide that offsite improvements (except for streets/sidewalks & stormwater, sewer, & water infrastructure essential to development of a project) cannot be required in a category for which fees are paid.

- Staff recommends instead that developers be given fee credits for other project exactions.

Proposed Ordinance Changes

Impact Fees & Inclusionary Zoning

- Impact Fees & Inclusionary Zoning requirements are two of the primary development costs required by the City.
- Draft amendments to IZ standards would reduce IZ burden to developers:

  - Elimination of the highest IZ requirement tier (25%)
  - More easily utilize the off-site requirement
  - Allow payment-in-lieu in some cases where not allowed today
  - Allow flexibility in mix of for-sale and rental units in large projects

- The payment-in-lieu fee is proposed to increase substantially
- Moderate Impact Fee increases would be coupled with greater flexibility in Inclusionary Zoning standards & requirements.

Next Steps: Tentative Implementation Schedule

Date	Body
March 24th	City Council – Working Session to tie up loose ends, review any Councilor questions, and discuss implementation scheduling and process.
April 8th	Planning Commission – Review Impact Fee recommendations and approach, Admin Regs, Impact Fee Ordinance, and Zoning Ordinance Changes
May 13th	Planning Commission – Public Hearing (Zoning Ordinance & Admin Regs)
May (TBD)	City Council – Public Hearing, 1st Read of proposed changes (not including zoning ordinance?)
May (TBD)	City Council – Public Hearing, 2nd Read of Proposed changes (if needed)

Questions?

Thank you!

Supplemental Information

Detailed Fee Comparison: Current vs Proposed

Impact Fee	School	Traffic	Parks & Rec.	General Facilities	General Fleet	Library	Police	Fire	Sewer	Water	Total	% Change from Current
Residential Fee Per Unit												
Updated Fee												
Single Family Detached	$0.00	**$870.95**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$1,652.70**	**$4,168.80**	**$6,692.45**	29.7%
Single Family Attached	$0.00	**$472.54**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$1,652.70**	**$4,168.80**	**$6,294.04**	107.0%
Multifamily	$0.00	**$416.94**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$1,652.70**	**$4,168.80**	**$6,238.44**	58.8%
Current Fee												
Single Family Detached	$1,885.84	**$385.78**	$1,460.45	$0.00	$0.00	$904.17	$87.83	$435.72	**$0.00**	**$0.00**	**$5,159.80**	
Single Family Attached	$1,111.24	**$227.32**	$860.58	$0.00	$0.00	$532.79	$51.76	$256.75	**$0.00**	**$0.00**	**$3,040.45**	
Multifamily	$1,436.22	**$293.80**	$1,112.25	$0.00	$0.00	$688.60	$66.89	$331.84	**$0.00**	**$0.00**	**$3,929.61**	
Non-Residential Fee Per "Unit/1,000 sq. ft."												
Updated Fee												
Retail/Commercial	$0.00	**$3,681.07**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$314.80**	**$463.20**	**$4,459.07**	129.4%
Restaurant	$0.00	**$4,695.72**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$13,399.71**	**$9,106.71**	**$27,202.15**	N/A
Hotel	$0.00	**$287.23**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$1,158.00**	**$787.00**	**$2,232.23**	N/A
Office	$0.00	**$1,334.22**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$172.64**	**$254.03**	**$1,760.89**	-6.1%
Industrial	$0.00	**$602.25**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$140.92**	**$207.35**	**$950.52**	-32.3%
Warehouse	$0.00	**$166.78**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$178.51**	**$262.67**	**$607.96**	-56.7%
Institutional/Nursing Home	$0.00	**$546.66**	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	**$1,040.59**	**$1,531.13**	**$3,118.38**	66.2%
Current Fee per 1,000 Sq. Ft.												
Retail/Commercial	$0.00	**$839.00**	$478.00	$0.00	$0.00	$0.00	$400.00	$227.00	**$0.00**	**$0.00**	**$1,944.00**	
Office	$0.00	**$771.00**	$478.00	$0.00	$0.00	$0.00	$400.00	$227.00	**$0.00**	**$0.00**	**$1,876.00**	
Industrial	$0.00	**$299.00**	$481.00	$0.00	$0.00	$0.00	$400.00	$224.00	**$0.00**	**$0.00**	**$1,404.00**	
Warehouse	$0.00	**$299.00**	$481.00	$0.00	$0.00	$0.00	$400.00	$224.00	**$0.00**	**$0.00**	**$1,404.00**	
Institutional	$0.00	**$771.00**	$478.00	$0.00	$0.00	$0.00	$400.00	$227.00	**$0.00**	**$0.00**	**$1,876.00**	

Source: City of Burlington; Economic & Planning Systems

Supplemental Information: Capital Project Lists

PROJECT NAME	DESCRIPTION
Union Street	Increase capacity through upgrading bike lanes to be protected.
Battery Street	Increase capacity by shifting road space to accommodate higher capacity modes
North Street	Increase capacity by shifting road space to accommodate higher capacity modes
Pearl Street	Increase capacity by shifting road space to accommodate higher capacity modes
Main Street (East)	Increase capacity with a multimodal shared path
Colchester Ave	Increased capacity through improved transit infrastructure, multimodal shared use path, and improved signalization

Transportation/Multimodal Impact Fee:

Constructing Capacity by 2035 that will serve growth beyond that timeframe.

Impact Fees are assessed **only** the share of capacity consumed during the next 10 years.

$34 million of project costs. City aims to pay for 80% of project cost via Federal support – Reducing costs to $6.8 million eligible for impact fee

Supplemental Information: Capital Project Lists

Water & Sewer:

- Buy-In Impact Fee Revenue will be spent on any replacement/renewal projects within the wastewater and water systems, including but limited to:

  - Replacement/relining of water mains or sewer pipes
  - Replacement of water treatment/supply and wastewater

Supplemental Information: Capital Project Lists

General Facilities:

- $9.1M in eligible costs
- Significant other funding needed to bridge gap
- Some renovation projects that will have marginal capacity increases

Project	Estimated Cost	Useful Life [1]	% Allocated to Growth	Impact Fee Eligible Cost	Status
Library					
North Branch Expansion	$360,000	---	100%	$360,000	Unfunded long-term
Fletcher Library Renovation	$25,000,000	30 years	18.9%	$4,727,873	Unfunded long-term
2 Library Material Hold Lockers	$21,000	10 Years	8.2%	$1,717	Unfunded long-term
Police					
Office Renovation for CSOs and CSLs	$1,200,000	---	100%	$1,200,000	Current Need
Fire					
Fire Station Consolidation	$15,000,000	30 years	18.9%	$2,836,724	Unfunded long-term
Total	**$41,581,000**			**$9,126,314**	

[1] Useful life before replacement or significant capital re-investment is needed.

Source: City of Burlington; Economic & Planning Systems

Supplemental Information: Capital Project Lists

General Fleet:

- 1 net addition to Fleet identified
- Fleet replacement is not eligible

Project	Estimated Cost	% Allocated to Growth	Impact Fee Eligible Cost	Status
EMS Director Truck or new batallion car	$70,000	100%	$70,000	In Current Funding Request
Total	**$70,000**		**$70,000**	

Source: City of Burlington; Economic & Planning Systems

Supplemental Information: Capital Project Lists

Project	Estimated Cost	% Allocated to Growth	Impact Fee Eligible Cost	Status
Calahan Park				
Community Garden Expansion	$116,000	100.0%	$116,000	Unfunded long-term
Multi-Use Building + Covered Outdoor Space	$625,000	100.0%	$625,000	Unfunded long-term
Primary and Secondary Paths	$1,000,000	100.0%	$1,000,000	Unfunded long-term
Multi-Use Pavilion / Ice Rink	$900,000	100.0%	$900,000	Unfunded long-term
Subtotal	**$2,641,000**		**$2,641,000**	
Total	**$2,641,000**		**$2,641,000**	

Source: City of Burlington; Economic & Planning Systems

Parks & Recreation:

- Screened out: Marina, waterfront, & pier maintenance/replacement projects ($2.5M)
- Calahan Park
  - In an area planned for new development
  - Heavily used

CITY OF BURLINGTON

ORDINANCE ________
Sponsor: (Department or Councilor)
Public Hearing Dates: ___________
____
First reading: _________________
Referred to: __________________
Rules suspended and placed in all stages of passage: ______________
Second reading: ________________
Action: ______________________
Date: ________________________
Signed by Mayor: ______________
Published: ____________________
Effective: _____________________

In the Year Two Thousand Twenty-Five

An Ordinance in Relation to

IMPACT FEES

It is hereby Ordained by the City Council of the City of Burlington as follows:

That Chapter 21, Offenses and Miscellaneous Provisions, of the Code of Ordinances of the City of Burlington be and hereby is amended by amending Sec. 41, thereof to read as follows:

(a) *Authority.* This section is enacted pursuant to the specific authority granted municipalities to establish impact fees contained in Title 24, V.S.A. Chapter 131.

(b) *Purpose.* It is the purpose of this section to establish impact fees for ~~new~~ land development (as defined in Title 24, V.S.A. Section 4303) in the city that will appropriately allocate the cost of needed capital projects. To the extent that such capital projects are necessitated by ~~new~~ land development, it is appropriate that the ~~new~~ land development should bear an appropriate portion of the costs for providing capital projects. Further, insofar as current residents of the city have contributed to the cost of existing facilities through payment of taxes and other contributions to the city, it is appropriate that they should be relieved from payment for an appropriate portion of the cost of providing these capital projects.

(c) *Establishment of impact fees:*

(1) There is hereby established an impact fee within the city which shall be imposed on ~~all~~ land development commenced within the city, as further set forth in administrative rules described in paragraph (3) of this subsection (c) ~~subsequent to the effective date hereof [November 13, 1992]~~. The amount of such impact fees shall be established by a resolution of the city council ~~following receipt of the recommendations of the respective departments and the planning commission~~. Any such fees adopted through the resolution of the city council shall be based upon a reasonable formula developed pursuant to 24 V.S.A. Section 5203 and to any amendments thereto. The resolution will set forth the impact fee schedule.

~~(2) An applicant for a zoning permit for any development, including new projects, revisions and modifications to existing projects or subdivisions, shall be subject to the payment of impact fees for that project.~~

~~(3) An applicant seeking a zoning permit for development of a lot located in a subdivision shall be responsible for the payment of the impact fees for that project. However, upon documentation by an applicant that a fee for this project was paid prior to November 13, 1992, in any current impact fee category, the applicant shall receive a pro rata credit for the payment of the fee in that category. The pro rata credit shall be based on the number of lots in the subdivision.~~

(2~~4~~) The city council ~~may~~shall, from time to time, amend any impact fee which is established by resolution pursuant to this section ~~in order~~ to take into account new or changed information regarding the fee earlier established.

(3~~5~~) ~~Regulations regarding the implementation and application of this section shall be developed within six (6) months of the effective date of this section.~~The city council shall adopt by resolution administrative rules governing the imposition and collection of impact fees. Those administrative rules shall describe the manner in which the fees shall be collected, the purposes for which they may be expended, any applicable fee exemptions or credits, and all such related matters that the city council determines are necessary or convenient to address in the administrative rules.

~~(d) *Payment of fees:*~~

~~(1) Any impact fee established pursuant to this section shall be imposed as a condition of the zoning permit and shall be paid to the office of the city treasurer prior to issuance of the certificate of occupancy granted under the zoning ordinance. The zoning administrative officer shall not issue the certificate of occupancy for such development without first receiving proof of payment of the required impact fees from the office of the city treasurer.~~

~~(2) An impact fee not paid in full at the time required in subsection (1) above shall be a lien upon all property and improvements within the land development for which the fee is assessed in the same manner and to the same effect as taxes are a lien upon real estate under Title 32 V.S.A. Section 5061.~~

(d~~e~~) *Appeals.* An individual or entity required to pay an impact fee imposed under this section may appeal the fee by filing a written notice with the zoning board of adjustment within thirty (30) days of the imposition of the fee. The notice of appeal shall state the factual basis for the appellant's claim that the fee is inapplicable or excessive. Within sixty (60) days of receipt of the notice of appeal, the zoning board shall hold a hearing thereon. The zoning board shall take oral and written testimony from the appellant. Within forty-five (45) days after the conclusion of the hearing, the zoning board shall notify the appellant of its decision.

(e~~f~~) *Accounting provisions.* All General Fund impact fees collected pursuant to this section shall be maintained annually by the city treasurer in a separate, interest-bearing account. All Water Resources impact fees collected pursuant to this section shall be maintained annually in a separate, interest-bearing account, as set forth in the administrative rules adopted per subsection (c)(3) of this section. The city treasurer shall maintain a register of the date of payment for each fee collected, the amount paid and the name of the payer, by each capital facility category. Water Resources will be required to provide the city treasurer with quarterly reports detailing this same information. If the impact fees include collection of school impact fees, the Burlington School District shall collect the fees and will be required to also provide such a quarterly report to the city treasurer.

~~(g) *Expenditure of impact fees:*~~

~~(1) All impact fees collected pursuant to this section and accrued interest shall be expended only for the identified capital facility category which was the basis for the fee. Such fees and accrued interest shall be expended for such capital facility category within such time period as required by 24 V.S.A. Chapter 131, as the same may be amended from time to time.~~

~~(2) The city treasurer shall pay expenses associated with an identified capital facility category as they become due and upon receipt of appropriate documentation regarding such expenses.~~

(f~~h~~) *Refunds*. ~~:~~

~~(1)~~ If the actual costs to the city for the provision of a capital facility category to be funded in part by impact fees is less than originally was calculated or if an impact fee is reduced after fees have been collected, the city shall refund that portion of any impact fee and accrued interest which is in excess of the appropriate portion due to the then owner of the property for which the fee was paid, pursuant to state law.

~~(2) Pursuant to 24 V.S.A. Section 5203(e) upon petition by any affected property owner, if the city shall fail to expend any collected impact fee within the time required by this section, the city shall refund that portion of any impact fee and accrued interest to the then owner of the property for which said fee was paid.~~

(g~~i~~) *Enforcement.* ~~Any~~ It shall be a civil offense punishable by a fine pursuant to chapter 1, section 9 of this code ~~individual who~~ to occupy~~ies~~ a structure in the city without first paying any required impact fee imposed pursuant to this section and any implementing resolution. ~~shall be subject to a penalty of two hundred dollars ($200.00) per day for each day that such violation continues, as well as injunctive and other relief as a court may order in a civil action commenced by the city.~~ Additionally, any unpaid impact fee shall constitute a debt to the city and a lien on the subject property, pursuant to 24 V.S.A Section 5204.

~~(j) *Exemptions:*~~

~~(1) In order to encourage the development of additional housing for senior citizens, senior citizen housing projects are exempted from payment of school impact fees.~~

~~(2) In order to enable the development of housing that is affordable for all economic groups within the municipality, any residential project containing newly constructed housing units or substantially rehabilitated housing units that are affordable for households as described in subsections a., b., and c. below would be eligible to receive a waiver of impact fees for that portion of the project. In the application of this provision, the terms used herein shall be interpreted as defined in the "Low or Moderate Income Housing" zoning ordinance. In addition, the rules and regulations developed pursuant to that ordinance shall be used to implement this provision.~~

~~a. *Twenty-five percent waiver of fees.* Twenty-five (25) percent of the fees will be waived for any unit in a project that initially sells for a price that is affordable for households below ninety (90) percent of median income or that initially rents for a three-year period for a price (including utilities) that is affordable for households below seventy-five (75) percent of median income.~~

~~b. *Fifty percent waiver of fees.* Fifty (50) percent of the fees will be waived for that portion of a residential project that meets the dual test of initial affordability and continuing affordability. For purposes of this section, "initial affordability" would be defined as a unit that sells for a price that is affordable for households earning less than seventy-five (75) percent of median income or that rents for a price (including utilities) that is affordable for households earning below sixty-five (65) percent of median. "Continuing affordability" would be defined as affordability that lasts for a period of ninety-nine (99) years.~~

~~c. *One hundred percent waiver of fees.* One hundred (100) percent of the fees will be waived for that portion of a residential project that initially sells or rents for a price that is affordable for households earning less than fifty (50) percent of median income and that remains continually affordable as defined above.~~

~~(k) *Off-site improvements.* In categories for which impact fees have been charged, no exactions for construction of off-site public facilities will be required by the planning commission as a condition for a zoning permit except for water distribution lines, sewer connection lines and stormwater improvements, and street and sidewalk infrastructure that are essential to the development of the project. For the purpose of this section, "off-site" public facilities are defined as those facilities which are not on or immediately adjacent to the private land proposed for development.~~

(h~~l~~) *Severability.* ~~In the event~~If any provision of this section is for any reason held by a court of competent jurisdiction to be invalid or unenforceable, such invalidity shall not affect the remaining provisions which can be given effect without the invalid provision.

* Material stricken out deleted.
** Material underlined added.

ER/Ordinances 2025/*Impact fees*
March 2025

Appendix A-Use Table – All Zoning Districts

	Urban Reserve	Recreation, Conservation & Open Space			Institutional	Residential				Downtown Mixed Use[i]	Downtown Form Districts (See Article 14)	Neighborhood Mixed Use				Enterprise	
USES	**UR**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM[34]**
RESIDENTIAL USES	**UR**	**RCO - A[1]**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM**
RESIDENTIAL SPECIAL USES	**UR**	**RCO – A**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM**
NON-RESIDENTIAL USES	**UR[21]**	**RCO - A**	**RCO - RG**	**RCO - C**	**I**	**RL**	**RM**	**RH**	**RC**	**DW-PT[16]**	**Downtown FDs**	**NMU**	**NAC**	**NAC-R**	**NAC-CR**	**E-AE**	**E-LM**
Performing Arts Center	N	N	N	N	Y	N	N	N	N	*(See Sec.4.4.1(d) 1)*		CU	Y	N	CU	N	CU[27,32]

1. Residential uses are not permitted except only as an accessory use to an agricultural use.
2. Subject to applicable limits on the number of units per structure in Table 4.4.5-2.
3. Duplexes shall only be allowed as a result of a conversion of an existing single family home. New duplexes are prohibited.
4. Reserved.
5. An existing fraternity, sorority, or other institutional use may be converted to dormitory use subject to conditional use approval by the DRB.
6. Must be owner-occupied.
7. Must be located on a major street.
8. Daycare centers and preschools in the RCO zones shall only be allowed when a small museum is the principal use.
9. Automobile sales not permitted other than as a separate principal use subject to obtaining a separate zoning permit.
10. Exterior storage and display not permitted.
11. All repairs must be contained within an enclosed structure.
12. No fuel pumps shall be allowed other than as a separate principal use subject to obtaining a separate zoning permit.
13. Permitted hours of operation 5:30 a.m. to 11:00 p.m.
14. Such uses not to exceed ten thousand (10,000) square feet per establishment.
15. Excludes storage of uncured hides, explosives, and oil and gas products.
16. See Sec.4.4.1(d) 2 for more explicit language regarding permitted and conditional uses in the Downtown Waterfront – Public Trust District.
17. Allowed only as an accessory use.
18. A permitted use in the Shelburne Rd Plaza and Ethan Allen Shopping Center.
19. [Reserved].
20. Accepted agricultural and silvicultural practices, including the construction of farm structures, as those practices are defined by the secretary of agriculture, food and markets or the commissioner of forests, parks and recreation, respectively, under 10 VSA §1021(f) and 1259(f) and 6 VSA §4810 are exempt from regulation under local zoning.
21. See Sec. 4.4.7 (c) for specific allowances and restrictions regarding uses in the Urban Reserve District.
22. See Sec. 4.4.5 (d) 3 for specific allowances and restrictions regarding Neighborhood Commercial Uses in Residential districts.
23. Allowed only on properties with frontage on Pine Street.
24. Such uses shall not exceed 4,000 square feet in size.
25. Dormitories are only allowed on properties contiguous to a school existing as of January 1, 2010.
26. The mixed uses shall be limited to those that are either permitted, conditional, or pre-existing nonconforming in the zoning district.
27. For lots south of Home Avenue, this use is only permitted or conditionally permitted when one or more Industrial or Arts Production use(s) exists on the lot, and when the combined Gross Floor Area of all uses unrelated to Industrial or Arts production and with this footnote does not exceed 49 percent of the Gross Floor Area. For lots north of Home Avenue within the EL-M district, this footnote does not apply. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
28. Grocery Stores up to but not to exceed 35,000 square feet may be permitted subject to conditional use approval by the DRB in that portion of the Enterprise-Light Manufacturing District between Flynn and Home Avenue.
29. Must be fully enclosed within a building.
30. New single detached dwellings are not permitted. However, a pre-existing single detached dwelling may be reverted to a single family use regardless of its present use if the building was originally designed and constructed for that purpose.
31. See special use standards of Sec. 5.4.13, Emergency Shelters.
32. Performing Arts Centers (PACs) in the E-LM zone shall be limited to properties with frontage on Pine St. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~Performing Arts Centers in the ELM zone shall be limited to properties with frontage on Pine Street up to 5,000 square feet in size, and to properties with frontage on Industrial Parkway up to 15,000 square feet in size. Performing Arts Centers may contain accessory space for preparation and serving food and beverages, including alcohol, provided this accessory space comprises less than 50% of the entire establishment.~~
33. Short term rentals are permitted by right, subject to per building limitations and rental registration requirements pursuant to Chapter 18: Minimum Housing Standards of the City Code of Ordinances.
34. See Sec. 4.5.6(c) 5 for permitted uses in the Enterprise – Innovation District (SEID) Overlay

Legend:	
Y	Permitted Use in this district
CU	Conditional Use in this district
N	Use not permitted in this district
Abbreviation	**Zoning District**
RCO – A	RCO - Agriculture
RCO – RG	RCO – Recreation/Greenspace
RCO – C	RCO - Conservation
I	Institutional
RL	Residential Low Intensity
RM	Residential Medium Intensity
RH	Residential High Intensity
RC	Residential Corridors
DW-PT	Downtown Waterfront-Public Trust
NMU	Neighborhood Mixed Use
NAC	Neighborhood Activity Center
NAC-RC	NAC – Riverside Corridor
NAC-CR	NAC – Cambrian Rise
E-AE	Enterprise – Agricultural Processing and Energy
E-LM	Enterprise – Light Manufacturing

[i] For permitted and conditional uses within the Downtown and Waterfront Form Districts, refer to Article 14.

City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7194
www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Director, Office of City Planning
DATE: March 24, 2025
RE: Proposed ZA-25-04 Performing Arts Centers in the E-LM District

Overview & Background

As affirmed in the 2019 *planBTV: South End*, this district is a hub for creative social, cultural and economic activities. Indeed, the Plan's very first "Key Action to Preserve and Enhance the South End" is a call to reinforce an arts hub in the South End. To that end, the City of Burlington has created and maintained an arts-forward zoning framework, along with cultural and economic development initiatives and investments. One such initiative was a 2015 zoning amendment, adopted during the *planBTV: South End* planning process, to allow Performing Arts Centers (PACs) as a use in the South End's Enterprise-Light Manufacturing zoning district for the first time. As stated at the time, allowing PACs in the E-LM supports and enhances the South End's vibrant arts community. The 2015 zoning amendment includes the following standards, established as a conditional use footnote in Appendix A – Use Table:

- Allows PACs only on properties with frontage on Pine Street or Industrial Parkway (now Queen City Park Road);
- Limits PACs on parcels with Pine St. frontage to no more than 5,000 square feet, and on parcels with frontage on Queen City Park Road to no more than 15,000 square feet; and,
- Establishes that no more than 50 percent of any PAC can be devoted to accessory space for the sale and serving of food and beverages, including alcohol.

The size limitation for PACs on the Pine St. corridor were aimed at "preserving and acknowledging the existing built environment within the E-LM zone," according to the amendment's accompanying memo.

To date, just one Performing Arts Center, Arts Riot, exists in the E-LM. However, following its failed attempt to relocate to Queen City Park Road, the South Burlington-based music venue Higher Ground has expressed interest in relocating to the Pine St. corridor, a move that can only be facilitated through the amending of the aforementioned standards for PACs in the E-LM. Specifically, Higher Ground, and any similar Performing Arts Center that operates as a music venue for touring musical acts, requires a total square footage greater than what is allowed in the E-LM today. As such this amendment proposes to delete the square footage limit for PACs, only on properties with frontage on Pine Street, entirely. No other changes to the current standards are proposed.

In addition to the manifest way in which PACs support and are consistent with the South End's arts character, PACs are also critical components of the arts-based economy in Burlington. A 2019 study produced by an economic development organization in Chicago and referenced in communications to the US Congress by the National Independent Venue Association estimates that every $1 spent on a ticket at a local music venue produces $12 in economic activity in the form of restaurant and retail purchases and hotel stays.

City Council Ordinance Committee

The Ordinance Committee discussed the zoning amendment at two meetings, suggesting one revision to the amendment, and directing staff to coordinate with the Department of Public Works on parking strategies.

The Committee voted unanimously to disallow Performing Arts Centers on properties with frontage on Queen City Park Road. Essentially, this change means that the PAC use is only allowed – as a conditional use – on properties in the E-LM district with frontage on Pine Street.

The Committee also expressed concerns regarding parking impacts, specifically the potential for parking spillover onto nearby residential streets, including Marble Avenue, Pine Place, and the Five Sisters neighborhood. As such, the Committee voted to direct Planning staff to coordinate with DPW staff and the Public Works commission on the utility and appropriateness of creating resident-only parking on these nearby residential streets on event nights. Upon review, DPW staff has determined that its standard practice of coordinating with applicants through the zoning permit application process is appropriate. That coordination ensures a parking and transportation demand management strategy that is appropriate for the applicant and surrounding areas and residents.

Proposed Amendment: ZA-25-04

Amendment Type

Text Amendment	Map Amendment	Text & Map Amendment

Purpose Statement

This amendment eliminates the limit on square footage for Performing Arts Centers in the E-LM district in order to facilitate the establishment of larger PACs in this arts-based district.

Proposed Amendments

The following amendments to the Burlington Comprehensive Development Ordinance are included in this proposal:

1. Amends Footnote 32 in Appendix A – Use Table, to remove the square footage limit for Performing Arts Centers on properties with frontage on Pine Street in the E-LM district.
2. Replaces in the same Footnote 32 a reference to "Industrial Parkway" with the street's new name, "Queen City Park Road.

Relationship to *planBTV*

This following discussion of conformance with the goals and policies of planBTV is prepared in accordance with the provisions of 24 V.S.A. §4441(c).

Theme:	**Dynamic**	**Distinctive**	Inclusive	**Connected**
Land Use:	Conserve	Sustain	**Grow**	

Compatibility with Proposed Future Land Use & Density

The proposed amendment will help implement a key land use policy adopted in 2019 with planBTV: South End as well as the *planBTV* Comprehensive Plan. With respect to the South End Plan, this amendment reinforces the South End as an arts hub, a key plan objective. The Comprehensive Plan calls for the fostering and maintenance of existing neighborhood characters, and identifies the South End E-LM as a district where growth is encouraged. Thus, in a similar fashion, this amendment is consistent with the Comprehensive Plan's future land use map.

Impact on Safe & Affordable Housing

The amendment has no significant impact on the provision of safe and affordable housing. Housing is not an allowed use in the E-LM (outside of the South End Innovation District overlay).

Planned Community Facilities

This amendment supports and complements a recently constructed and evolving Burlington City Arts facility at 405 Pine Street. The amendment, through facilitating a PAC on the Pine St. corridor, promotes a prosperous arts community and presents opportunities for partnerships between the City and successful arts-based Burlington businesses.

Process Overview

The following chart summarizes the current stage in the zoning amendment process, and identifies any recommended actions:

<table>
<tr><th colspan="6">Planning Commission Process</th></tr>
<tr><td>Draft Amendment prepared by: Staff
11/24/24</td><td>Presentation to & discussion by Commission
12/3/24
4/8/2025</td><td colspan="2">Approve for Public Hearing
12/3/2024</td><td>Public Hearing
1/14/2025</td><td>Approved & forwarded to Council
1/14/2025</td></tr>
<tr><th colspan="6">City Council Process</th></tr>
<tr><td>First Read & Referral to Ordinance Comm.
2/3/2025</td><td>Ordinance Comm. discussion
3/5/2025</td><td>Ordinance Comm. recommend
3/11/2025</td><td>Second Read
3/24/2025</td><td>Public Hearing</td><td>Council Approval & Adoption</td></tr>
</table>

City of Burlington, VT
149 Church Street, 3rd Floor
Burlington, VT 05401
Phone: (802) 865-7194
www.burlingtonvt.gov/plan

TO: Burlington Planning Commission
FROM: Charles Dillard, AICP, Director, Office of City Planning
Sarah Morgan, AICP, Planner
DATE: April 8, 2025
RE: Burlington and Chittenden County Draft Housing Targets and County Land Use Map

Overview & Background

Burlington and the greater Chittenden County region are in the midst of a severe housing crisis. While there is a general shortage of homes, there is specific need to address affordability and availability for segments of the population that have traditionally not been well served by the housing market. To advance the State's mission to house its residents, and to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low and our communities planned in an sustainable and equitable manner, Vermont has adopted two significant pieces of legislation:

- Act 47 (the HOME Act), which introduced new requirements for regional and municipal plans. One of the Act's primary rules requires that each Regional Planning Commission and municipality must include housing targets for 2030 and 2050. Attached in the agenda packet are documents produced by the Chittenden County Regional Planning Commission (CCRPC) that include the targets and a summary of the methodology used in determining the targets.
- Act 181 makes significant changes to the State's planning framework, most prominently in the following two ways:
  - Each municipality's comprehensive plan, including *planBTV*, must be consistent with the regional plan and associated Future Land Use Map
  - It establishes a new location-based process for Act 250 jurisdictional control and designated centers. The Act's tiered approach intends to streamline environmental review and promote smart growth policies across the state.

CCRPC staff provided the Planning Commission with a first look at the draft Chittenden County Future Land Use Map at its February 11th meeting. Subsequently, OCP and CCRPC staff collaborated on a revision of that draft map, the result of which is included in the agenda packet. Notably, the South End Innovation District has been re-categorized as a "Downtown Center," conferring full Act 250 exemption for residential, commercial or industrial development within this area. Burlington's Downtown remains a "Downtown Center" as well. Additionally, aside from the City's RCO-A and RCO-C districts, the entirety of Burlington is mapped as either Planned Growth Area or Village Center, which allow either Tier 1A or 1B status for Act 250 jurisdictional purposes.

Additional information, including an educational video produced by CCRPC, can be accessed at https://www.ccrpcvt.org/our-work/our-plans/ecos-regional-plan/ecos-engagement/.

Public feedback on both the housing targets and the Draft Future Land Use Map can be provided through May 19th. Following Planning Commission discussion, OCP staff will recommend a motion to

Housing Targets

The recently released Housing Needs Assessment and Housing Targets establishes housing targets for the state and each region for 2030 and 2050. Each Regional Planning Commission is responsible for allocating the regional target to its municipalities. Ultimately, these targets must be included in future comprehensive plans.

OCP staff has been closely involved with CCRPC staff and colleagues throughout the county in the development of the methodology and targets. Included in the agenda packet is a draft Housing

Target document that includes a low, mid and high range. Note that the "mid" range is the working target and staff assumes this will ultimately be the target we will include in our update to *planBTV*. As such, Burlington's housing target is 7,120 homes by 2050.

Also of note, the selected methodology allocates the bulk of housing growth – 60 percent – to the County's four cities: Burlington, Winooski, South Burlington and Essex Junction. The "Suburban Towns," consisting of a mix of urban and rural areas, account for 36.2 percent of the housing target, while the rural towns account for 3.8 percent. As such, this growth plan encourages smart growth in areas well served by infrastructure and where intensification will help advance Burlington's goals regarding equity and sustainability.

Next Steps

Following the 4/8 meeting and additional engagement, OCP staff will collect feedback from the Planning Commission and bring the Future Land Use map back to a future meeting for a motion to recommend that the City Council seek Tier 1B status for all areas identified as such on the map.

SUMMARY OF **ACT 181** *and* MUNICIPAL **HOUSING TARGETS**

More information available at: ccrpcvt.org/ecos-plan • Last updated: 1/21/25

SUMMARY OF **ACT 181**

Act 181, passed into law June 2024, overhauls Vermont's planning framework for coordinating state, regional, and municipal land use. This document provides a summary of Act 181 and a Community Engagement Plan specific to the Chittenden County Regional Planning Commission (CCRPC).

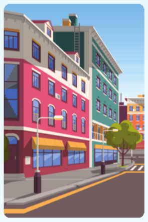
Goals of New Future Land Use Map & Housing Targets

The new **Future Land Use (FLU) Map** will guide development in Chittenden County by designating areas for growth, conservation, and other purposes based on **environmental**, **infrastructure**, and **community** factors.

The FLU Map will be used to determine Act 250 location-based jurisdiction. It will be adopted by the Regional Planning Commission (RPC) and approved by the State Land Use Review Board (LURB) based upon statutory definitions.

Additionally, The Department of Housing and Community Development will set regional housing targets, which will be disaggregated by municipality. CCRPC will work with each municipality to develop municipal plans that can meet these housing targets.

Location-Based Jurisdiction & Designated Centers



Act 181 modernizes how Vermont maps and directs public investments to designated centers and speeds up Act 250's transition to location-based jurisdiction.

This change is intended to recognize that some areas of Vermont are:

- PLANNED FOR GROWTH
- CONTAIN NECESSARY INFRASTRUCTURE (E.G. WATER, WASTEWATER)
- HAVE SUFFICIENT MUNICIPAL ZONING REGULATIONS IN PLACE TO ADEQUATELY REGULATE DEVELOPMENT

Who Makes What Decisions?

When updating the FLU map, CCRPC will attempt to build community consensus between all Interested and Affected Parties (IAPs) in each municipality.

Ultimately, the CCRPC Board must ensure the FLU Map complies with legal requirements (24 V.S.A. 4348a) in order to be approved by the State's Land Use Review Board (LURB).

Meaningful Participation & Environmental Justice

Act 181 revises the adoption process that regional plans undergo to provide the opportunity for a more robust and comprehensive public participation process, with a specific focus on environmental justice (EJ) focus populations as defined in 3 V.S.A. 6002.

It necessitates that RPCs evaluate the distribution of environmental benefits and burdens of regional plans, including the Future Land Use Map.

Interested and Affected Parties (IAPs) include:

MUNICIPAL SELECTBOARDS, PLANNING COMMISSIONS & OTHER COMMITTEES

MUNICIPAL COMMUNITY MEMBERS AND INTEREST GROUPS REPRESENTING EJ FOCUS POPULATIONS

REGIONAL AND STATEWIDE INTEREST GROUPS

MUNICIPAL **HOUSING TARGETS**

WHAT ARE MUNICIPAL **HOUSING TARGETS?**

Purpose

The **HOME Act** (Act 47 of 2023) introduced new requirements for regional and municipal plans. One is that the housing chapters must now include housing targets for 2029 and 2050 to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low.

The process starts with the **Vermont Statewide Housing Needs Assessment**, which includes a statewide housing target and targets assigned to each region.

Regional Planning Commissions are then responsible for allocating this regional housing target to their member municipalities.

Why it Matters

Housing targets are estimates of the number of housing units needed at the state, regional, and municipal levels to achieve and maintain a stable housing market. The targets are aspirational goals, not projections or quotas, that will help guide where and how communities plan for new homes to meet the needs of current and future residents while supporting compact, affordable, and environmentally responsible development.

These targets may require that some municipalities:

- Plan for water and wastewater systems that can support strategic housing growth.
- Analyze if local regulations allow for the development needed to meet targets.

What This Means for Municipalities

Municipalities are required to plan for housing by:

- Including housing targets provided to them by the Regional Planning Commission;
- Laying out the actions they'll take (a "recommended program") to achieve those targets and meet local housing needs.

Municipalities must plan to accommodate the substantial majority of the housing target in:

CENTERS | PLANNED GROWTH AREAS | VILLAGE AREAS

There is no penalty for failing to achieve the municipal housing targets provided that municipalities can demonstrate (through the process regional approval and confirmation of the municipal plan) that they're making substantial progress toward meeting the targets.

CONTACT

For more information, contact Taylor Newton, CCRPC Planning Program Director, at: tnewton@ccrpcvt.org (802) 846-4490 x115

OVERVIEW OF CCRPC'S ACT 181 COMMUNITY **ENGAGEMENT PLAN**

Goals of Engagement

- Ensure all 19 municipalities are fully informed about the Act 181 (H.687) requirements.
- Collect detailed input from each municipality and IAPs to help inform the new Regional Future Land Use Map through multiple forms of engagement.
- Foster a collaborative environment to attempt to build community consensus on the Regional Future Land Use Map, including with marginalized communities.
- Provide clear, accessible information and resources to all participants throughout the process.
- Develop a draft Regional Future Land Use Map with housing targets by **June 2025**.

Engagement Activities & Timeline

PHASE 1 | **CCRPC Internal Planning & Coordination (*August 2024 - Ongoing*)**

- Develop initial draft FLU maps and housing target disaggregation methodology.
- Create educational materials, including summaries and municipality-specific two-pagers.
- Develop municipal engagement templates and materials.

PHASE 2 | **Inform & Educate about Act 181 & Engagement Process (*Fall 2024*):**

- Hold educational meetings with selectboards and city councils to introduce the project, explain Act 181, and outline the engagement process.
- Distribute informational materials to municipalities, relevant regional and state agencies, and planning commissions.
- Develop customized engagement plans for each municipality based on their input.

PHASE 3 | **Assess Environmental Benefits & Burdens (*Fall - Spring 2025; Ongoing*):**

- Map environmental justice focus populations within Chittenden County.
- Define and visualize environmental benefits and burdens.
- Assess how the proposed map changes affect environmental justice (EJ) populations.

PHASE 4 | **Engagement to Review Draft FLU Map (*Winter 2025*):**

- Conduct municipal and regional meetings to review and amend the draft FLU map.
- Hold discussion groups and community meetings as per the municipal engagement plans.
- Distribute an interactive map to gather public feedback.

PHASE 5 | **Review Final FLU Map Draft & Discuss Housing Targets (*Spring 2025*):**

- Conduct review meetings with all interested and affected parties to reflect their input and reach consensus.
- Discuss housing target methodology and implications.
- Hold selectboard and planning commission meetings to review the final draft and housing targets.

PHASE 6 | **Finalize Map & Housing Targets, Prepare for Formal Approval (*Summer 2025*):**

- Present final map and housing targets to the LRPC, CCRPC Board, and the State Land Use Review Board for approval.

CONTACT

For more information, contact Taylor Newton, CCRPC Planning Program Director, at:
tnewton@ccrpcvt.org
(802) 846-4490 x115

SUMMARY OF **ACT 181** *and* MUNICIPAL **HOUSING TARGETS**

More information available at: ccrpcvt.org/ecos-plan • Last updated: 1/21/25

SUMMARY OF **ACT 181**

Act 181, passed into law June 2024, overhauls Vermont's planning framework for coordinating state, regional, and municipal land use. This document provides a summary of Act 181 and a Community Engagement Plan specific to the Chittenden County Regional Planning Commission (CCRPC).

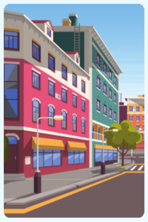
Goals of New Future Land Use Map & Housing Targets

The new **Future Land Use (FLU) Map** will guide development in Chittenden County by designating areas for growth, conservation, and other purposes based on **environmental**, **infrastructure**, and **community** factors.

The FLU Map will be used to determine Act 250 location-based jurisdiction. It will be adopted by the Regional Planning Commission (RPC) and approved by the State Land Use Review Board (LURB) based upon statutory definitions.

Additionally, The Department of Housing and Community Development will set regional housing targets, which will be disaggregated by municipality. CCRPC will work with each municipality to develop municipal plans that can meet these housing targets.

Location-Based Jurisdiction & Designated Centers



Act 181 modernizes how Vermont maps and directs public investments to designated centers and speeds up Act 250's transition to location-based jurisdiction.

This change is intended to recognize that some areas of Vermont are:

- PLANNED FOR GROWTH
- CONTAIN NECESSARY INFRASTRUCTURE (E.G. WATER, WASTEWATER)
- HAVE SUFFICIENT MUNICIPAL ZONING REGULATIONS IN PLACE TO ADEQUATELY REGULATE DEVELOPMENT

Who Makes What Decisions?

When updating the FLU map, CCRPC will attempt to build community consensus between all Interested and Affected Parties (IAPs) in each municipality.

Ultimately, the CCRPC Board must ensure the FLU Map complies with legal requirements (24 V.S.A. 4348a) in order to be approved by the State's Land Use Review Board (LURB).

Meaningful Participation & Environmental Justice

Act 181 revises the adoption process that regional plans undergo to provide the opportunity for a more robust and comprehensive public participation process, with a specific focus on environmental justice (EJ) focus populations as defined in 3 V.S.A. 6002.

It necessitates that RPCs evaluate the distribution of environmental benefits and burdens of regional plans, including the Future Land Use Map.

Interested and Affected Parties (IAPs) include:

MUNICIPAL SELECTBOARDS, PLANNING COMMISSIONS & OTHER COMMITTEES

MUNICIPAL COMMUNITY MEMBERS AND INTEREST GROUPS REPRESENTING EJ FOCUS POPULATIONS

REGIONAL AND STATEWIDE INTEREST GROUPS

MUNICIPAL **HOUSING TARGETS**

WHAT ARE MUNICIPAL **HOUSING TARGETS?**

Purpose

The **HOME Act** (Act 47 of 2023) introduced new requirements for regional and municipal plans. One is that the housing chapters must now include housing targets for 2029 and 2050 to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low.

The process starts with the **Vermont Statewide Housing Needs Assessment**, which includes a statewide housing target and targets assigned to each region.

Regional Planning Commissions are then responsible for allocating this regional housing target to their member municipalities.

Why it Matters

Housing targets are estimates of the number of housing units needed at the state, regional, and municipal levels to achieve and maintain a stable housing market. The targets are aspirational goals, not projections or quotas, that will help guide where and how communities plan for new homes to meet the needs of current and future residents while supporting compact, affordable, and environmentally responsible development.

These targets may require that some municipalities:

- Plan for water and wastewater systems that can support strategic housing growth.
- Analyze if local regulations allow for the development needed to meet targets.

What This Means for Municipalities

Municipalities are required to plan for housing by:

- Including housing targets provided to them by the Regional Planning Commission;
- Laying out the actions they'll take (a "recommended program") to achieve those targets and meet local housing needs.

Municipalities must plan to accommodate the substantial majority of the housing target in:

CENTERS | PLANNED GROWTH AREAS | VILLAGE AREAS

There is no penalty for failing to achieve the municipal housing targets provided that municipalities can demonstrate (through the process regional approval and confirmation of the municipal plan) that they're making substantial progress toward meeting the targets.

CONTACT

For more information, contact Taylor Newton, CCRPC Planning Program Director, at: tnewton@ccrpcvt.org (802) 846-4490 x115

OVERVIEW OF CCRPC'S ACT 181 COMMUNITY **ENGAGEMENT PLAN**

Goals of Engagement

- Ensure all 19 municipalities are fully informed about the Act 181 (H.687) requirements.
- Collect detailed input from each municipality and IAPs to help inform the new Regional Future Land Use Map through multiple forms of engagement.
- Foster a collaborative environment to attempt to build community consensus on the Regional Future Land Use Map, including with marginalized communities.
- Provide clear, accessible information and resources to all participants throughout the process.
- Develop a draft Regional Future Land Use Map with housing targets by **June 2025**.

Engagement Activities & Timeline

PHASE 1 | **CCRPC Internal Planning & Coordination (*August 2024 - Ongoing*)**

- Develop initial draft FLU maps and housing target disaggregation methodology.
- Create educational materials, including summaries and municipality-specific two-pagers.
- Develop municipal engagement templates and materials.

PHASE 2 | **Inform & Educate about Act 181 & Engagement Process (*Fall 2024*):**

- Hold educational meetings with selectboards and city councils to introduce the project, explain Act 181, and outline the engagement process.
- Distribute informational materials to municipalities, relevant regional and state agencies, and planning commissions.
- Develop customized engagement plans for each municipality based on their input.

PHASE 3 | **Assess Environmental Benefits & Burdens (*Fall - Spring 2025; Ongoing*):**

- Map environmental justice focus populations within Chittenden County.
- Define and visualize environmental benefits and burdens.
- Assess how the proposed map changes affect environmental justice (EJ) populations.

PHASE 4 | **Engagement to Review Draft FLU Map (*Winter 2025*):**

- Conduct municipal and regional meetings to review and amend the draft FLU map.
- Hold discussion groups and community meetings as per the municipal engagement plans.
- Distribute an interactive map to gather public feedback.

PHASE 5 | **Review Final FLU Map Draft & Discuss Housing Targets (*Spring 2025*):**

- Conduct review meetings with all interested and affected parties to reflect their input and reach consensus.
- Discuss housing target methodology and implications.
- Hold selectboard and planning commission meetings to review the final draft and housing targets.

PHASE 6 | **Finalize Map & Housing Targets, Prepare for Formal Approval (*Summer 2025*):**

- Present final map and housing targets to the LRPC, CCRPC Board, and the State Land Use Review Board for approval.

CONTACT

For more information, contact Taylor Newton, CCRPC Planning Program Director, at:
tnewton@ccrpcvt.org
(802) 846-4490 x115

CHITTENDEN COUNTY RPC

Draft

CHITTENDEN COUNTY HOUSING TARGETS

Review and comment by May 19! Visit **ccrpcvt.org/housing** for more details.

Vermont's HOME Act (Act 47 of 2023) introduced new requirements for regional and municipal plans. One is that plans must now include housing targets for 2030 and 2050 to ensure an adequate supply of safe, affordable housing in locations that keep transportation costs low.

Below are the draft housing targets for 2050. CCRPC has divided its regional target range (*15,783 - 47,407*) into **LOW**, **MID**, and **HIGH** targets for each city and town.

	EXISTING HOUSING UNITS (2023)	2050 HOUSING TARGET RANGES						ANNUAL HISTORIC GROWTH (2000-23)	2050 ANNUAL #S*		
		LOW # and %		MID # and %		HIGH # and %			LOW	MID	HIGH
BOLTON	550	**59**	11%	**118**	21%	**177**	32%	6	**2**	**5**	**7**
BUEL'S GORE	12	**1**	11%	**3**	21%	**4**	32%	0	**0**	**0**	**0**
BURLINGTON	18,245	**3,557**	19%	**7,120**	39%	**10,683**	59%	77	**142**	**285**	**427**
CHARLOTTE	1,643	**176**	11%	**353**	21%	**530**	32%	6	**7**	**14**	**21**
COLCHESTER	7,673	**848**	11%	**1,697**	22%	**2,546**	33%	39	**34**	**68**	**102**
ESSEX	4,889	**1,233**	25%	**2,467**	50%	**3,702**	76%	51	**49**	**99**	**148**
ESSEX JUNCTION	4,955	**1,462**	30%	**2,927**	59%	**4,392**	89%	52	**58**	**117**	**176**
HINESBURG	2,071	**375**	18%	**752**	36%	**1,128**	54%	16	**15**	**30**	**45**
HUNTINGTON	876	**94**	11%	**188**	21%	**282**	32%	6	**4**	**8**	**11**
JERICHO	2,014	**210**	10%	**419**	21%	**629**	31%	10	**8**	**17**	**25**
MILTON	4,515	**640**	14%	**1,282**	28%	**1,923**	43%	42	**26**	**51**	**77**
RICHMOND	1,729	**202**	12%	**404**	23%	**606**	35%	8	**8**	**16**	**24**
SHELBURNE	3,529	**802**	23%	**1,605**	45%	**2,409**	68%	33	**32**	**64**	**96**
SOUTH BURLINGTON	9,921	**3,788**	38%	**7,583**	76%	**11,378**	115%	142	**152**	**303**	**455**
ST. GEORGE	314	**34**	11%	**67**	21%	**101**	32%	2	**1**	**3**	**4**
UNDERHILL	1,313	**141**	11%	**282**	21%	**423**	32%	9	**6**	**11**	**17**
WESTFORD	899	**96**	11%	**193**	21%	**290**	32%	6	**4**	**8**	**12**
WILLISTON	4,725	**1,402**	30%	**2,807**	59%	**4,212**	89%	70	**56**	**112**	**168**
WINOOSKI	3,665	**663**	18%	**1,327**	36%	**1,991**	54%	27	**27**	**53**	**80**
COUNTY TOTAL	*73,538*	***15,783***	*21%*	***31,595***	*43%*	***47,407***	*64%*	*602*	***631***	***1,264***	***1,896***

**Annual new units needed to reach 2050 targets.*

HOW WERE THE NUMBERS ASSIGNED TO EACH CITY AND TOWN?

CCRPC worked with its Planning Advisory Committee, made up of city / town planning directors and commissioners, for over a year to develop a method to assign housing targets to each city and town in Chittenden County.

Housing targets consider factors like **infrastructure**, **historic growth rates**, and **land available for development**.

CITIES

Burlington, Essex Junction, South Burlington, Winooski

Receive **60%** of the regional housing target.

RURAL TOWNS

Bolton, Buel's Gore, Charlotte, Huntington, St. George, Underhill, Westford

Receive **3.8%** of the regional housing target and are encouraged to promote village development and protect working lands.

SUBURBAN TOWNS

Colchester, Essex Town, Hinesburg, Jericho, Milton, Richmond, Shelburne, Williston

Receive **36.2%** of the regional housing target, and weighting is applied based on accessibility of water and wastewater infrastructure.

This approach allows Chittenden County to meet its goals for livable downtowns and villages, intact farm and forest land, and healthy natural resources – while still accommodating development in all cities and towns.

FOR IMMEDIATE RELEASE: March 28, 2025
CONTACT: Taylor Newton, CCRPC Planning Program Director | tnewton@ccrpcvt.org | 802-846-4490 x115

Chittenden County Draft Housing Targets Available for Review and Comment

Comment deadline: Monday, May 19

(*Winooski, VT*) Finding a place to live in Chittenden County, particularly one that is affordable, has become more difficult over the years. For decades, housing production hasn't kept up with the needs of our communities, making it difficult for families to put down roots, workers to live near their jobs, and employers to find staff.

To help communities plan for the future, the Vermont Department of Housing and Community Development, at the direction of the Vermont Legislature, has introduced new statewide and regional housing targets. These data-driven targets are presented as ranges and take into account the housing Vermont needs – not only to house new residents, but also to accommodate downsizing seniors, replace older homes that can't be repaired, and help address homelessness.

Overall, Chittenden County has a housing target range of 15,783 – 47,407 new housing units by 2050. As required in the HOME Act (Act 47 of 2023), the Chittenden County Regional Planning Commission (CCRPC) has divided the regional housing targets into targets for each city and town in Chittenden County. **The first draft ranges can be viewed here.** Residents, business owners, and community leaders are invited to review the draft housing targets and provide feedback and generate ideas to help increase housing in Chittenden County. Comments will be accepted through Monday, May 19, 2025.

HOUSING TARGETS AND FUTURE LAND USE MAP: TOOLS FOR PLANNING

With housing targets and data collection in place, for the first time, Vermont will be able to track housing production, informing policy decisions at all levels of government. Housing targets are meant to be a planning tool, and there are no penalties for not reaching these goals at this time. However, cities and towns are expected to include the housing targets in their municipal plans and identify actions they'll take toward meeting them. CCRPC is available to assist with this effort.

While cities and towns typically don't build housing, they can create conditions that make housing development easier. Options include adjusting zoning laws, expanding infrastructure like water and wastewater systems, and working with the private sector – and cities and towns choose the options that are right for them. Cities and towns must plan to accommodate most of the housing target in *downtown centers*, *village centers*, *planned growth areas*, and *village areas* – areas that are shown and defined on this draft Chittenden County Future Land Use map, which is available for public comment through May 19.

There are many coordinated efforts underway to address this issue locally, regionally, and statewide. By making progress toward the new housing targets, communities will:

- Increase housing options and affordability to support local families and workers;
- Strengthen schools and local economies by retaining existing and attracting new residents;
- Protect farmland and forests by concentrating housing in areas designed for growth, such as those able to accommodate or already served by public transit, water, sewer, and social services; and
- Ensure public dollars are spent efficiently, maximizing investments.

JOIN THE CONVERSATION – LEARN MORE AND PROVIDE COMMENTS BY MAY 19

Two key items related to housing in Chittenden County are available for review and comment by **Monday, May 19, 2025:**

1. **DRAFT HOUSING TARGETS** | These targets, once adopted, will be integrated into city and town plans to help address the urgent need for housing in Chittenden County. **Review the draft housing targets and provide comments »**

2. **DRAFT FUTURE LAND USE MAP** | This map, once adopted, will guide how land in the region will be used in the future. **Review the draft map and provide comments »**

If you have questions or would like more information, please contact Taylor Newton: tnewton@ccrpcvt.org.

The need for housing in Chittenden County is urgent, and solutions require thoughtful collaboration across all sectors. No single city or town can solve this crisis alone. It will take a coordinated effort at the local, regional, and state levels to create a resilient, inclusive, and affordable housing market for Vermont's current and future residents. *Please share your questions, thoughts, and ideas!*

MORE INFORMATION ABOUT CCRPC

The CCRPC (https://www.ccrpcvt.org/) is one of 11 regional planning commissions in Vermont and serves as the State's only federally required metropolitan planning organization. The CCRPC acts as the principal forum for planning, policy and community development in the region by providing planning and technical assistance that meets the needs of its member municipalities and the public, while remaining consistent with federal and state requirements. The CCRPC's work results in the development and implementation of plans that support sustainable development and improve the region's quality of life and environment.

For more information, visit https://www.ccrpcvt.org/housing/.

# # #

CHITTENDEN COUNTY
DRAFT FUTURE LAND USE MAP

Chittenden County Regional Planning Commission (CCRPC) is working with cities and towns to create a regional Future Land Use map. This map, once adopted, will generally guide how land in the region will be used in the future. For more information, visit ccrpcvt.org/ecos-engagement.

The land use categories on the map are defined in state law and CCRPC is tasked with determining how the land use categories apply in the region. CCRPC is seeking input from the public to help guide our mapping work.

HOW WILL THIS IMPACT ME?

Through planning, your town or city prioritizes how land is used and shared. Land use maps and planning impact where houses and other development are built, as well as where natural resources are protected. You can participate in community discussions and decisions that shape your town or city. Please provide comments on the proposed future land use for Chittenden County by e-mailing Taylor Newton (tnewton@ccrpcvt.org).

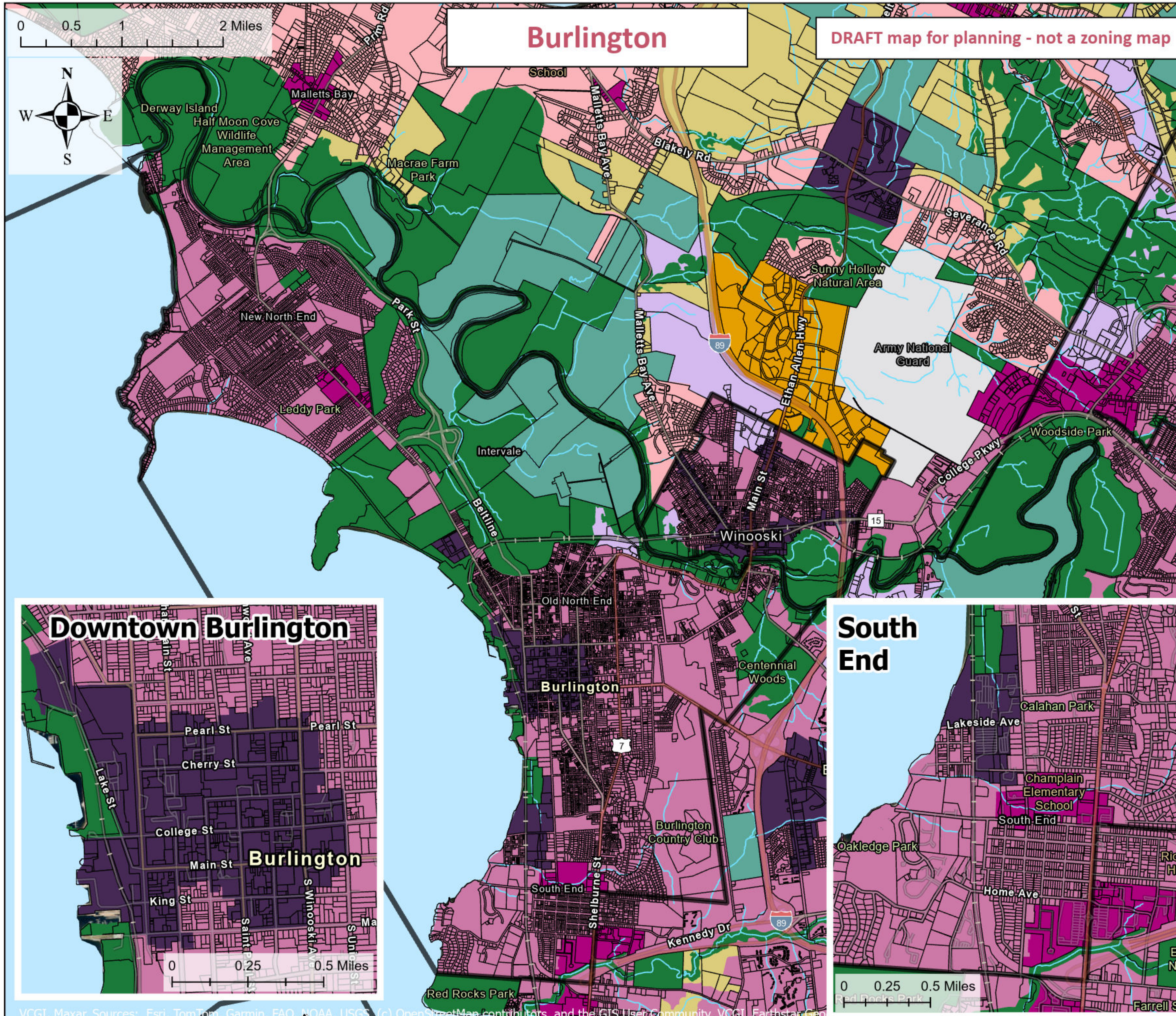
Legend

- Municipal Boundary
- Property Boundary
- Roads
- River or Stream
- Lake Champlain

Future Land Use Area

- Downtown Center
- Village Center
- Planned Growth Area
- Village Area
- Transition / Infill Area
- Resource-Based Recreation Area
- Enterprise Area
- Hamlet
- Rural General
- Rural Ag and Forestry
- Rural Conservation
- Airport & Camp Johnson & Ethan Allen Firing Range

CHITTENDEN COUNTY RPC
Communities Planning Together



Detailed Overview of Act 181 (H.687) | As Signed into Law

Prepared by Vermont Natural Resources Council

CONTEXT - The General Assembly has worked to modernize Act 250 for the last seven years starting with the comprehensive Report of the Commission on Act 250: The Next 50 Years. Since that report, the House passed several comprehensive Act 250 bills, but they were vetoed (H.926 in 2020 and S.234 in 2022). Building on these bills, and countless legislative studies on Act 250 topics, several working groups convened last year to discuss improvements to Act 250 and statewide land use planning, including how to:

- o Reform the Natural Resources Board (NRB) and shift to location-based Act 250 jurisdiction;
- o Modernize the State Designation Program, the role of the Agency of Commerce and Community Development (ACCD) incentive programs for municipalities, and the Regional Planning Commission "Future Land Use" mapping; and
- o Allow municipalities or towns to self-administer the Act 250 process.

The recommendations from these stakeholder processes, including the NRB's consensus Necessary Updates to the Act 250 Program Report, were incorporated in H.687. The final act, as passed by the Legislature, includes the following policies, updates, and funding opportunities.

ACT 250 POLICIES

LOCATION-BASED JURISDICTION | Act 181 changes Act 250 jurisdiction to be based on locational "tiers", and where appropriate, aligned with regional land use maps. The tiered approach will streamline environmental review and promote housing in well-planned, smart growth areas, while reducing harm to critical natural resource areas and working lands. Local and regional planning that determines where and how Vermont should grow will now more effectively inform Act 250 jurisdiction.

Tier 1A

- Municipalities will identify areas based on regional land use maps and apply for 1A status through the new professionalized **Land Use Review Board (LURB)**. Applications may be submitted starting January 1, 2026.
- **Act 250 Exemption**: No Act 250 permits will be required for residential, commercial or industrial development in these areas.
- **Requirements:** For Tier 1A designation, these areas must have municipal planning; water/sewer infrastructure; flood hazard and river corridor bylaws (or exclusion of those areas); planning for growth in/around compact centers; land use bylaws to further smart growth; planning for the protection of significant natural communities, rare, threatened, and endangered species; and compatibility with the historic and cultural character and natural resources of the area.

Tier 1B

- Regional Planning Commissions will identify 1B areas when developing future land use maps, and these 1B areas will be designated as such upon review and adoption of the land use maps. Municipalities must opt in to 1B designation.

- **Act 250 Exemption**: No Act 250 permits required for the construction of projects with 50 or fewer housing units located on 10 acres or less in these areas.
- **Requirements:** For Tier 1B designation these areas must have municipal planning; water/ sewer infrastructure (public water, sewer, *or* adequate soils for compact development); land use bylaws to accommodate significant housing growth and manage impacts; and exclude flood hazard areas.

Tier 2

- The lands outside of Tier 1 areas would consist of most of our state and are characterized by natural resource areas, working farms and forests, and low-density development areas.
- Act 250 jurisdiction would remain the same, with the exception of a new **road rule** to replace an older version. The new road rule incentivizes clustered site design, and would serve as a backstop to review long roads that have a high potential to fragment intact natural resource areas. The rule triggers Act 250 review for the construction of a single private road longer than 800 feet, or a network of combined roads and driveways greater than 2,000 feet - approximately 4/10 of a mile long. A rulemaking process would provide clarity on how the road rule should be applied and how roads and driveways will be defined.

Tier 3

- Tier 3 would include the state's most **critical natural resource areas** where Act 250 jurisdiction, or some level of protection, is warranted based on the sensitivity of these resources. Act 181 identifies certain areas that should be considered for designation - including river corridors, headwater streams, habitat connectors of statewide significance, riparian areas, pristine waters, and certain natural communities - but leaves the selection of such areas to a multi-year rulemaking and stakeholder engagement process led by the LURB and Agency of Natural Resources.
- Tier 3 designation in any selected areas would not preclude development, it would merely require Act 250 review. The rulemaking process, however, will determine if other programs or policies are more appropriate to protect critical resource areas.

WORKING LANDS | Provides support for working lands businesses including:

- Accessory on Farm Businesses: Under the bill, a farm would be able to sell and/or process farm products from other farms, and construct structures or improvements to the property for such purposes, without having to obtain an Act 250 permit.
- Wood Products Manufacturing Facilities: The mitigation fee for impacting primary agricultural soils would be reduced to the same ratio as for industrial parks, which is 1:1. In addition, a stakeholder group would study ways to find efficiencies in the permitting process.

PERMANENT AND INTERIM HOUSING EXEMPTIONS | Provides Act 250 exemptions for:

- The conversion of hotels or motels to permanently affordable housing.

Until January 1, 2027

- Priority Housing Projects (PHP) within an ½ mile around a designated downtown, neighborhood development area or growth center, with no limit on the number of units;
- Any housing project with 75 or fewer units of housing per project on lots under 10 acres in neighborhood development areas, new town centers, or growth centers outside floodplains; and
- Any housing project in designated downtowns outside floodplains.

Until July 1, 2027

- Any housing project with 50 or fewer units of housing per project on lots under 10 acres in village centers with zoning and subdivision bylaws (plus ¼ mile boundary), and in urbanized areas with over 50,000 residents and within ¼ mile of a transit route.

Until July 1, 2028

- The conversion of commercial development to 29 or fewer units of housing; and
- The construction of accessory dwelling units (ADUs) related to single-family use.

GOVERNANCE | Reinstates a professional **Land Use Review Board (LURB)** to administer Act 250. This approach is intended to streamline processes, reduce costs, and provide clearer guidance to District Commissions and applicants, ensuring consistency in Act 250 decisions across districts. Professionalizing the NRB will:

- ensure that LURB members are experts in land use and related fields, and will have the time and qualifications to properly supervise and train Act 250 district staff;
- improve the administration of the Act 250 program; and
- create clarity and consistency among the District Commissions.

APPEALS | The bill requires a formal study this year to review how appeals should be addressed, including whether the LRB should hear Act 250, zoning and ANR permit appeals and how to expedite housing project appeals.

CRITERIA | Modernizes Act 250 to have functional criteria to reduce **forest fragmentation** and promote proactive site design in forests and habitat connectivity areas. The criteria would require undue adverse impacts on forest blocks and habitat connectivity areas to be avoided, minimized, or mitigated based on guidance to be developed through a rulemaking and stakeholder engagement process.

MUNICIPAL & REGIONAL PLANNING / STATE DESIGNATION PROGRAM

FUTURE LAND USE MAPS | Adds consistency to regional planning goals, land use mapping, seeks to equitably build resilience to the effects of climate change, and creates alignment with state regulatory and incentive programs. The new professional board will approve updated regional plans developed by regional planning commissions in accordance with specific statutory guidance and significant public outreach.

MUNICIPAL ZONING | Strengthens municipal zoning requirements to encourage the provision of dense housing development, and makes changes to municipal appeals, including increasing the number of people needed to appeal a decision from 10 to 20.

DESIGNATED AREAS UPDATE | Updates the State Designation Programs to improve municipal access to benefits and technical assistance, and increases smart growth investments that will accelerate housing growth, downtown revitalization, climate resilience, and safe, walkable streets; and reduces the number of designation programs from five to two and provides flexible steps for towns of all sizes to unlock benefits like access to funding and tax credits, and to adapt to climate change.

MUNICIPAL AND REGIONAL PLANNING AND RESILIENCE GRANT PROGRAM | Allocates funds for planning-related project development and implementation, and hazard mitigation to reduce damages from flooding and other climate-change related hazards, prioritizes funding for municipalities without zoning and subdivision bylaws, and provides temporary flexibility for municipalities seeking to apply for funding.

FUNDING PROPERTY TRANSFER TAX | Sets the property transfer tax rate of 0.5% on the first $200,000 (was $100,000) and 1.25% above $200,000 with subsidized financing exceptions; sets the rate of 3.4% on second homes; and provides exemptions for transfers of mobile homes and of abandoned homes if to be used as a primary residence.

PROPERTY TAX EXEMPTIONS | Provides three-year tax exemptions for increases in value due to new construction, improvements, or rehabilitation of housing in flood-impacted communities.

OTHER POLICIES

Amends and makes appropriations for existing housing programs including affordable housing, first-generation homebuyers, rental housing stabilization services and assistance, and mobile home park infrastructure; makes changes to rental data collection and protection; makes appropriations for rental housing improvements; requires Division of Fire Safety to provide guidance on health & safety rules to short-term rentals; requires flood risk disclosure for rentals and mobile home sales and lot leases; adjusts obligations for an environmental justice community engagement plan; requires multiple reports, including a study on land banking, rent payment reporting, landlord-tenant law, long-term affordable housing, and numerous issues related to Tier 2 implementation including how to address commercial development, mitigation of impacts to primary agricultural soils, improving the effectiveness of Criterion 9(L) in addressing rural sprawl, and continuing to study Act 250 and commercial activities on farms; requires written, science-based procedures for updating and maintaining natural resource maps; provides municipalities with the authority to regulate parking and sets minimum parking space size standards; and requires the development of metrics to assess progress on reaching statewide and regional housing targets.

DEADLINES & EFFECTIVE DATES

2024| The following have gone into effect:

- June 30, 2024: Established the Land Use Review Board Nominating Committee.
- August 1, 2024: New Property Transfer Tax Rates went into effect.
- December 15, 2024: Affordable Housing Policy Report and the Wood Products Manufacturers Report completed.
- December 31, 2024: VAPDA methodology developed for mapping Tier 1B areas; and the Regional Planning Commission Study Report completed.

2025 | Within the next year the following will be due or go into effect:

- January 1, 2025: The Governor appointed five members of the Land Use Review Board (LURB) in Dec, 2024; the Tier 3 Working Group must be convened.
- July 1, 2025: The Forest and Habitat Fragmentation Working Group must be convened.
- December 15, 2025: The Transportation Support Study Report will be due.
- December 31, 2025: The Municipal Technical Assistance Report will be due.

2026 | Within the next 2 years the following will be due or go into effect:

- January 1, 2026: Tier 1A Applications and Approval will begin.
    - LURB shall publish guidelines for applications;
    - LURB must convene a public hearing in the municipality after receiving an application;
    - LURB must issue determination within 45 days of receiving the application;
    - LURB shall check-in on designation status after four years, review after eight years, and every eight years thereafter;
- January 15, 2026: The Act 250 Appeals Study Report will be due.
- February 1, 2026: The Tier 3 Proposed Rules must be filed.
- February 15, 2026: The Tier 2 Area Report will be due.
- June 15, 2026: The Forest and Habitat Fragmentation Proposed Rule must be filed.
- July 1, 2026: The Road Rule will go into effect.
- December 31, 2026:
    - The Forest Blocks and Habitat Connectors Criterion will go into effect;
    - the Regional Planning Commissions must adopt regional plans, starting the process of LURB approval;
    - existing Designation benefits expire if regional plans are not approved.

2027 | Within the next 3 years the following will be due or go into effect:

- January 1, 2027: Interim Act 250 exemptions will expire for:
    - Priority Housing Projects (PHP) within an ½ mile around a designated downtown, neighborhood development area or growth center, with no limit on the number of units;
    - Housing cooperatives, condominiums, dwellings, or mobiles home parks with 75 units or fewer located entirely within the areas of a designated new town center, a designated growth center, or a designated neighborhood development area with adequate water and sewer infrastructure;
    - Any housing project in designated downtowns outside floodplains.
- July 1, 2027: The interim Act 250 exemption will expire for any housing project with 50 or fewer units of housing per project on lots under 10 acres in village centers with zoning and subdivision bylaws (plus ¼ mile boundary), and in urbanized areas with over 50,000 residents and within ¼ mile of a transit route; and priority for municipalities without zoning and subdivision bylaws to receive funding will expire.
- December 31, 2027: No new applications for three-year exemptions from property tax can be submitted.

2028 | Within the next 4 years the following will be due or go into effect:

- July 1, 2028: Interim Act 250 exemptions will expire for:
    - Accessory Dwelling Units (ADUs) related to single-family use; and
    - The conversion of commercial development to 29 or fewer units of housing.

2029 | Within the next 5 years the following will be due or go into effect:

- February 1, 2029: The Location-Based Jurisdiction Review Report will be due.

VNRC
VERMONT NATURAL
RESOURCES COUNCIL

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/cityplanning

Burlington Planning Commission

Tuesday March 25, 2025, 6:30 P.M.
Hybrid Meeting via Zoom and in City Hall's Bushor Conference Room
Draft Minutes

Commissioners Present:

☒ Andy Montroll
☐ Erhard Mahnke
☒ Ryan Nick
☒ Alexander Friend
☒ Michael Gaughan
☒ Erin Malone
☒ Julia Randall

City Staff Present:

☒ Charles Dillard, Director
☒ Sarah Morgan, Senior Planner
☒ Scott Gustin

Public Attendance: Sharon Bushor, Kirsten Merriman Shapiro

---

1. Agenda

Call to Order: 6:30pm
Changes to Agenda: N/A

2. Public Forum

Name(s)	Comment
Sharon Bushor	• Related to Stormwater Standards amendment asks whether the SEID needs additional scrutiny beyond the City's expertise to approve the stormwater plan given that it's an EPA site. Wants to be reassured that there will be adequate scrutiny. • Related to Pocket Neighborhoods, wonders if a recreation facilities as named in "Usable Open Space" is considered a Common Building and if so can that be considered open space. • Related to PUDs, questions why the Residential Corridors were allowed to have a tier for lots with less than 0.5 acres. • Concerned that the Corridors are to have higher intensity comparable to RH abutting RL. • In Sec. 3.4.2, wonders whether historic homes are subject to design review. • Feels there is a loss for the neighborhood when something is approved administratively because planners or people in permitting might not have neighborhood awareness of things like stormwater issues. • Disagrees with the memo stating that generating more housing will reduce the cost of housing and feels that is not based in fact.
Kirsten Merriman Shapiro	• Attending to support the ZA-25-02.

3. Chair's Report

4. Director's Report

- Overdose Prevention Center Amendment will be coming back to PC shortly. City has hired a coordinator for that effort. Vermonters for Criminal Justice Reform has been selected as the provider for the Center. The direction that the Planning Commission gave Staff is still in place and will be limited to referring to an agreement between the City and the Operator, including the location and the Community Engagement.
- ZA-25-04: Performing Arts Centers in the ELM was warned for a Public Hearing by City Council to take place on April 14th, 2025. The City Council Ordinance Committee made some substantive changes to

remove the allowance to have a Performing Arts Center on Queen City Park Road. Preforming Arts Center remains a Conditional Use, though in the SEID it is an allowed use.

5. Continuation of Public Hearing for Proposed CDO Amendment ZA-25-02: Neighborhood Code – Additional Housing Development Options

Notes from Discussion:

- J. Randall: Requested clarification for language on Table 4.4.5-2 Footnote 5 notes that requires Secondary Structure shall be placed behind the Principal Structure.
  - C. Dillard: That is an interpretation made by the zoning administrator. As long as the façade of that secondary structure is behind the façade of the principal, it would be considered as "behind". Staff will go back and confirm whether this is the case.
- S. Morgan provided a response to Public Forum question as to why the Residential Corridor is permitted to have a third tier. Residential Corridors base standards only allow for a singular structure on their properties, and by providing this third tier, this would allow for properties in this district to explore opportunities for more than one structure on that parcel.
- M. Gaughan appreciated the clarification as to why Maximum Principal and Secondary Structure Footprint standards shall not apply to Neighborhood Commercial Uses per Sec. 4.4.5 (d) 3 iii.

Action: Move this amendment to City Council with recommendation and accompanying report.

Motion by: J. Randall	Seconded by: M. Gaughan	Vote: Unanimous

6. Vermont ACCD Municipal Planning Grant

Notes from Discussion:

- M. Gaughan: Very interested in proposed Scenario Planning.
- A. Montroll: Highlights that it's important to bring plans that staff is working on throughout the processes and not just at the end for final approval.
- E. Malone: Notes that Scenario Planning is related to SWOT analyses and there are many opportunities to model out varying impacts such as flooding.
- J. Randall: Has experience in Scenario Planning methods and states that it can explore how municipalities respond to outside events like climate change through different resilience strategies.

Action: Planning Commission to support the grant and authorize Planning Commission chair to sign the Project Commitment Form provided by staff.

Motion by: E. Malone	Seconded by: A. Friend	Vote: Unanimous

7. Proposed CDO Amendment ZA-25-03: SEID Stormwater Standards

Notes from Discussion:

- M. Gaughan: Did the Planning Commission Ordinance Committee talk about stormwater storage?
  - C. Dillard: Came up in the first discussion. This is something that the Ride Your Bike team and the South End Coordinated Redevelopment (SECORD) team are looking into. It's difficult in the South End because of the water table and other existing conditions.
- E. Malone: How did these standards become a requirement for the SEID? Did the public demand this?
  - C. Dillard: This was something that was put together proactively by the City Planning Office and former staff member from Water Resources. Standards were created early in the process for the SEID amendment and was overlooked due to water resource staff capacity. Water Resources has since staffed up and now review stormwater programs and it is through those reviews that they discovered these standards would be an issue for development.
  - E. Malone: If it isn't a cost consideration, then it makes sense to keep the requirement, especially because of the SEID's proximity to the lake.
  - C. Dillard: The problem is that, according to Water Resources, the requirements are not feasible or even ecologically responsible in some cases.
- M. Gaughan: Re-emphasizes interest in stormwater tanks, particularly in the SEID and SECORD because there are not a lot of undeveloped sites to put stormwater in a tank format. It's going to be dug up and we have this public/private opportunity, and it's downhill from everything. It seems like there's a big opportunity. Doesn't want to lose sight of storage potential for that site.
  - C. Dillard: Water Resources team is privy to these issues and have been heavily involved in the SECORD project. They have not raised that as a specific need, but we will continue to look at this as an option for stormwater storage.

    - E. Malone also expressed need to look into the range of possibilities like storage because this is a generational opportunity to get ahead of something.
    - J. Randall: Remembers from discussion with Water Resources that underground storage wasn't feasible because of high water tables.
- City Planning staff offered to reach out to Water Resources to learn more about their considerations for storage tanks in the SEID.
- J. Randall: Are there specific projects that will be supported by the Water Bonds are is it broad?
    - C. Dillard: Much of it is wastewater-based and focused on upgrading treatment plants and infrastructure, but there are also specific projects.
- E. Malone reiterated concerns for this amendment due to proximity to the lake without more information from Water Resources. Not hearing a compelling reason for City to soften the standards.
- J. Randall: Providing context from the PC Ord. Cmte, this isn't a softening of the standards but is instead calibrating the standards to what is actually feasible on the site.
- S. Gustin: We are not softening the standards. Right now the zoning code specifies 3 specific green stormwater infrastructure strategies: perfious pavement, constructed wetlands, and silva cells. Chapter 26 is the Stormwater and Wastewater ordinance, and it applies regardless or independent of the zoning code and, that too, includes green infrastructure as well as grey infrastructure. The soil conditions have precluded two sites in the SEID from meeting one or more of these standards. However, soil conditions are very different south of Lakeside Avenue, and all three strategies in the code could be implemented. We are not actually removing standards at all for development. We're removing these three specific standards from the SEID and leaving it to the site conditions and performance standards to dictate the most appropriate method or methods for developments that come in.

Action: Motion to warn amendment for a public hearing.		
Motion by: M. Gaughan	Seconded by: A. Friend	Vote: Unanimous

8. Commissioner Items

- E. Malone: The Sustainability Academy Annual Pancake Breakfast is Saturday April 5th from 8:30 – 11:30am. Will have excellent pancakes, real VT maple syrup, Champlain Farms cheddar cheese, a lot of people, a lot of community, and a silent auction.
- M. Gaughan: Bond Bank is having its Fourth Annual Capital Planning Forum in Barre on April 10th. Will have a speaker from GFLA (Government finance officers association) on Capital Planning 101, some success stories, a case study on the Stone Crop Meadows Development, and some on statewide climate resiliency planning tools and how to use them.
- R. Nick has an amazing new puppy!

9. Adopt Minutes + Accept Communications

Notes from Discussion:

- A. Friend notes that there are barely any minutes, but acknowledges that they take a lot of time.

Action: Approve 3/11/25 Minutes and Accept Communications		
Motion by: A. Friend	Seconded by: J. Randall	Vote: Unanimous

10. Adjournment

Action: Motion to Adjourn @ 7:45pm		
Motion by: E. Malone	Seconded by: M. Gaughan	Vote: Unanimous

Sarah Morgan

From: Sharon Bushor <sfbushor@gmail.com>
Sent: Monday, April 7, 2025 4:05 PM
To: Charles Dillard; Sarah Morgan; Andrew Montroll; Scott Gustin; Mary O'Neil; Garret King
Subject: Impact Fees

[WARNING]: This email was sent from someone outside of the City of Burlington.

Thank you for accepting my comments. Please send to the entire Planning Commission. Thank you. I attended the presentation at the City Council. Also our NPA had a brief discussion of the current versus the proposed impact fees. I appreciate looking back 10 years to see the total amount collected and the dollars within each impact fee imposed. This was a good exercise and usually useful in helping to determine next steps. HOWEVER, things have changed. First we have completely rezoned our City and expect excelerated growth in the near future so the dollars for Libraries, Schools, Parks, Police, Fire will be far greater than in past years and likewise the need/ demand for these services. Also in our current climate with grant funding disappearing Libraries will be scrambling for funds. Who can anticipate school funding in the future but projections do not show an increase. This is a time to look forward and anticipate future needs. Why is infrastructure and transportation (all DPW needs) the only areas benefitting from impact fees? Please reconsider where the need will be and what impact fees we collect. The wellbeing of our community depends on it. Thank you.