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

Burlington Planning Commission

Tuesday, May 13, 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. Public Hearing for Proposed CDO Amendment ZA-25-08: Impact Fees

Subject	**5.1. Approve the Municipal Bylaw Amendment Report, make changes and refer amendment to Council with recommendation**
Meeting	May 13, 2025 - Planning Commission Agenda - Tuesday, May 13, 2025, 6:30 PM, Burlington Planning Commission
Category	5. Public Hearing for Proposed CDO Amendment ZA-25-08: Impact Fees
Department	Planning
Type	
Recommended Action	

6. Open Space Plan Preview (Scott Gustin and Agency Landscape & Planning)

Subject	**6.1. Ask questions and provide feedback regarding the Open Space Plan preview following a presentation by Scott Gustin and Agency Landscape & Planning.**
Meeting	May 13, 2025 - Planning Commission Agenda - Tuesday, May 13, 2025, 6:30 PM, Burlington Planning Commission
Category	6. Open Space Plan Preview (Scott Gustin and Agency Landscape & Planning)
Department	Planning

Type

Recommended Action

7. Comprehensive Plan Scope Preview

Subject	**7.1. Ask questions and provide feedback regarding the draft Comprehensive Plan scope.**
Meeting	May 13, 2025 - Planning Commission Agenda - Tuesday, May 13, 2025, 6:30 PM, Burlington Planning Commission
Category	7. Comprehensive Plan Scope Preview
Department	Planning
Type	
Recommended Action	

8. Commissioner Items

9. Adopt Minutes & Communications

10. Adjournment

Burlington Planning Commission
149 Church Street
Burlington, VT 05401
www.burlingtonvt.gov/pz
Phone: (802) 865-7144

BURLINGTON PLANNING COMMISSION PUBLIC HEARING NOTICE

Burlington Comprehensive Development Ordinance Amendment
ZA-25-08 Impact Fees

Pursuant to 24 V.S.A. §4441 and §4444, notice is hereby given of a public hearing by the Burlington Planning Commission to hear comments on the following proposed amendments to the City of Burlington's *Comprehensive Development Ordinance* (CDO). The public hearing will take place during the Planning Commission meeting on **Tuesday, May 13th, 2025, with the hearing starting at Time Certain 6:45pm**. **You may access the hearing/meeting as follows:**

The meeting will be held in the Sharon Bushor Conference Room at City Hall (149 Church Street) and online via Zoom. To join virtually from a computer, please click this URL to join, and enter the Webinar ID if prompted:
Link: https://zoom.us/j/97941883790?pwd=bGZBNzNyV1liL3p5NkhIL2dqUFIzdz09
Passcode: 658929
Webinar ID: 979 4188 3790
Passcode (if needed): 658929

To join virtually by phone, dial this number and enter the Webinar ID when prompted:
Number: +1 312 626 6799 **Webinar ID:** 979 4188 3790

Pursuant to the requirements of 24 V.S.A. §4444(b):

Statement of purpose:
The purpose of the proposed amendment is as follows:
- **ZA-25-08:** 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

Geographic areas affected:
This amendment applies to the following areas of the city:
- **ZA-25-08:** This amendment applies citywide.

List of section headings affected:
The proposed amendments modify the following sections of the *Burlington Comprehensive Development Ordinance*:

- **ZA-25-08: Amendment to Article 3: Applications, Permits and Project Reviews**
  Amends Part 3: Impact Fees by renaming Sec. 3.3.1 Purpose and deleting 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.

The full text of the *Burlington Comprehensive Development Ordinance* is available online at www.burlingtonvt.gov/DPI/CDO. The proposed amendment can be reviewed in hard copy posted on the first floor of City Hall, 149 Church Street, Burlington or online at https://www.burlingtonvt.gov/DPI/CDO/Amendments

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:

												2014-2024	
Fee Category	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**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**
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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**
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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.

<u>Proposed Amendment: ZA-24-08</u>

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).

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

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.

ZA-25-08 Impact Fees

PLANNING COMMISSION

2025.02.25

Overview

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)

Overview

Impact fees cannot be spent on maintenance, operations, or existing deficiencies; project-specific impacts; or paying for the same improvement twice.

Fees are currently collected for the following municipal services:

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

Overview

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.

Overview

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Fee Category	2014	2015	2016	2017	2018	2019	2020	2021	2022	2023	2024	2014-2024 Total	2014-2024 Ann. Avg.
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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**
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Source: City of Burlington

Overview

- 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.

BTV Impact Fee Program

Revisions & Implementation

May 19, 2025

What to Expect Tonight

- Overview of Current Fee Program
- Review of Proposed Recommendations
- Ordinance & Administrative Regulation Changes
- Implementation 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 – have not been evaluated since
- 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
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Parks	848	481	478	478
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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

												2014-2024	
Fee Category	**2014**	**2015**	**2016**	**2017**	**2018**	**2019**	**2020**	**2021**	**2022**	**2023**	**2024**	**Total**	**Ann. Avg.**
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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

Why Adopt Changes Now?

- General Fund Impact Fees have not been updated since 1992
- Reduce opportunities for implementation confusion by streamlining fee regulations and creating efficiencies for future revisions and updates
- Capital Project List & City Asset Needs have changed – more need in areas of deferred maintenance vs capital expansion
- Fees have not been updated to reflect current asset inventories, replacement costs, or inflation since 1992
- Timing pairs well with budgetary needs for some capital projects
- Increase opportunities to allocate limited capital resources to other asset categories that will not receive fees

  - Transportation Projects have made up **~73%** of the total General Fund capital budget over last 8 years

Why Adopt Changes Now?

- Water Resources Impact Fees were eliminated in the 1990s, reducing available capital revenues for 3+ decades
- Implementing some amount of Water Resources fees now helps ensure near-term development projects contribute to costs of replacement for existing infrastructure that supports their projects

  - With the passage of the LAKE & WATER bonds, WRs will be updating the fees to include both current “buy-in” portion **and** eligible costs from capacity expansion projects

  - The proposed updates to the Impact Fee Ordinance & Administrative Rules lays the foundation for all of these changes to occur efficiently

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

<u>Fee Study Process</u>:

- Draft nexus study calculations
  - Inventory City capital assets & current replacement costs
  - Calculate potential for new impact fees with current fee categories
- Department Interviews: Reviewed Capital Project Lists for **<u>ALL</u>** fee categories
  - 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

Overall Recommendations:

- Continue collecting Impact Fees, but **FOCUS** on Transportation, Water & Wastewater:
  - Essential Infrastructure
  - Large Capital Costs
  - Best Nexus with New Development
  - Solid Capital Project Lists for the next 10-years
- Shifting the “capital fee stack” frees up other capital revenues for other assets (i.e.: Fire, Police, Library, & Parks)
- Moderate fee increases
- Opportunity to reevaluate fees every five years

- 2022: Studies Began
- 11/2022: 1st Stakeholder Meeting
- 7/2023: 4th Round of Stakeholder Meetings
- 11/2024: Final Stakeholder Meetings
- 1/2025: 1st Work Session with City Council
- 3/2025: 2nd Work Session with City Council
- 4/2025: Planning Commission Presentation

Study Example: Review of 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

Total **Eligible** Project Cost ≠ Fee Revenue Generated from new fees

For All Capital Asset Project Lists Reviewed*:

- Removed any maintenance/replacement projects
- Focused on projects that met nexus requirement
- Revenue is collected from any eligible development project
- Timeline to spend is 6 yrs
- Most identified projects need additional funding to complete making it harder to spend fees in 6 years

*Note: The City Project Team & its Consultants met with all fee stakeholders, including Parks, DPW, Police, Fire, Library, and the School District.

Proposed Impact Fee Program Recommendations

Transportation Impact Fee:

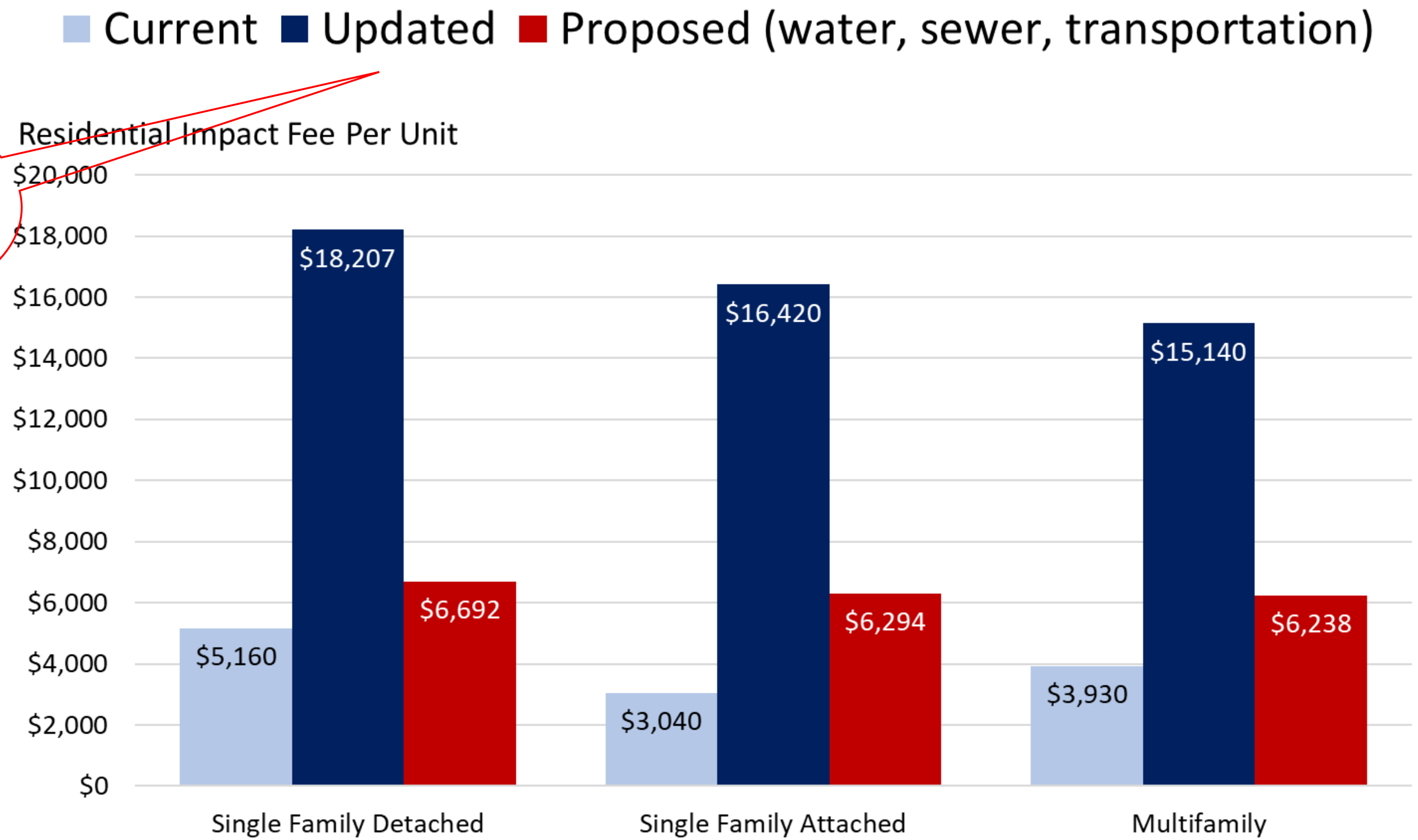
- City has a strong capital plan of transportation projects that meet nexus criteria
- Utilizes a base impact fee per PM peak hour (4-7 PM) vehicle trip
- Study Recommendation = **$1,203/new PM peak hour vehicle trip** (incorporates grant funding opportunities for transportation projects)
- Encourages development of land uses that encourage walking and biking

Water & Wastewater Buy-In Fees:

- Assess one-time charges on new water/wastewater connections to recover up-front costs the City has incurred for users to access existing system capacity
- Fee based on gallons per day for water usage and wastewater discharge
- Water & Wastewater usage is calculated based on type and size of development
- Will adopt incremental component of an impact fee for capacity expansion related portions of capital projects now that bonds have passed
- Revenue will offset future debt service for all rate payers (including the new development)

What this looks like (per unit basis)

Updated asset values/ costs = large increase



Surrounding Community Comparison (per unit basis)

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

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.

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

What Exemptions Should Apply?

- Current 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

*** Projects that do not change the water or wastewater demand would be exempt from the Water Resources Impact Fee**

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.
- Most potential 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 low and proposed to increase substantially
- Moderate Impact Fee increases would be coupled with greater flexibility in Inclusionary Zoning standards & requirements.

Implementation Schedule

Date	Body
May 12th	City Council – Introduce proposed amendments to BCO § 21-41
May 12th – May 19th	City Councilors prepare for a study session on May 19th
May 13th	Planning Commission Hearing to review CDO Amendment
May 19th	City Council study session
June 2nd	City Council: 2nd reading of proposed BCO amendment; introduction of Administrative Regulations (to include adoption of new impact fees)
Later in June	City Council: Return for final adoption of Administrative Rules, if necessary, and for hearing and adoption of proposed CDO amendment
July 1st	Effective Date of new fees

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 <u>net addition</u> 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

Burlington Conservation Board
645 Pine Street
Burlington, VT 05401
http://www.burlingtonvt.gov/dpi
Telephone: (802) 865-7188

TO: Planning Commission
FROM: Scott Gustin
DATE: May 13, 2025
RE: Open Space Plan Preview

The city's Open Space Protection Plan, originally adopted in 2000, is undergoing a comprehensive rewrite. The City Council and Board of Finance approved expenditure of monies in support of this effort in June 2024. The rewrite is a collaborative effort including the city's Departments of Parks, Recreation, & Waterfront and Permitting & Inspections, Office of City Planning, Conservation Board, UVM Spatial Analysis Lab, and Agency Landscape & Planning.

The new Open Space Plan will include the formerly separate Urban Forest Plan. Rather than replace wholesale, the new Open Space Plan will build on the foundations set by these prior plans. The project is being conducted in coordination with current and upcoming citywide planning efforts. The core vision of the new plan recognizes that healthy ecosystems are a crucial ally in making sure the city is resilient to the effects of a warming climate and that healthy ecosystems are part of the city's climate action portfolio. The plan envisions a nature-filled city where wildlife thrives in forests, streams, and the lake; where people enjoy nature's various offerings and eat what their gardens and farms grow; and where people and ecosystems flourish together. The new plan will provide policy guidance as Burlington continues to grow and evolve over the coming decades while retaining the green heart of the city that helps make Burlington so special.

The effort kicked off in Summer 2024 with needs and values assessments and the start of spatial analysis and mapping work. Stakeholder meetings took place in Fall 2024, and public outreach and engagement started in January 2025 and spanned into early March. Spatial analysis and mapping work concluded in March 2025 as well. This initial work will inform the foundation and framework for a new Open Space Plan. The city team and consultants are presently working to draft initial themes and recommendations for a new plan and are gearing up for a second wave of stakeholder and public outreach and engagement starting later this month.

Between April and May 2025, a preview of the emerging plan themes and recommendations is being presented to the Conservation Board, Parks Commission, and the Planning Commission. No Commission action is yet requested, but comments are welcome.

Several individual key themes have emerged based on initial public and stakeholder outreach:

- Conserve (Conservation, Open Space Protection, & Healthy Ecosystems)
- Connect (A landscape stitched together by stewardship and sustainable development)
- Experience (Diverse outdoor experiences)
- Cultivate (Sustainable local food systems)

Additional overarching themes have emerged as well:

- Climate Resilience
- Equity
- Community
- Connectivity
- Identity
- Accessibility

Initial strategies emerging relative to **Conserve** include:

- Adapt the Conservation Legacy Fund to be more flexible in support of community needs, such as conservation infrastructure in addition to its continuing role in open space land acquisition and protection.
- Strengthen open space management and restoration efforts.
- Support wildlife movement and ecological health.

Initial strategies emerging relative to **Connect** include:

- Celebrate and grow nature-based climate solutions.
- Cultivate an ecosystem of stewardship.
- Establish and support ecological design standards for new development.
- Enhance and protect Burlington's Urban Forest.

Initial strategies emerging relative to **Experience** include:

- Increase public awareness of Burlington's open spaces.
- Enhance public access to nature-based experiences.
- Break down barriers to open space access.

Initial strategies emerging relative to **Cultivate** include:

- Cultivate sustainable and resilient agricultural practices.
- Expand the community garden network.
- Support cultivation of alternative food sources such as permaculture.

During the second wave of stakeholder and public outreach and engagement, these initial themes and strategies will be presented and will be further refined and revised into a comprehensive draft plan. By mid to late summer, the new pan will be largely fleshed out and will make its way through the legislative process for eventual adoption in September.

planBTV + BPRW System Plan + Citywide Transportation Plan

Scope of Work

0. Pre-Plan Work (Feb-March 2025)
    - 0.1. Complete Draft Scope of Work that incorporates, at a high level, the discrete scopes of work for each contributing Plan component, including Transportation, Parks, and Economic Development, as well as phases and tasks that achieve the goal of tying the work together as one holistic plan. The Scope of Work will address how the Plan can be structured to be both a unified document and a collection of discrete plans, given the statutory requirement to update the Municipal Development Plan (Comprehensive Plan), as well as the need to produce a standalone Parks plan for accrediting purposes.
    - 0.2. Confirm Scope of Work with Department of Public Works, Burlington Parks, Recreation and Waterfront, and Business, Workforce Development and Community and Economic Development.
    - 0.3. Conduct a Planning Commission Review of *planBTV* to determine its, and its constituent area and topic plans' continued relevance. This statutorily-required review will almost certainly confirm that Burlington's thorough and ongoing planning processes do not necessitate a full re-write of *planBTV*, but instead an update and re-adoption.
    - 0.4. Adopt a Memorandum of Understanding that formalizes Plan processes and working relationships between departments. The MOU will include an organizational chart, responsibility delegations and a framework for decision-making.

1. Planning Context (March-April 2025)
    - 1.1. Prepare and distribute the *planBTV* Implementation Matrix to all City Department Directors in order to evaluate progress and continued relevance of implementation strategies for inclusion in the updated Comprehensive Plan

        Task 1.1 Deliverable: Complete and up-to-date planBTV: Implementation Matrix documenting plan strategies, progress to date and relevance to evolved and current City priorities

    - 1.2. Prepare and distribute implementation matrices for the plans and studies listed below to all relevant City Department Directors to evaluate progress and continued relevance of implementation strategies for inclusion in the updated Comprehensive Plan
        - *planBTV: Downtown & Waterfront*
        - *planBTV: South End*
        - *BPRW Master Plan*
        - *Net Zero Energy Roadmap*

        PlanBTV Walk Bike Task 1.2 Deliverable: Complete and up-to-date plan Implementation Matrices documenting plan strategies, progress to date and relevance to evolved and current City priorities

    - 1.3. Review ongoing City planning processes to achieve consistency and coherence across Departments and topics. At minimum, the following plans and studies should be considered:
        - *planBTV: New North End*
        - *preserveBTV: Historic Pres. Plan*
        - *Open Space Plan*
        - *Walk/Bike Action Plan Update*

        Task 1.3 Deliverable: Citywide Planning Coordination Committee Charter outlining coordination plan and shared commitments among managing Department leadership and project management staff

    - 1.4. Review adopted regional and state plans and ongoing processes to identify topics of concern and opportunities for coordination. This task should inform the regional context analysis in Task 2.1.

        Task 1.4 Deliverable: Interjurisdictional Planning Coordination Committee Charter outlining coordination plan and shared commitments among the CCRPC and participating municipalities

2. Engagement Strategy (March-April 2025)
    2.1. **Draft Engagement Plan** that will guide all engagement in support of the planning process. The engagement plan should include targeted outreach to identified populations and geographies, as well as generalized in-person and online venues and events.
    2.2. **Assemble Focus Groups** to ensure that Burlington's diverse communities are represented early and often during the process. The City's Trusted Community Voices program will be a resource to identifying and engaging with Focus Groups representing Burlington's immigrant and refugee communities. The focus groups will send one or more representatives to the Plan Advisory Committee described below.
    2.3. **Assemble the Plan Advisory Committee (PAC)**, consisting of representatives of Focus Groups identified in Task 2.1, as well as Neighborhood Planning Assemblies (NPAs). The PAC will be responsible for reviewing work and deliverables throughout the process, in addition to serving as liaisons between the City and residents.
    2.4. **Form the Technical Advisory Committee,** to consist of subject matter experts employed by the City and local/regional organizations and businesses. The Technical Advisory Committee will be responsible for reviewing work and deliverables throughout the planning process.

    Step 2 Deliverable: Engagement Plan, including in-person, online and other strategies, as well as a documentation of identified Focus Groups and Advisory Committee members.

3. Burlington in 2025: Assessment of existing conditions (March-Sep 2025)
    3.1. **Collect and analyze data** on the topics below. (All but the Transportation and Parks Assessments will be completed by City staff):
        - Demographics
        - Economic Conditions see 3.
        - Natural Resources and Physical Conditions
        - Transportation (see 3.2.)
        - Utilities, Facilities and Services (see 3.3)
        - Energy
        - Historic and Cultural Resources
        - Housing
        - Flood Resilience
        - Hazard Mitigation
        - Land Use
        - Regional Context
        - Community Safety
        - Public Health
    3.2. **Detailed Transportation Assessment** (to be completed by DPW staff and selected consultant)
        - Define and identify legal and functional road classifications and maintenance costs
        - Create or refine the Traffic Model, including the following elements:
            - Traffic signal timing, coordination and hardware
            - Analyze existing roadway network and traffic capacity
            - Intersection configurations and control types
            - Existing traffic volumes
        - Measure/identify current mode share
        - Motor Vehicle ownership, use, VMT, GHG and particulate pollution
        - Parking Resources and Capacity
        - Crash history, Vision Zero, and Safe Systems Approach
        - Transit Operations and Infrastructure
        - Condition of bike, pedestrian, micromobility, and ADA accessible infrastructure
        - Intercity Transportation Modes, including passenger and freight rail and air travel
        - Winter Travel Conditions
        - Review historic trends for vehicle volumes, transit ridership, transportation mode share
    3.3. **Detailed Parks Assessment** (to be completed by BPRW staff and selected consultant)
        - Parks Inventory
        - History of Burlington Parks
        - Classification and Inventory
        - Parks System Performance Analysis
        - Parks Level of Service

- Access to Lake recreation
- Community Center Programming
- 10-Minute Walk Analysis to Parks and Community Centers
- Bicycle Access Analysis to Parks and Community Centers
- Accessible Access Analysis to Parks and Community Center

3.4. **Detailed Economic Assessment and Market Analysis** (to be completed by BPRW staff and selected consultant)
- Demographic and Workforce Trends
- Industry and Business Climate
- Housing, Cost of Living, and relationship to Economic Development
- Neighborhood Economic Assessments
- Airport and Air Travel

3.5. **Document planned development, growth, impacts to Transportation and Parks Infrastructures and Programming**
- Ongoing and Planned Transportation Projects
- Ongoing and Planned Parks Projects
- Current and future land uses
- Current and planned developments

3.6. **Draft a Parks Needs Assessment** that incorporates the findings of Tasks 3.3 and 3.4, as well as broad community and targeted stakeholder engagement. The Needs Assessment will provide the required detail for informing the visioning work in Task 4.

Step 3 Deliverable: Existing Conditions Assessment

4. Vision – How will we live in Burlington tomorrow? (Sep –Dec 2025)

4.1. **Confirm the vision and frameworks expressed in each adopted Area Plan** through engaging with communities and City staff. This task will be an opportunity to revisit Plans that were completed during or prior to the most recent *planBTV* update, and imbue them with new or evolving community preferences. The vision should reflect the broad list of topics required to be addressed in the comprehensive plan, but should include greater amounts of detail for the transportation; parks, recreation and waterfront; and economic development elements.

4.2. **Conduct more detailed visioning engagement with the communities of the Old North End, Hill District and East End**, as these geographies have not been the focus of a detailed area plan. This task should mimic the engagement processes undertaken in planBTV: New North End. The vision should reflect the broad list of topics required to be addressed in the comprehensive plan, but should include greater amounts of detail for the transportation; parks, recreation and waterfront; and economic development elements.

4.3. **Update the *planBTV* vision themes** to reflect the updated visions from Tasks 4.1 and 4.2, as well as to acknowledge the significant changes that Burlington has experienced since the Plan's adoption in 2019. This task will culminate in a new draft vision framework for the new comprehensive plan, to be tested in the Scenario Planning in Task 5. The vision should reflect the broad list of topics required to be addressed in the comprehensive plan, but should include greater amounts of detail for the transportation; parks, recreation and waterfront; and economic development elements.

Step 4 Deliverable: Draft Vision Framework

5. Scenario Planning (Jan-May 2026) ***SCOPE TO BE REVISED IN MAY***

5.1. **Develop up to three scenarios for the purposes of refining the updated Plan vision.** The scenarios should be in the form of digital models of Burlington and depict housing growth, the condition and function of the city's transportation systems, parks infrastructure and programming, economic development and performance responding to the climate emergency. The performance of each indicator in creating equitable conditions will be examined. The following scenarios are proposed, but ultimately should be defined during the course of the planning process:

- A status quo scenario that is reflective of recent housing and economic trends, but that also includes known development projects. This scenario should assume that Burlington maintains its current transportation mode share, parks level of service and climate emergency response performance.
- A scenario that reflects the housing and economic development growth vision developed in Task 4.3 but that otherwise maintains current transportation mode share, parks level of service, and climate emergency response performance.
- A scenario that reflects in its entirety the vision developed in Task 4.3. This scenario should include housing and economic development growth targets for each area of the city, the community's preferred transportation mode share, envisioned parks and recreation infrastructure and programming, and climate emergency response performance.

5.2. **Define Evaluation Indicators/Criteria** for use in analyzing the performance of scenarios developed in Task 5.1. The Evaluation criteria should be measurable and relate directly to the guiding principles underlying the Vision identified in Task 4.3, as well as the contributing area plan Visions identified in Task 4.1 and 4.2. Example criteria could include the following:

- Housing: cost, measured by expected average rent and sales price; affordability as measured by number and percent of affordable units at various income levels; unit type by number of bedrooms per unit
- Transportation: safety; vehicle miles traveled as measured generally and per capita; access to transit as measured by households within one-quarter mile of transit; access to separated/protected bicycle facilities as measured by households with low-barrier access to such infrastructure
- Parks: access to community centers as measured by households within a 15-minute walk on sidewalks or paths; access to playgrounds within a 15-minute walk on sidewalks or paths
- Economic Development: access to essential goods and services as measured by households within a 15-minute walk on sidewalks or paths; employment by sector as measured in total numbers and percent of workforce; retail revenue as measured by percent of total sales to households within a one-quarter mile radius
- Climate: greenhouse gas emissions from transportation and building sources measured in tons of CO_2/year; building energy performance as measured by btu or kilowatt hours; wastewater generation as measured by gallons per day

5.3. **Evaluate the scenarios** identified in Task 5.1 using GIS or other computer-based analysis of the digital scenario models created in Task 5.1.

5.4. **Conduct Scenario Planning Workshops** in both public workshops and invited stakeholder sessions, to include the Focus Groups and PAC identified in Step 2: Engagement Strategy. The workshops will provide the public with information on how the scenarios performed based on evaluation criteria identified in Task 5.2. The goal of which will be to confirm the community's preferred Vision as identified in Task 4.3, but also to qualify that vision with the information gathered from the scenario modeling.

5.5. **Refine the Vision identified in Task 4.3**, based on community feedback of its performance, collected in Task 5.4, against the other scenarios evaluated in Task 5.3. This refined vision will be the foundation for the Goals and Objectives developed in Task 6.

Step 5 Deliverable: Scenario Planning Summary Report and Final Vision Framework.

6. <u>Goals, Objectives and Implementation (June-July 2026)</u>

6.1. **Distill Vision themes identified in Task 4.3 and refined in Task 5.5 to create a Goals, Objectives, and Action Framework.** The Plan must address the topics required of each contributing discipline. For the Municipal Development Plan, this will include the nine topics identified in the State Planning Manual. For the BPRW Plan, this should include all required topics in the accreditation process. For the Transportation Plan, the objectives should be confirmed with the City Council's Transportation, Energy and Utilities Committee. The Economic Development Strategy's vision themes should reflect the priorities of the Administration (e.g. equity, sustainability, innovation, climate, housing). Ultimately, the aforementioned topics should be considered the minimum, and the Goals, Objectives, and Action Framework should also include additional topics and elements as identified in the planning process.

6.2. **Conduct a Draft Goals, Objectives, Action Framework Open House Roadshow** that clearly documents the process and rationale that informs the Plan.
6.3. **Complete a Final Goals, Objectives, Action Framework**, based on feedback received during the Open House Roadshow.
6.4. **Create an Action-based Implementation Plan** that incorporates all Goals, Objectives and Actions identified in Step 6. The Plan should document which City department and/or external partners is responsible for implementing the Action, funding sources where applicable, and a recommended implementation timeline that considers community priorities.

Step 6 Deliverable: Draft and Final Goals, Objectives and Actions Frameworks and Implementation Matrix

7. Production and Adoption (August-Dec 2026)

7.1. **Draft the final Plan document**. The Plan should be accessible and of interest to the Burlington community, neighboring municipalities, and regional and state partners. It should include the products and deliverables from Steps 1-6 in this Scope of Work. The four core plan elements (Municipal Development Plan, Transportation, Parks, and Economic Development) will be produced as standalone documents under the *planBTV* brand.
7.2. **Draft the Plan website**, which should be considered to be a primary way in which the Burlington community engages with the Plan. It should mimic, and where necessary, expand upon the Plan's digital and printed document from Task 7.2.
7.3. **Present the Final Plan to Boards & Commissions**
- Planning Commission
- TEUC
- DPW
- Parks Commission
- Church St. Marketplace

7.4. **Present the Final Plan to the City Council**
7.5. **Adopt the Plan**