

ANNUAL MEETING AGENDA

Wednesday, June 17, 2020 - 6:00 p.m.



Remote Access Meeting Only

Please join the meeting by clicking <https://global.gotomeeting.com/join/400917253>

For those who would prefer to join by phone or those without a microphone on your computer, please dial in using your phone. (For supported devices, tap a one-touch number below to join instantly.)

Call: +1 (224) 501-3412

Access Code: 400-917-253

- One-touch: <tel:+18722403311,,400917253#>

When participating remotely, please wait until you are recognized by the Chair before you speak. For each agenda item, the Chair will make sure to ask if anyone participating remotely would like to speak.

- a. Use the "chat" feature, raise your hand if on video, or ask the Chair to request to speak. To ensure everyone is heard, only one person should speak at a time.*
- b. When recognized by the Chair, introduce yourself each time.*
- c. Speak up so everyone in person and on the phone can hear clearly.*
- d. When participating remotely, take steps to avoid background noise, and make sure your microphone/phone is muted when you are not speaking.*

CONSENT AGENDA –

C.1 Minor TIP Amendment – none

DELIBERATIVE AGENDA

1. Call to Order; Attendance; Changes to the Agenda (Action; 1 minute)
2. Public Comment Period on Items NOT on the Agenda (Discussion; 5 minutes)
3. Action on Consent Agenda (MPO Action, if needed; 1 minute)
4. Approve Minutes of May 20, 2020 Meeting* (Action; 1 minute)
5. Warn Public Hearing for FY21-24 Transportation Improvement Program (TIP) *(MPO Action; 20 minute)
6. Election of Officers and Executive Committee for FY21 * (Action: 2 minutes)
7. FY21 Meeting Calendar* (Action: 1 minute)
8. Interstate 89 Study update* (Discussion; 20 minutes)
9. Chair/Executive Director Report (Discussion; 10 minutes)
 - a. Legislative Update –
 - i. S.237 review* (Action: 10 minutes)
 - b. CCRPC Budget and Operations
10. Committee/Liaison Activities & Reports * (Information, 2 minutes)
 - a. Executive Committee (draft minutes June 3, 2020)*
 - i. Act 250 Sec 248 letters
 - b. Transportation Advisory Committee (draft minutes June 2, 2020)*

*In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext. *21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.*

11. Future Agenda Topics (Discussion; 5 minutes)
12. Members' Items, Other Business (Information, 5 minutes)
13. Adjourn

The June 17, 2020 Chittenden County RPC streams LIVE on YouTube at https://www.youtube.com/playlist?list=PLljLFn4BZd2O0l4hJU_nJ9q0l3PdQR0Pp. The meeting will air Sunday, June 21, 2020 at 1 p.m. and is available on the web at <https://www.cctv.org/watch-tv/series/chittenden-county-regional-planning-commission>.

Upcoming Meetings - Unless otherwise noted, all meetings are held at our offices:

- Executive Committee – Wednesday, July 1, 2020, 5:45pm
- Transportation Advisory Committee – Tuesday, July 7, 2020, 9am
- Clean Water Advisory Committee - Tuesday, July 7, 2020, ~11am
- CWAC MS4 Subcommittee - Tuesday, July 7, 2020, ~12:30pm
- CCRPC Board Meeting - Wednesday, July 15, 2020 6:00pm
- Planning Advisory Committee – TBD, 2:30pm

Tentative future Board agenda items:

July 15, 2020	FY21-24 TIP Public Hearing and Action Basin 5 – Direct to Lake Tactical Basin Plan Public Forum and Conformance Letter Committee membership review
August	NO MEETING
September 16, 2020	Secretary Flynn – invite (or October) Committee membership appointment

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
REGULAR MEETING MINUTES
DRAFT

DATE: Wednesday, May 20, 2020

TIME: 6:00 PM

PLACE: REMOTE ATTENDANCE VIA GO-TO-MEETING VIDEO

PRESENT:	Bolton:	Sharon Murray	Buel's Gore:	Garret Mott
	Burlington:	Andy Montroll	Charlotte:	Jim Donovan
	Colchester:	Jacki Murphy	Essex:	Jeff Carr
	Essex Junction:	Dan Kerin	Essex:	Elaine Haney (alt.)
	Hinesburg:	Michael Bissonette	Huntington:	Barbara Elliott
	Jericho:	Catherine McMains	Milton:	Tony Micklus
	Richmond:	Bard Hill	St. George:	Absent
	Shelburne:	John Zicconi	So. Burlington:	Chris Shaw
	Underhill:	Absent	Westford:	Absent
	Williston:	Chris Roy	Winooski:	Michael O'Brien
	Cons/Env.:	Absent	VTrans:	Amy Bell
	Bus/Ind:	Tim Baechle	GMT :	Absent
	Agriculture:	Absent	Socio/Econ/Housing:	Absent
Others:	Matthew Langham, VTrans		Meghan O'Rourke, CCTV	
Staff:	Charlie Baker, Executive Director		Regina Mahony, Planning Prgm Mgr.	
	Eleni Churchill, Trans. Prgm Mgr.		Forest Cohen, Sr. Business Office Mgr.	
	Christine Forde, Senior Planner		Dan Albrecht, Senior Planner	
	Marshall Distel, Senior Planner		Taylor Newton, Senior Planner	
	Jason Charest, Senior Planner		Bryan Davis, Senior Planner	
	Amy Irvin Witham, Business Office Associate			

1. Call to order; Roll Call Attendance; Changes to the agenda.

The meeting was called to order at 6:02 PM. by the Chair, Michael O'Brien. There was one change; Agenda Item 9, Charlie said he would like to provide an update on the I-89 Study.

2. Public Comment Period on Items NOT on the Agenda. There were none.

3. Action on Consent Agenda (MPO Business). The consent agenda includes a minor TIP Amendment, SFY2020 Transportation Alternatives Grants. JIM DONOVAN MADE A MOTION, SECONDED BY ANDY MONTROLL, TO APPROVE THE CONSENT AGENDA. THE MOTION CARRIED WITH ONE ABSTENTION BY GARRET MOTT.

4. Approve Minutes of March 18, 2020 board meeting. BARBARA ELLIOTT MADE A MOTION, SECONDED BY GARRET MOTT TO APPROVE THE MARCH 18, 2020 CCRPC BOARD MEETING MINUTES WITH EDITS. MOTION CARRIED UNANIMOUSLY.

- Edits: Correct the spelling of Jeff Carr and Garret Mott's names.

5. FY21 UPWP & Budget

a. Public Hearing. JIM DONOVAN MADE A MOTION, SECONDED BY BARBARA ELLIOTT TO OPEN THE PUBLIC HEARING AT 6:05 PM. MOTION CARRIED UNANIMOUSLY.

Charlie referred members to the FY21 Unified Planning Work Program and Budget memo, which describes the UPWP process. He explained the result had a slightly larger budget, with approximately \$1.4 million in new consultant tasks. Almost all projects were accommodated, and a couple of projects will be revisited at mid-year. Charlie thanked the committee for the work that was done. He moved on to discuss the budget and explained it is based on what we know today; and FY21 could be very different due to COVID-19 fiscal impacts. There will likely be a budget change once the State of Vermont budget is determined. Currently, the State's FY21 budget is being developed for the first quarter. The State will approve a budget for the rest of FY21 in August or September. Members discussed possible fiscal impacts. Charlie said he is not sure what the impacts to our budget will be, but we will continue to monitor the situation.

Public Hearing. GARRET MOTT MADE A MOTION, SECONDED BY JIM DONOVAN TO CLOSE THE PUBLIC HEARING AT 6:11 PM. MOTION CARRIED UNANIMOUSLY.

Charlie and Regina explained there will be a few very minor adjustments, including a new contract in the amount of \$6000.00.

Approve FY21 UPWP & BUDGET

JEFF CARR MADE A MOTION, SECONDED BY GARRET MOTT TO APPROVE THE FY21 UPWP AND BUDGET AS PRESENTED. VOTE:

Bolton:	Yes	Burlington:	Yes (4)	Charlotte:	Yes
Colchester:	Yes (2)	Essex:	Yes	Essex Jct:	Yes
Hinesburg:	Yes	Huntington:	Yes	Jericho:	Yes
Milton:	Yes	Richmond:	Yes	St. George:	Absent
Shelburne:	Yes	So. Burlington:	Yes (2)	Underhill:	Absent
Westford:	Absent	Williston:	Yes	Winooski:	Yes
VTrans:	Yes				

MOTION CARRIED WITH 21 OF 24 VOTES AND 15 OF 18 MUNICIPALITIES VOTING IN THE AFFIRMATIVE.

Mike thanked the staff and the UPWP committee members for the work they did over the last few months and then asked Chris Roy to present on the slate of officers for FY21.

6. Report of Board Development Committee re: slate of officers for FY21

Chris Roy stated the Board Development Committee recently met to develop a slate of officers for FY21. He explained he is resigning from his role as Immediate Past Chair and is pleased to report Andy Montroll has agreed to step into the role. Chris said Barbara Elliott's term has reached the four year limit as the representative for At Large Towns <5000, and Bard Hill has agreed to fill the position on the Executive Committee for FY21. The committee recommends the following slate of officers:

- Mike O'Brien, Chair
- Catherine McMains, Vice-Chair
- John Zicconi, Secretary/Treasurer
- Chris Shaw, At-large for Towns over 5,000
- Bard Hill, At-large for Towns under 5,000
- Andy Montroll, Immediate Past Chair

Mike thanked Chris and the committee for their work and asked members for any questions. Charlie explained the election of officers will occur at the CCRPC Annual Board meeting in June.

7. Clean Water Service Provider Draft Proposal

Charlie explained the Vermont Department of Conservation (DEC) is moving to implement the Clean Water Service Delivery Act of 2019 (Act 76). The DEC published a formal RFP seeking Clean Water Service Providers (CWSP) for seven of the State's 15 watershed basins. The CWSP's will administer formula-based State grants for the purpose of identifying, constructing, and maintaining non-regulatory water quality projects. Due to implications of COVID-19, the DEC extended the proposal deadline to May 29, 2020. Staff has worked from February through mid-May in developing the proposal. The draft has been discussed at numerous meetings, including the CCRPC Executive Committee and the Clean Water Advisory Committee. Multiple layers of review have occurred with various partners and we have received many comments and suggested edits. Charlie reminded members that the decision to submit a proposal does not force us to enter into an agreement with the DEC; the Board is being asked to review the final draft Scope of Work and decide whether to authorize the submission of a formal proposal. Charlie feels, at this point, the proposal is ready. Dan stressed Charlie's sentiment, and added not only has the CCRPC collected feedback at each of the meetings, but also through emails and phone conversations with partners. He explained he has begun to solicit letters of support for the proposal. Dan explained he has already received a few letters and expects more to follow. Garret Mott praised staff and said the proposal was very well done and impressive.

BARBARA ELLIOTT MADE A MOTION, SECONDED BY GARRET MOTT, TO AUTHORIZE THE SUBMISSION OF THE PROPOSAL APPLICATION TO BECOME A CLEAN WATER SERVICE PROVIDER. MOTION CARRIED UNANIMOUSLY.

8. Draft Basin 5-Direct to Lake Tactical Basin Plan, Draft Comment Letter

Charlie asked Dan to present. Dan stated the Basin 5 plan update process has been going on for almost a year. He said staff has reviewed the partner draft for preliminary comments and analysis. This review work has been funded by our Tactical Basin Planning support grant from the DEC. Dan explained, once the State issues the formal public review draft in July, the grant also requires each RPC to provide a "regional plan conformance letter". We would like to provide a well-crafted draft to the DEC so they might address any comments and improve the text. Dan reminded everyone this is not the final letter; the final letter will be voted on in July. Members discussed. Jim Donovan stated he is supportive of the recommendation; however, he would like to see more detail added to comment #2 showing how different phosphorus reduction strategies carried out by towns could prove to be more cost effective. JEFF CARR MADE A MOTION, SECONDED BY GARRET MOTT, TO AUTHORIZE THE SUBMISSION OF THE DRAFT COMMENT LETTER WITH THE PROPOSED CHANGE. MOTION CARRIED WITH ALL IN FAVOR EXCEPT FOR AMY BELL, VTRANS, ABSTAINING.

9. Chair/Executive Director Report.

a. Annual Meeting

Charlie stated we will postpone the annual gathering we typically have in June and instead will hold our Annual June Board Meeting virtually.

b. Legislative Update

Charlie explained it is more difficult to track what bills are moving and different committees are taking up policy issues. Aside from the housing bill, Act 250 and an economic development bill, there is currently nothing all that significant to us. The big conversations regarding budget will

1 be for the first quarter of FY21. Jeff asked if there was anything noteworthy regarding the
2 COVID relief bill? Charlie explained he has not seen the details of this yet and it is hard to know
3 what assistance, if any, we need yet. We will keep monitoring the situation.

- 4 c. **COVID-19 Impacts** Charlie explained, in terms of the CCRPC operations and staff, we are doing
5 fine, and everyone is working remotely. The biggest impact on operations is that public
6 meetings have stopped happening. We are having conversations with towns about the best
7 ways to hold public meetings, especially with difficult projects. We need to figure out how to
8 embrace the new normal and encourage participation in virtual meetings. As the State loosens
9 restrictions, we are starting to plan for a partial office opening. We are working to ensure we
10 have the proper protocols in place. Bard Hill asked about cyber attacks and security. Charlie
11 explained the CCRPC worked with the Tech Group as soon as staff began working from home to
12 ensure we had heightened security and adequate coverage through our VPN (Virtual Private
13 Network). Garret stated, in his experience of working with Pam Brangan as well as Tech Group,
14 he is very impressed and feels we really have it together. Members agreed.

- 15 d. **COVID-19 Response and Recovery Tracking** In order to provide the latest information and
16 details of municipalities responses to COVID-19, we have posted a link to our website:

17 <https://www.ccrpcvt.org/covid-19/>

- 18 e. **Update on I-89 Study:** Charlie shared an I-89 Project Overview PowerPoint presentation. He
19 explained we are working on the first few tasks of finalizing the vision and goals and reviewing
20 which potential interchange improvements to move forward with into the next stage of
21 evaluation. Eleni encouraged members to visit the project website at: <https://envision89.com/>. She
22 explained the website provides a great deal of information as well as public outreach.
23 Members discussed the project and impacts on the towns. Jeff voiced concerns about how to
24 ensure the information reaches the public. Eleni stated the last public meeting for the project
25 was held on or around March 13, 2020, prior to the COVID-19 social distancing mandates.
26 Charlie agreed, it is more difficult to hold public meetings for large scale projects such as this
27 one. However, we understand the need to ensure public participation and input. Charlie asked
28 members for suggestions of better meeting platforms; members agreed the best platforms
29 seem to be what we are currently using, Zoom and GoToMeeting.

- 30
31 10. **Committee/Liaison Activities & Reports.** Minutes for various meeting were included in the packet
32 (Executive Committee, TAC, PAC, Brownfields, and CWAC).

- 33
34 11. **Future Agenda Topics:** Charlie stated we will discuss the I-89 project, hold the election of officers,
35 and warn for the TIP Hearing at the next meeting in June. He asked members if there was anything
36 else to discuss. Jeff Carr and John Zicconi both stated they feel it is important to keep meetings brief
37 and stick to the core topics.

- 38
39 12. **Members' Items, Other business.** There was no other business.

- 40
41 13. **Adjournment.** JEFF CARR MADE A MOTION, SECONDED BY GARRET MOTT, TO ADJOURN THE
42 MEETING AT 6:55 PM.

43
44 Respectfully submitted,
45 Amy Irvin Witham



Chittenden County Regional Planning Commission

June 17, 2020

Agenda Item 5: Action Item

FY2021-2024 Transportation Improvement Program

Issues:

Federal regulations require the Chittenden County Regional Planning Commission (CCRPC), as the designated Metropolitan Planning Organization (MPO) for Chittenden County, to develop and maintain a Transportation Improvement Program (TIP). The TIP contains funding information for transportation projects proposed to spend federal transportation funds in Chittenden County. Projects must be listed in the TIP to spend federal transportation funds. The TIP includes all modes of transportation including highways, bicycle and pedestrian facilities and transit.

The TIP covers a four-year period and it must be fiscally-constrained. It is typically updated every year with the assistance of the Transportation Advisory Committee (TAC), the Vermont Agency of Transportation (VTrans), Green Mountain Transit (GMT) and Burlington International Airport.

The TIP lists federal funding amounts in the federal fiscal year when they are expected to be needed. It should be noted that the TIP is a planning and not a budget document. The TIP represents the intent to construct or implement a specific project and the anticipated flow of federal funds. Funds correspond to the following project development phases:

- Scoping – a process that develops safe and effective alternatives based on documented rational that meet the stated purpose and need while minimizing environmental impacts
- Preliminary Engineering – detailed design of the preferred alternative
- Right-of-Way - process of determining if land rights are needed for construction and negotiation of appropriate compensation
- Construction

The Draft Fiscal Year 2021–2024 Transportation Improvement Program is provided as a separate attachment.

Executive Committee, TAC and Staff

Recommendation:

Warn a Public Hearing for the July 15, 2020 CCRPC Board meeting on the FY2021–2024 Transportation Improvement Program for Chittenden County.

For more information contact:

Christine Forde
802-238-2261 or cforde@ccrpcvt.org



CCRPC Annual Board Meeting

June 17, 2020

Agenda Item 6: Action Item

Report on Nominations for FY21

From: Chris Roy, Board Development Committee Chair

The Board Development Committee met before the May Board meeting and recommends the following the slate of officers for FY2021.

- Mike O'Brien, Chair
- Catherine McMains, Vice-Chair
- John Zicconi, Secretary/Treasurer
- Chris Shaw, At-large for Towns over 5,000
- Bard Hill, At-large for Towns under 5,000
- Andy Montroll, Immediate Past Chair

The Election of Officers will occur at the CCRPC Board's Annual Meeting on June 17, 2020. The bylaw provisions regarding election of Officers and the Executive Committee are as follows (please note that Article VII, Section C. specifies the inclusion of the Immediate Past Chair as a member of the Executive Committee):

ARTICLE VII. OFFICERS & EXECUTIVE COMMITTEE

A. Election of Officers and Executive Committee

The Chittenden County Regional Planning Commission shall annually elect three officers, a Chair, Vice-Chair, and Secretary/ Treasurer. In addition, the Chittenden County Regional Planning Commission shall annually elect two municipal Board members to the Executive Committee. One municipal Board member of the Executive Committee shall represent a community of 5000+ population; the other, a community of less than 5000 population, based on information from the latest census or population estimate completed by the US Census Bureau.

The Board Development Committee shall render its report of nominations to fill ensuing vacancies prior to the June meeting. The Board Development Committee may nominate one or more candidates for each office. Candidates may also be nominated from the floor.

The officers of the Chittenden County Regional Planning Commission shall be elected by a two-thirds majority of the Board members present and voting pursuant to 24 V.S.A. § 4343(b). The results of the voting shall be announced at the June meeting of each year. In the event a majority for any office is not reached, the top two vote getters will have a run-off election and the Chittenden County Regional Planning Commission will continue to vote until a majority is reached.



Chittenden County Regional Planning Commission

June 17, 2020

Agenda Item 7: Action Item

FY2021 Schedule of Meetings

Issues:

Vermont's Open Meeting Law requires that public bodies clearly designate the time and place of all regular meetings. Below is the proposed meeting schedule for both the Executive Committee and the CCRPC Commission for the 2021 fiscal year beginning July 2020. Please mark your calendars.

EXECUTIVE COMMITTEE

First Wednesday of the Month
5:45 p.m. – 7:00 p.m.
July 1, 2020
NO AUGUST MEETING
September 2, 2020 (Joint w/Finance. Comm.)
October 7, 2020
November 4, 2020 (Joint w/Finance Comm.)
December 2, 2020
January 6, 2021
February 3, 2021
March 3, 2021
April 7, 2021
May 5, 2021 (Joint with Finance Comm.)
June 2, 2021

COMMISSION MEETINGS

Third Wednesday of the Month
6:00 p.m. – 8:00 p.m.
July 15, 2020
NO AUGUST MEETING
September 16, 2020
October 21, 2020
November 18, 2020
Legislative breakfast date TBD
January 20, 2021
February 17, 2021
March 17, 2021
April 21, 2021
May 19, 2021
June 16, 2021 (ANNUAL MEETING)

The Transportation Advisory Committee (TAC) meets the first Tuesday of each month at 9:00 a.m. (except on Town Meeting Day, when they meet on the 1st Wednesday.)

The Clean Water Advisory Committee (CWAC) meets the first Tuesday of each month at 11:00 a.m. (except on Town Meeting Day, when they meet on the 1st Wednesday.)

The Planning Advisory Committee (PAC) generally meets bi-monthly on the 2nd Wednesday of the month from 2:30-4:30 p.m.

The Finance Committee meets the 4th Wednesday of each month at 5:45 p.m. as needed.

Staff Recommendation: That the Commission approve the FY2021 Meeting Schedule.

Exec. Comm. Recommendation: That the Commission approve the FY2021 Meeting Schedule.

For more information contact: Charlie Baker – cbaker@ccrpcvt.org or 735-3500



Chittenden County Regional Planning Commission

June 17, 2020

Agenda Item 9a: Action Item

S.237 Comments

Issues:

The Senate is working on S.237 – a housing bill that is intended to increase housing options in the state. In addition, some of the Act 250 changes that have been worked on over the last two years in H.926 are being incorporated into this bill. The PAC reviewed these proposed comments on June 10th and we'll be asking the Board for action on these comments. For the most part these comments reflect policies the Board has already approved on the Act 250 amendments. Though the specific housing amendments in Section 2 of S.237 are new. We'll discuss these amendments at the Board meeting and explain the PAC's input on these comments.

This bill really started moving fast, so unfortunately the Executive Committee did not have these comments on their agenda for review.

PAC and Staff

Recommendation:

Approve the comments on S.237 to guide Charlie's participation at the Legislature on this bill.

**For more
information
contact:**

Regina Mahony
860-402-5570 or rmahony@ccrpcvt.org

Comments on proposed S.237, draft #9.1, dated 3/11/2020

Offered by Charlie Baker, Executive Director
Chittenden County Regional Planning Commission

6/11/2020 **DRAFT**

Chittenden County Regional Planning Commission appreciates the Legislature's commitment to solving Vermont's affordable housing challenges, including the incorporation of Act 250 amendments. Now more than ever, it is our duty to collectively repair long-standing inequitable housing policy.

General comments:

1. CCRPC supports the incorporation of water and sewer service areas in the municipal plans in **Section 1**.
2. CCRPC is in favor of increasing density, infill and missing middle housing in areas planned for growth. Therefore, CCRPC appreciates the proposed amendments in **Section 2** and fully supports the ADU (4412(a)(1)(E)&(F)), duplex (4412(b)(1)(C)) and existing 1/8 acre lot size (4412(a)(2)(A)) amendments. The other amendments on multiunit housing (4412(a)(1)(D)), lot sizes (4412(b)(1)(A)) and leasing parking spaces (4412(b)(1)(D)) are either too specific of a requirement as there are many methods and technical tools to help achieve these results, or there are unique circumstances in municipalities will make it challenging to adhere to these specific provisions. The amendments under 4412(b) provide an opt out for proven municipal constraints (4412(b)(2)(A)(ii)). These constraints should include geographic locations that are not planned for growth but have a water/wastewater line (i.e. Champlain Water District transmission lines outside of service areas); and municipalities with limited wastewater capacity that want to concentrate future growth in Village, Town Center, Downtown type areas rather than existing suburban areas. Lastly, while not a component of S.237, increasing density will require resources for municipal wastewater infrastructure capacity in addition to these enabling statute amendments.
3. CCRPC believes that the state permit process should encourage development in appropriately planned places and discourage development in vulnerable and valued resource areas. Therefore, CCRPC appreciates the exemption for Designated Downtowns and Neighborhood Development Areas (NDAs) as described in **Section 6**, but recommends further expansion of this exemption to Village Centers, and land areas that meet certain criteria, such as having public water and sewer service, and is served by transit, or walking and biking infrastructure – this is 8% of Chittenden County.
4. **Sec. 8** requires municipal panels to add existing Act 250 permit conditions to the municipal land use permit for development in DDA and NDA exemption areas. Considering there will be so few conditions that need to remain in these areas, and there is no consensus on whether these conditions should remain the responsibility of Act 250 or be transferred to municipalities, CCRPC asks that the DDA and NDA exemptions remain in this bill, and rulemaking be used post bill adoption to address management of existing permit conditions.
5. CCRPC appreciates the housing requirements that have been added to the DDA and NDA programs in **Sections 10 and 12**, however the four specific housing implementation tools may not be appropriate for every municipality and recommends an allowance for an implementation tool identified in the municipal plan's housing section or a housing needs assessment.

6. CCRPC is very appreciative of the water/wastewater permit coordination provision in **Sections 14 and 15**, and would like to see it expanded beyond single connections.
7. CCRPC supports the development of a Resource Map that makes clear to all parties what resource areas trigger jurisdiction and to assist in evaluating compliance with relevant criteria. As an example, CCRPC is in support of forest block protection with a more specific definition than what is in H.926.
8. CCRPC supported the permit deference proposed for ANR permits for Criteria 1 through 5, and for municipal permits for Criteria 1 through 7, 9 and 10 that is in H.926, and would appreciate inclusion of those provisions in S.237.
9. For statewide economic development and outdoor recreation benefits, CCRPC supports the suspension of any Act 250 jurisdictional question regarding networks that are already part of the Vermont trails system pending the results of the trail regulation task force.

Summary of S.237 Dr. 9.1 as Recommended by the Senate Committee on Economic Development, Housing, and General Affairs

Prepared by Ellen Czajkowski, David Hall, and Rebecca Wasserman
Office of Legislative Council, May 20, 2020

Sec. 1 requires a municipal plan map to include water supply and sewer disposal lines, facilities, and service areas. It also requires the plan to comply with the housing requirements of 24 V.S.A. § 4412.

Sec. 2 makes numerous changes to 24 V.S.A. § 4412 including:

- In a district that allows multiunit dwellings, a municipality must allow up to four units per dwelling.
- Amends the definition of accessory dwelling unit (ADU) by removing the requirements that it has to be owner occupied and that it has to be one bedroom or fewer. It also allows the size of the ADUs to be 30 percent of the single-family dwelling or 900 square feet, whichever is greater.
- Prohibits municipalities from banning development on existing lots 1/8 acre in size if able to connect to municipal sewer and water.
- Establishes Inclusive Development provisions. These provisions are voluntary until they go into effect on July 1, 2023. A municipality may opt out of these requirements by filing a Substantial Municipal Constraint Report.
 - A municipality cannot prevent the creation of lots 1/4 acre or larger if able to connect to municipal water or 1/8 acre or larger if able to connect to municipal water and sewer.
 - Must condition subdivision approval on receiving State wastewater permit.
 - Duplexes are required to go through the same review as single-family units.
 - Parking spaces that are leased separately from housing units shall count as double towards the parking minimum if located within 1/2 mile of a transit stop.
 - Municipalities that comply with the Inclusive Development provisions are eligible for incentives including priority funding and tax credits. Also, a municipality that has adopted the provisions may enforce the language in Sec. 3, which invalidates deed restrictions that conflict with the provisions.

Sec. 3 invalidates restrictive deeds and covenants that prohibit land development allowed under the Inclusive Development provisions of § 4412. It includes language so conservation easements and housing subsidy covenants are not unintentionally preempted.

Sec. 4 requires the Dept. of Housing and Community Development to report back to the General Assembly by January 15, 2023 on a Substantial Municipal Constraint Reports received.

Sec. 5 amends a few definitions in Act 250. It makes technical corrections to “mixed income housing” in order to reflect VFHA’s current practice. It strikes the references in “priority housing project” to Downtown Development Districts (DDD) and Neighborhood Development Areas (NDAs).

Sec. 6 makes multiple changes to Act 250 to exempt DDDs and NDAs from Act 250 and allows existing Act 250 permits in those areas to be extinguished.

Sec. 7 repeals two sections of Act 250 related to DDDs and NDAs.

Sec. 8 requires municipal panels to add existing Act 250 permit conditions to the municipal land use permit for a development, unless the conditions are no longer needed.

Sec. 9 adds the executive director of the Vermont Housing and Conservation Board as a member of the Vermont Downtown Development Board.

Sec. 10 amends the requirements for a Downtown Development District by striking the references to Act 250 and by requiring an additional housing element to promote affordable housing.

Sec. 11 condenses the references to the Downtown and Village Center Tax Credit Program in the Village Center Designation statute.

Sec. 12 amends the Neighborhood Development Area statutes in multiple ways. It strikes the references to Act 250. It requires an additional housing element to promote affordable housing. It also amends the requirement that the NDA not include areas that are in flood hazard areas or river corridors unless the area contains preexisting development and is suitable for infill.

Sec. 13 amends the Downtown and Village Center Tax Credit Program to include NDAs and qualified flood mitigation projects.

Sec. 14 exempts a person who receives a wastewater connection permit from the municipality from needing a State permit.

Sec. 15 states that a municipality may issue wastewater connection permits if the municipality owns a public water system.

Sec. 16 requires ANR to report back to the General Assembly on whether municipalities should have jurisdiction to issue subdivision permits.

Sec. 17 charges DHCD and DAIL to conduct a study and provide recommendations for an age-specific housing plan and policies focused on older Vermonters.

Sec. 18 finds that additional investments should be made to the Vermont Housing and Conservation Board (VHCB) to build on the success of the 2017 Housing for All Revenue Bond, states intent to create permanent affordable housing throughout the State, and appropriates \$13,073,840.00 to VHCB, which represents an increase of \$2,269,000.00 from the fiscal year 2020 appropriation to VHCB from property transfer tax revenues. It also states the intent that the increased appropriation amount to VHCB shall be used for housing projects, of which approximately \$750,000.00 shall be used for mobile home park infrastructure needs.

Sec. 19 authorizes DHCD to adopt emergency rules to collect data concerning short-term rentals and submit a report concerning the data in conjunction with a housing needs assessment, a compilation of laws governing STRs, and recommendations for statutory and municipal regulation of STRs.

Sec. 20 authorizes municipalities to regulate STRs, provided that the ordinance or bylaw does not adversely impact the availability of long-term rental housing.

Sec. 21 directs AHS to take reasonable measures and to report on its steps to reduce the loss of specialized federal rental assistance vouchers.

Sec. 22 directs DEC to assist the Town of Brattleboro and the Tri-Park Cooperative in implementing Tri-Park's master plan, including through loan forgiveness or restructuring, to allow for improvements to infrastructure, to provide similar assistance to other parks, and to identify changes necessary to expand State assistance from certain special Funds.

Sec. 23 authorizes the Treasurer to use funds available through the credit facility for local investments to provide financing for mobile home park infrastructure projects.

Sec. 24 creates the Vermont Housing Incentive Program to provide matching grants to landlords to improve rental housing that is vacant, blighted, or otherwise does not comply with health and safety regulations.

Sec. 25 appropriates funds:

- \$150,000 to RPCs to assist municipalities in updating bylaws for inclusionary housing;
- \$150,000 to municipal planning commissions for that purpose;
- \$50,000 to ACCD to provide technical assistance for the development of accessory dwelling units;
- \$800,000 to AHS to increase case management services for homeless Vermonters
- \$1m for the Vermont Housing Incentive Program

Sec. 26 allows the incentives for the Inclusive Development provisions to be available immediately for towns that comply before July 1, 2023.

Sec. 27 states that the bill goes into effect on July 1, 2020, except for the Inclusive Development provisions which are effective July 1, 2023.

1 TO THE HONORABLE SENATE:

2 The Committee on Economic Development, Housing and General Affairs to
3 which was referred Senate Bill No. 237 entitled “An act relating to promoting
4 affordable housing” respectfully reports that it has considered the same and
5 recommends that the bill be amended by striking out all after the enacting
6 clause and inserting in lieu thereof the following:

7 * * * Municipal Zoning * * *

8 Sec. 1. 24 V.S.A. § 4382 is amended to read:

9 § 4382. THE PLAN FOR A MUNICIPALITY

10 (a) A plan for a municipality may be consistent with the goals established
11 in section 4302 of this title and compatible with approved plans of other
12 municipalities in the region and with the regional plan and shall include the
13 following:

14 * * *

15 (4) A utility and facility plan, consisting of a map and statement of
16 present and prospective community facilities and public utilities showing
17 existing and proposed educational, recreational, and other public sites;
18 buildings and facilities, including hospitals, libraries, power generating plants
19 and transmission lines; water supply, lines, facilities, and service areas;
20 sewage disposal, lines, facilities, and service areas; refuse disposal, storm
21 drainage, and other similar facilities and activities; and recommendations to

1 meet future needs for community facilities and services, with indications of
2 priority of need, costs, and method of financing.

3 * * *

4 (10) A housing element that shall include a recommended program for
5 addressing low and moderate income persons' housing needs as identified by
6 the regional planning commission pursuant to subdivision 4348a(a)(9) of this
7 title. The program ~~should account for permitted accessory dwelling units, as~~
8 ~~defined in subdivision 4412(1)(E)~~ shall comply with the requirements of
9 section 4412 of this title, ~~which~~ to provide affordable housing.

10 * * *

11
12 Sec. 2. 24 V.S.A. § 4412 is amended to read:

13 § 4412. REQUIRED PROVISIONS AND PROHIBITED EFFECTS

14 (a) Notwithstanding any existing bylaw, the following land development
15 provisions shall apply in every municipality:

16 (1) Equal treatment of housing and required provisions for affordable
17 housing.

18 * * *

19 (D) Bylaws shall designate appropriate districts and reasonable
20 regulations for multiunit or multifamily dwellings. No bylaw shall have the
21 effect of excluding these multiunit or multifamily dwellings from the

1 municipality. Within any regulatory district that allows multiunit residential
2 dwellings, no bylaw shall have the effect of prohibiting multiunit residential
3 dwellings of four or fewer units as an allowed, permitted use, or of
4 conditioning approval based on the character of the area.

5 (E) Except for flood hazard and fluvial erosion area bylaws adopted
6 pursuant to section 4424 of this title, no bylaw shall have the effect of
7 excluding as a permitted use one accessory dwelling unit that is located within
8 or appurtenant to ~~an owner-occupied~~ a single-family dwelling on an owner-
9 occupied lot. A bylaw may require a single-family dwelling with an accessory
10 dwelling unit to be subject to the same review, dimensional, or other controls
11 as required for a single-family dwelling without an accessory dwelling unit.

12 An accessory dwelling unit means ~~an efficiency or one-bedroom apartment a~~
13 distinct unit that is clearly subordinate to a single-family dwelling, and has
14 facilities and provisions for independent living, including sleeping, food
15 preparation, and sanitation, provided there is compliance with all the
16 following:

17 (i) The property has sufficient wastewater capacity.

18 (ii) The unit does not exceed 30 percent of the total habitable floor
19 area of the single-family dwelling or 900 square feet, whichever is greater.

20 ~~(iii) Applicable setback, coverage, and parking requirements~~
21 ~~specified in the bylaws are met.~~

1 (F) Nothing in subdivision (a)(1)(E) of this section shall be construed
2 to prohibit:

3 (i) a bylaw that is less restrictive of accessory dwelling units; or
4 (ii) a bylaw that ~~requires conditional use review for one or more of~~
5 ~~the following that is involved in creation of an accessory dwelling unit:~~

6 ~~(I) a new accessory structure;~~
7 ~~(II) an increase in the height or floor area of the existing~~
8 ~~dwelling; or~~
9 ~~(III) an increase in the dimensions of the parking areas~~
10 regulates short-term rental units distinctly from residential rental units.

11 * * *

12 (2) Existing small lots. Any lot that is legally subdivided, is in
13 individual and separate and nonaffiliated ownership from surrounding
14 properties, and is in existence on the date of enactment of any bylaw, including
15 an interim bylaw, may be developed for the purposes permitted in the district
16 in which it is located, even though the small lot no longer conforms to
17 minimum lot size requirements of the new bylaw or interim bylaw.

18 (A) A municipality may prohibit development of a lot not served by
19 and able to connect to municipal sewer and water service if either of the
20 following applies:

21 (i) the lot is less than one-eighth acre in area; or

1 (ii) the lot has a width or depth dimension of less than 40 feet.

2 * * *

3 (b) Inclusive Development.

4 (1) Except in a municipality that has reported substantial municipal
5 constraints in accordance with subdivision (b)(2) of this section and
6 notwithstanding any existing bylaw other than flood hazard and fluvial erosion
7 area bylaws adopted pursuant to section 4424 of this title, the following land
8 development provisions shall apply in every municipality:

9 (A) No bylaw shall have the effect of prohibiting the creation of
10 residential lots of at least:

11 (i) 10,890 square feet or one-quarter acre within any regulatory
12 district allowing residential uses served by and able to connect to a water
13 system operated by a municipality; or

14 (ii) 5,400 square feet or one-eighth acre within any regulatory
15 district allowing residential uses served by and able to connect to a water and
16 sewer system operated by a municipality.

17 (B) The appropriate municipal panel or administrative officer, as
18 applicable, shall condition any subdivision approval on obtaining a State
19 wastewater permit pursuant to 10 V.S.A. chapter 64.

20 (C) No bylaw shall have the effect of prohibiting or requiring
21 conditional use approval for a two-unit dwelling on any lot within any

1 regulatory district allowing residential uses served by and able to connect to a
2 water and sewer system operated by a municipality to any greater extent than a
3 one-unit dwelling would be prohibited or restricted within such district with no
4 additional review, dimensional, or other controls than would be required for a
5 single-family dwelling without a second unit.

6 (D) When a bylaw establishes a parking minimum for residential
7 properties, each residential parking space that will be leased separately from
8 residential units shall count as two spaces for purposes of meeting the parking
9 minimum for any proposed development located within a half mile of a transit
10 stop. The parking space lease costs shall be reasonably proportional to the
11 production, operation, and maintenance cost of the space to reduce generalized
12 subsidy of leased spaces by other residents. A municipality may condition the
13 municipal land permit on continuation of the separate leasing of parking spaces
14 and residential units.

15 (2) A municipality may opt out of the requirements of subdivision (1) of
16 this subsection by filing a Substantial Municipal Constraint Report with the
17 Department of Housing and Community Development.

18 (A) The Substantial Municipal Constraint Report shall demonstrate
19 that:

20 (i) the municipality's bylaws comply with all of the requirements
21 of subsection (a) of this section; and

1 (ii) the municipality has documented substantial municipal
2 constraints on its municipal water, municipal sewer, or other services that
3 prevent the adoption of bylaws that conform to the requirements of subdivision
4 (1) of this subsection (b).

5 (B) On or before January 1, 2021, the Department of Housing and
6 Community Development shall provide a template and guidance on the form
7 and content of the Substantial Municipal Constraint Report.

8 (C) The Department of Housing and Community Development shall
9 post all Substantial Municipal Constraint Reports on the Department’s website,
10 and shall promptly provide a copy to the municipality’s regional planning
11 commission, the State program directors for municipal and water sewer
12 funding, the Vermont Community Development Board, the Vermont
13 Downtown Development Board, the Vermont Housing and Conservation
14 Board, and the Natural Resources Board, as well as any person requesting
15 notice. Any person may provide comment on the municipality’s report to the
16 Commissioner of Housing and Development within 60 days of the filing. The
17 Department shall post all comments with the Report on the Department’s
18 website.

19 (D) A municipality that has filed a Substantial Municipal Constraint
20 Report shall update the Report each time it updates its municipal plan or
21 bylaws. Failure to update the Report shall disqualify the municipality from the

1 incentives identified in subdivision (3) of this subsection (b) and may subject
2 the municipality to review by the Commissioner of Housing and Community
3 Development pursuant to section 4351 of this title.

4 (3) Incentives and funding.

5 (A) On or before July 1, 2021, any municipality that requests
6 technical assistance from a regional planning commission to update local
7 bylaws to address inclusionary growth as described in subdivision (1) of this
8 subsection (b) shall receive priority technical assistance through additional
9 funding made available to the applicable regional planning commission by
10 section 4306 of this title or municipal funding made available through the
11 Municipal Planning Grant Program established by section 4306 of this title and
12 may use resources developed by the Department of Housing and Community
13 Development to assist with the updates.

14 (B) The following State funding programs shall prioritize funding in
15 municipalities that have updated their bylaws to comply with this subsection or
16 are actively pursuing actions that will bring their bylaws into compliance with
17 this section:

18 (i) State funding for Municipal Water and Sewer Systems;

19 (ii) Municipal Planning Grants under section 4306 of this title;

20 (iii) Vermont Community Development Program under 10 V.S.A.

21 chapter 29, subchapter 1; and

1 (iv) Neighborhood Development Area Historic Tax Credits under
2 32 V.S.A. § 5930cc.

3 (4) Pursuant to 27 V.S.A. § 545, in a municipality that has adopted
4 bylaws that comply with subdivision (1) of this subsection (b), deeds may not
5 be restricted by covenants, conditions, or restrictions that conflict with the duly
6 adopted municipal bylaws or policies. This subsection shall not affect the
7 enforceability of any existing deed restrictions.

8 Sec. 3. 27 V.S.A. § 545 is added to read:

9 § 545. COVENANTS, CONDITIONS, AND RESTRICTIONS OF

10 SUBSTANTIAL PUBLIC INTEREST

11 Deed restrictions, covenants, or similar binding agreements added after
12 July 1, 2020 that prohibit or have the effect of prohibiting land development
13 allowed under the municipal bylaws in a municipality that has adopted a bylaw
14 in accordance with 24 V.S.A. § 4412(b)(1) shall not be valid. This section
15 shall not affect the enforceability of any property interest held in whole or in
16 part by a qualified organization or State agency as defined in 10 V.S.A.
17 § 6301a, including any restrictive easements, such as conservation easements
18 and historic preservation rights and interests defined in 10 V.S.A. § 822. This
19 section shall not affect the enforceability of any property interest that is
20 restricted by a housing subsidy covenant as defined by section 610 of this title

1 and held in whole or in part by an eligible applicant as defined in 10 V.S.A.
2 § 303(4) or the Vermont Housing Finance Agency.

3 Sec. 4. REPORT ON SUBSTANTIAL MUNICIPAL CONSTRAINTS

4 On or before January 15, 2023, the Department of Housing and Community
5 Development shall report to the General Assembly on any Substantial
6 Municipal Constraint Reports received. The report shall address the number of
7 municipalities that have reported substantial municipal constraints, the nature
8 of the constraints, the impact on the development of housing in those
9 municipalities, and any steps the Department recommends towards reducing or
10 eliminating constraints.

11 * * * Act 250 Downtown Exemption * * *

12 Sec. 5. 10 V.S.A. § 6001 is amended to read:

13 * * *

14 (27) “Mixed income housing” means a housing project in which the
15 following apply:

16 (A) Owner-occupied housing. ~~At the option of the applicant, owner-~~
17 ~~occupied housing may be characterized by either of the following:~~

18 ~~(i) at least 15 percent of the housing units have a purchase price~~
19 ~~that at the time of first sale does not exceed 85 percent of the new construction,~~
20 ~~targeted area purchase price limits established and published annually by the~~
21 ~~Vermont Housing Finance Agency; or~~

(B) Rental housing. ~~At least 20 percent of the housing units that are rented constitute affordable housing and have a duration of affordability of For~~ not less than 15 years following the date that rental housing is initially placed in service, at least 20 percent of the housing units meet the requirements of affordable rental housing under subdivision (29)(B) of this section, adjusted for the number of bedrooms, as established and published annually by the Vermont Housing Finance Agency.

* * *

(A) mixed income housing or mixed use, or any combination thereof,
and is located entirely within a designated downtown development district,
designated new town center, or designated growth center, or designated village

center that is also a designated neighborhood development area under
24 V.S.A. chapter 76A; or

~~(B) mixed income housing and is located entirely within a designated
Vermont neighborhood or designated neighborhood development area under
24 V.S.A. chapter 76A.~~

* * *

Sec. 6. 10 V.S.A. § 6081 is amended to read:

§ 6081. PERMITS REQUIRED; EXEMPTIONS

* * *

(o) If a designation pursuant to 24 V.S.A. chapter 76A is removed,
subsection (a) of this section shall apply to any subsequent substantial change
to a ~~priority housing project~~ development or subdivision that was originally
exempt pursuant to subdivision 6001(3)(A)(iv)(I) of this title or subsection (p)
of this section on the basis of that designation.

(p)(1) No permit or permit amendment is required for any subdivision,
development, or change to a project that is located entirely within a downtown
development district designated pursuant to 24 V.S.A. § 2793, ~~if the change~~
~~consists exclusively of any combination of mixed use and mixed income~~
~~housing, and the cumulative changes within any continuous period of five~~
~~years, commencing on or after the effective date of this subsection, remain~~
~~below any applicable jurisdictional threshold specified in subdivision~~

1 ~~6001(3)(A)(iv)(I) of this title~~ or a neighborhood development area designated
2 pursuant to 24 V.S.A. § 2793e. Upon receiving notice and a copy of the permit
3 issued by an appropriate municipal panel pursuant to 24 V.S.A. § 4460(f), a
4 previously issued permit for a development or subdivision located in a
5 downtown development area or a neighborhood development area is
6 extinguished.

7 (2) No permit or permit amendment is required for a priority housing
8 project in a designated center other than a downtown development district if
9 the project remains below any applicable jurisdictional threshold specified in
10 subdivision 6001(3)(A)(iv)(I) of this title and will comply with all conditions
11 of any existing permit or permit amendment issued under this chapter that
12 applies to the tract or tracts on which the project will be located. If such a
13 priority housing project will not comply with one or more of these conditions,
14 an application may be filed pursuant to section 6084 of this title.

15 * * *

16 (v) ~~A permit or permit amendment shall not be required for a development~~
17 ~~or subdivision in a designated downtown development district for which the~~
18 ~~District Commission has issued positive findings and conclusions under~~
19 ~~section 6086b of this title on all the criteria listed in that section. A person shall~~
20 ~~obtain new or amended findings and conclusions from the District Commission~~
21 ~~under section 6086b of this title prior to commencement of a material change,~~

1 ~~as defined in the rules of the Board, to a development or subdivision for which~~
2 ~~the District Commission has issued such findings and conclusions. A person~~
3 ~~may seek a jurisdictional opinion under section 6007 of this title concerning~~
4 ~~whether such a change is a material change. [Repealed.]~~

5 * * *

6 Sec. 7. REPEALS

7 The following are repealed:

8 (1) 10 V.S.A. § 6083a(d) (neighborhood development area fees).

9 (2) 10 V.S.A. § 6086b (downtown development).

10 Sec. 8. 24 V.S.A. § 4460 is amended to read:

11 § 4460. APPROPRIATE MUNICIPAL PANELS

12 * * *

13 (f)(1) This subsection shall apply to a subdivision or development that:

14 (A) was previously permitted pursuant to 10 V.S.A. chapter 151;

15 (B) is located in a downtown development district or neighborhood
16 development area designated pursuant to chapter 76A of this title; and

17 (C) has applied for a permit or permit amendment required by zoning
18 regulations or bylaws adopted pursuant to this subchapter.

19 (2) The appropriate municipal panel reviewing a municipal permit or
20 permit amendment pursuant to this subsection shall include conditions
21 contained within a permit previously issued pursuant to 10 V.S.A. chapter 151

1 unless the panel determines that the permit condition pertains to any of the
2 following:

3 (A) the construction phase of the project that has already been
4 constructed;

5 (B) compliance with another State permit that has independent
6 jurisdiction;

7 (C) federal or State law that is no longer in effect or applicable;

8 (D) an issue that is addressed by municipal regulation and the project
9 will meet the municipal standards; or

10 (E) a physical or use condition that is no longer in effect or
11 applicable, or that will no longer be in effect or applicable once the new project
12 is approved.

13 (3) After issuing or amending a permit containing conditions pursuant to
14 this subsection, the appropriate municipal panel shall provide notice and a
15 copy of the permit to the Natural Resources Board.

16 (4) The appropriate municipal panel shall comply with the notice and
17 hearing requirements provided in subdivision 4464(a)(1) of this title. In
18 addition, notice shall be provided to those persons requiring notice under
19 10 V.S.A. § 6084(b) and shall explicitly reference the existing Act 250 permit.

1 through the adoption of an historic district, or through the adoption of
2 regulations that adequately regulate the physical form and scale of
3 development that the State Board determines substantially meet the historic
4 preservation requirements in subdivisions 4414(1)(E) and (F) of this title, ~~or~~
5 ~~through the creation of a development review board authorized to undertake~~
6 ~~local Act 250 reviews of municipal impacts pursuant to section 4420 of this~~
7 ~~title.~~

8 * * *

9 (4) A housing element in its plan in accordance with subdivision
10 4382(10) of this title that achieves the purposes of subdivision 4302(11) of this
11 title and that includes clear implementation steps for achieving mixed income
12 housing, including affordable housing, a timeline for implementation,
13 responsibility for each implementation step, and potential funding sources.

14 (5) Adopted one of the following to promote the availability of
15 affordable housing opportunities in the municipality:

16 (A) inclusionary zoning as provided in subdivision 4414(7) of this
17 title;

18 (B) a restricted housing trust fund with designated revenue streams;

19 (C) a housing commission as provided in section 4433 of this title; or

20 (D) impact fee exemptions or reductions for affordable housing as
21 provided in section 5205 of this title.

1 (c) A designation issued under this section shall be effective for eight years
2 and may be renewed on application by the municipality. The State Board also
3 shall review a community's designation four years after issuance or renewal
4 and may review compliance with the designation requirements at more
5 frequent intervals. Any community applying for renewal shall explain how the
6 designation under this section has furthered the goals of the town plan and
7 shall submit an approved town plan map that depicts the boundary of the
8 designated district. Beginning on July 1, 2022, any community under review
9 or seeking renewal shall comply with subdivisions (b)(4) and (5) of this
10 section. If at any time the State Board determines that the downtown
11 development district no longer meets the standards for designation established
12 in subsection (b) of this section, it may take any of the following actions:

- 13 (1) require corrective action;
- 14 (2) provide technical assistance through the Vermont Downtown
15 Program;
- 16 (3) limit eligibility for the benefits established in section 2794 of this
17 chapter without affecting any of the district's previously awarded benefits; or
- 18 (4) remove the district's designation without affecting any of the
19 district's previously awarded benefits.

20 Sec. 11. 24 V.S.A. § 2793a. is amended to read:

21 § 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

* * *

(c) A village center designated by the State Board pursuant to subsection (a) of this section is eligible for the following development incentives and benefits:

* * *

~~(4) The following State tax credits for projects located in a designated village center:~~

~~(A) A State historic rehabilitation tax credit of ten percent under 32 V.S.A. § 5930cc(a) that meets the requirements for the federal rehabilitation tax credit.~~

~~(B) A State façade improvement tax credit of 25 percent under 32 V.S.A. § 5930cc(b).~~

~~(C) A State code improvement tax credit of 50 percent under 32 V.S.A. § 5930cc(e)~~ The Downtown and Village Center Tax Credit Program described in 32 V.S.A. § 5930aa et seq.

* * *

Sec. 12. 24 V.S.A. § 2793e is amended to read:

§ 2793e. NEIGHBORHOOD PLANNING AREAS; DESIGNATION OF
NEIGHBORHOOD DEVELOPMENT AREAS

* * *

1 (c) Application for designation of a neighborhood development area. The
2 State Board shall approve a neighborhood development area if the application
3 demonstrates and includes all of the following elements:

4 * * *

5 (5) The proposed neighborhood development area consists of those
6 portions of the neighborhood planning area that are appropriate for new and
7 infill housing, excluding identified flood hazard and fluvial erosion areas,
8 except those areas containing preexisting development and areas suitable for
9 infill development as defined in section 29-201 of the Vermont Flood Hazard
10 Area and River Corridor Rule. In determining what areas are most suitable for
11 new and infill housing, the municipality shall balance local goals for future
12 land use, the availability of land for housing within the neighborhood planning
13 area, and the smart growth principles. Based on those considerations, the
14 municipality shall select an area for neighborhood development area
15 designation that:

16 (A) Avoids or that minimizes to the extent feasible the inclusion of
17 “important natural resources” as defined in subdivision 2791(14) of this title
18 and flood hazard areas and river corridors. If an “important natural resource”
19 is included within a proposed neighborhood development area, the applicant
20 shall identify the resource, explain why the resource was included, describe
21 any anticipated disturbance to such resource, and describe why the disturbance

1 cannot be avoided or minimized. If the neighborhood development area
2 includes flood hazard areas or river corridors, the local bylaws must contain
3 provisions consistent with the Agency of Natural Resources rules required
4 under 10 V.S.A. § 754(a) to ensure that new infill development within a
5 neighborhood development area occurs outside the floodway, new
6 development is elevated or floodproofed at least two feet above Base Flood
7 Elevation, or otherwise reasonably safe from flooding, and will not cause or
8 contribute to fluvial erosion hazards within the river corridor. If the
9 neighborhood development area includes flood hazard areas or river corridors,
10 local bylaws shall also contain provisions to protect river corridors outside of
11 the neighborhood development area consistent with the Agency of Natural
12 Resources model river corridor bylaws.

13 (B) Is served by planned or existing transportation infrastructure that
14 conforms with “complete streets” principles as described under 19 V.S.A.
15 § 309d and establishes pedestrian access directly to the downtown, village
16 center, or new town center.

17 (C) Is compatible with and will reinforce the character of adjacent
18 National Register Historic Districts, National or State Register Historic Sites,
19 and other significant cultural and natural resources identified by local or State
20 government.

21 (6) The neighborhood development area is served by:

1 (A) municipal sewer infrastructure; or

2 (B) a community or alternative wastewater system approved by the
3 Agency of Natural Resources.

4 (7) ~~The~~ Within the neighborhood development area, the municipal
5 bylaws allow minimum lot sizes of one-quarter of an acre or less and minimum
6 net residential densities ~~within the neighborhood development area~~ greater than
7 or equal to four single-family detached dwelling units per acre, exclusive of
8 accessory dwelling units, or no fewer than the average existing density of the
9 surrounding neighborhood, whichever is greater.

10 (A) The methodology for calculating density shall be established in
11 the guidelines developed by the Department pursuant to subsection 2792(d) of
12 this title.

13 ~~(A)~~(B) Regulations that adequately regulate the physical form and
14 scale of development may be used to demonstrate compliance with this
15 requirement.

16 ~~(B)~~(C) Development in the neighborhood development areas that is
17 lower than the minimum net residential density required by this subdivision (7)
18 shall not qualify for the benefits stated in subsections (f) and (g) of this section.
19 ~~The district coordinator shall determine whether development meets this~~
20 ~~minimum net residential density requirement in accordance with subsection (f)~~
21 ~~of this section.~~

1 (8) Local bylaws, regulations, and policies applicable to the
2 neighborhood development area substantially conform with neighborhood
3 design guidelines developed by the Department pursuant to section 2792 of
4 this title. These policies shall:

5 (A) ensure that all investments contribute to a built environment that
6 enhances the existing neighborhood character and supports pedestrian use;

7 (B) ensure sufficient residential ~~density~~ uses and building heights;

8 (C) minimize the required ~~lot sizes~~, setbacks, ~~and~~ parking
9 requirements, and street widths; and

10 (D) require conformance with “complete streets” principles as
11 described under 19 V.S.A. § 309d, street and pedestrian connectivity, and
12 street trees.

13 (9) Residents hold a right to utilize household energy conserving
14 devices.

15 (10) The application includes a map or maps that, at a minimum,
16 identify:

17 (A) “important natural resources” as defined in subdivision 2791(14)
18 of this title;

19 (B) existing slopes of 25 percent or steeper;

1 (C) public facilities, including public buildings, public spaces, sewer
2 or water services, roads, sidewalks, paths, transit, parking areas, parks, and
3 schools;

4 (D) planned public facilities, roads, or private development that is
5 permitted but not built;

6 (E) National Register Historic Districts, National or State Register
7 Historic Sites, and other significant cultural and natural resources identified by
8 local or State government;

9 (F) designated downtown, village center, new town center, or growth
10 center boundaries as approved under this chapter and their associated
11 neighborhood planning area in accordance with this section; and

12 (G) delineated areas of land appropriate for residential development
13 and redevelopment under the requirements of this section.

14 (11) The application includes the information and analysis required by
15 the Department's guidelines under section 2792 of this title.

16 (12) A housing element in its plan in accordance with subdivision
17 4382(10) of this title that achieves the purposes of subdivision 4302(11) of this
18 title and that includes clear implementation steps for achieving mixed income
19 housing, including affordable housing, a timeline for implementation,
20 responsibility for each implementation step, and potential funding sources.

1 (13) The application includes information in the proposed neighborhood
2 development area that the municipality has adopted one of the following to
3 promote the availability of affordable housing opportunities in the
4 municipality:

5 (A) inclusionary zoning as provided in subdivision 4414(7) of this
6 title;

7 (B) a restricted housing trust fund with designated revenue streams;

8 (C) a Housing Commission as provided in section 4433 of this title;

9 or

10 (D) impact fee exemptions or reductions for affordable housing as
11 provided in section 5205 of this title.

12 * * *

13 (e) Length of designation. Initial designation of a neighborhood
14 development area shall be reviewed concurrently with the next periodic review
15 conducted of the underlying designated downtown, village center, new town
16 center, or growth center.

17 (1) The State Board, on its motion, may review compliance with the
18 designation requirements at more frequent intervals.

19 (2) If the underlying downtown, village center, new town center, or
20 growth center designation terminates, the neighborhood development area
21 designation also shall terminate.

1 (3) If at any time the State Board determines that the designated
2 neighborhood development area no longer meets the standards for designation
3 established in this section, it may take any of the following actions:

4 (A) require corrective action within a reasonable time frame;

5 (B) remove the neighborhood development area designation; or

6 (C) prospectively limit benefits authorized in this chapter.

7 (4) Action taken by the State Board under subdivision (3) of this
8 subsection shall not affect benefits already received by the municipality or a
9 land owner in the designated neighborhood development area.

10 (5) Beginning on July 1, 2022, any community under review or seeking
11 renewal shall comply with subdivisions (c)(12) and (13) of this section.

12 (f) Neighborhood development area incentives for developers. Once a
13 municipality has a designated neighborhood development area or has a
14 Vermont neighborhood designation pursuant to section 2793d of this title, ~~any~~
15 a proposed development within that area shall be eligible for each of the
16 benefits listed in this subsection. These benefits shall accrue upon approval by
17 the district coordinator, who shall review, provided that the project meets the
18 density requirements set forth in subdivision (c)(7) of this section to determine
19 benefit eligibility and issue a jurisdictional opinion under 10 V.S.A. chapter
20 151 on whether the density requirements are met, as determined by the

1 administrative officer, as defined in chapter 117 of this title. These benefits
2 are:

3 (1) ~~The~~ the application fee limit for wastewater applications stated in
4 3 V.S.A. § 2822(j)(4)(D); and

5 (2) ~~The application fee reduction for residential development stated in~~
6 ~~10 V.S.A. § 6083a(d).~~

7 (3) ~~The~~ the exclusion from the land gains tax provided by 32 V.S.A.
8 § 10002(p).

9 (g) Neighborhood development area incentives for municipalities. Once a
10 municipality has a designated neighborhood development area, it may receive:

11 (1) priority consideration for municipal planning grant funds; and

12 (2) training and technical assistance from the Department to support an
13 application for benefits from the Department.

14 (h) Alternative designation. If a municipality has completed all of the
15 planning and assessment steps of this section but has not requested designation
16 of a neighborhood development area, an owner of land within a neighborhood
17 planning area may apply to the State Board for neighborhood development
18 area designation status for a portion of land within the neighborhood planning
19 area. The applicant shall have the responsibility to demonstrate that all of the
20 requirements for a neighborhood development area designation have been
21 satisfied and to notify the municipality that the applicant is seeking the

1 designation. The State Board shall provide the municipality with at least
2 14 days' prior written notice of the Board's meeting to consider the
3 application, and the municipality shall submit to the State Board the
4 municipality's response, if any, to the application before or during that
5 meeting. On approval of a neighborhood development area designation under
6 this subsection, the applicant ~~may proceed to obtain a jurisdictional opinion~~
7 ~~from the district coordinator under subsection (f) of this section in order to~~
8 ~~obtain~~ shall be eligible for the benefits granted to neighborhood development
9 areas, subject to approval by the administrative officer, as provided in
10 subsection (f) of this section.

11 * * * Tax Credits * * *

12 Sec. 13. 32 V.S.A. § 5930aa is amended to read:

13 § 5930aa. DEFINITIONS

14 As used in this subchapter:

15 (1) "Qualified applicant" means an owner or lessee of a qualified
16 building involving a qualified project, but does not include a State or federal
17 agency or a political subdivision of either; or an instrumentality of the United
18 States.

19 (2) "Qualified building" means a building built at least 30 years before
20 the date of application, located within a designated downtown ~~or~~ village
21 center, or neighborhood development area, which, upon completion of the

1 project supported by the tax credit, will be an income-producing building not
2 used solely as a single-family residence. Churches and other buildings owned
3 by religious organization may be qualified buildings, but in no event shall tax
4 credits be used for religious worship.

5 (3) “Qualified code improvement project” means a project:

6 (A) to install or improve platform lifts suitable for transporting
7 personal mobility devices, limited use or limited application elevators,
8 elevators, sprinkler systems, and capital improvements in a qualified building,
9 and the installations or improvements are required to bring the building into
10 compliance with the statutory requirements and rules regarding fire prevention,
11 life safety, and electrical, plumbing, and accessibility codes as determined by
12 the Department of Public Safety;

13 (B) to abate lead paint conditions or other substances hazardous to
14 human health or safety in a qualified building; or

15 (C) to redevelop a contaminated property in a designated downtown,
16 ~~or~~ village center, or neighborhood development area under a plan approved by
17 the Secretary of Natural Resources pursuant to 10 V.S.A. § 6615a.

18 (4) “Qualified expenditures” means construction-related expenses of the
19 taxpayer directly related to the project for which the tax credit is sought but
20 excluding any expenses related to a private residence.

1 (5) “Qualified façade improvement project” means the rehabilitation of
2 the façade of a qualified building that contributes to the integrity of the
3 designated downtown ~~or~~ designated village center, or neighborhood
4 development area. Façade improvements to qualified buildings listed, or
5 eligible for listing, in the State or National Register of Historic Places must be
6 consistent with Secretary of the Interior Standards, as determined by the
7 Vermont Division for Historic Preservation.

8 (6) “Qualified Flood Mitigation Project” means any combination of
9 structural and nonstructural changes to a building located within an area
10 subject to the River Corridor Rule or within the flood hazard area as mapped
11 by the Federal Emergency Management Agency that reduces or eliminates
12 flood damage to the building or its contents. The project shall comply with the
13 municipality’s adopted flood hazard and river corridor bylaw, if applicable,
14 and a certificate of completion shall be submitted by a registered engineer,
15 architect, qualified contractor, or qualified local official to the State Board.
16 Improvements to qualified buildings listed, or eligible for listing, in the State
17 or National Register of Historic Places shall be consistent with Secretary of the
18 Interior’s Standards for Rehabilitation, as determined by the Vermont Division
19 for Historic Preservation.

1 (7) “Qualified historic rehabilitation project” means an historic
2 rehabilitation project that has received federal certification for the
3 rehabilitation project.

4 ~~(7)~~(8) “Qualified project” means a qualified code improvement,
5 qualified façade improvement, or qualified historic rehabilitation project as
6 defined by this subchapter.

7 ~~(8)~~(9) “State Board” means the Vermont Downtown Development
8 Board established pursuant to 24 V.S.A. chapter 76A.

9 * * * Wastewater Connection Permits * * *

10 Sec. 14. 10 V.S.A. § 1974(9) is added to read:

11 (9) A person who receives an authorization from a municipality that
12 administers a program registered with the Secretary pursuant to section 1983 of
13 this title.

14 Sec. 15. 10 V.S.A. § 1983 is added to read:

15 § 1983. REGISTRATION FOR MUNICIPAL WASTEWATER SYSTEM

16 AND POTABLE WATER SUPPLY CONNECTIONS

17 (a) A municipality may issue an approval for a connection or an existing
18 connection with a change in use to the municipal sanitary sewer collection line
19 via a sanitary sewer service line or a connection to a water main via a new
20 water service line in lieu of permits issued under this chapter, provided that the
21 municipality documents the following in a form prescribed by the Secretary:

1 (1) The municipality owns or has legal control over connections to a
2 public community water system permitted pursuant to chapter 56 of this title
3 and connections to a wastewater treatment facility permitted pursuant to
4 chapter 47 of this title.

5 (2) The municipality shall only issue authorizations for:

6 (A) a sanitary sewer service line that connects to the sanitary sewer
7 collection line that serves a single connection; and

8 (B) a water service line that connects to the water main that serves a
9 single connection.

10 (3) The building or structure connects to both the sanitary sewer
11 collection line and public community water system.

12 (4) The municipality issues approvals that comply with the technical
13 standards for sanitary sewer service lines and water service lines adopted by
14 the Secretary under this chapter.

15 (5) The municipality requires documentation in the land records that the
16 connection authorized by the municipality was installed in accordance with the
17 technical standards.

18 (6) The program requires the retention of plans that show the location
19 and design of authorized connections.

1 (b) The municipality shall notify the Secretary 30 days in advance of
2 terminating any registration. The municipality shall provide all approvals and
3 plans to the Secretary as a part of this termination notice.

4 Sec. 16. STUDY OF SUBDIVISION REGULATIONS IN AUTHORIZED
5 MUNICIPALITIES

6 The Agency of Natural Resources' Technical Advisory Committee shall
7 report to the House Committee on Natural Resources, Fish, and Wildlife and
8 the Senate Committee on Natural Resources and Energy on whether
9 municipalities authorized under 10 V.S.A. § 1983 should also have jurisdiction
10 to issue permits in lieu of the Secretary for subdivisions when the lot is served
11 by municipal water and sewer.

12 * * * Age-Specific Housing Study * * *

13 Sec. 17. STATEWIDE HOUSING STUDY

14 (a)(1) The Department of Housing and Community Development, in
15 collaboration with the Department of Disabilities, Aging, and Independent
16 Living, shall conduct a Statewide Housing Study to evaluate the current and
17 projected needs for age-specific housing in Vermont.

18 (2) The Departments shall include recommendations for an age-specific
19 housing plan and policies with measurable objectives that are focused on older
20 Vermonters, in particular those with very low income or who are caregivers or
21 living with disabilities.

1 (b) The Departments shall submit the Study to the Senate Committee on
2 Economic Development, Housing and General Affairs and to the House
3 Committee on General, Housing, and Military Affairs on or before January 15,
4 2021.

5 * * * Funding for Affordable Housing * * *

6 Sec. 18. FINDINGS AND PURPOSE; FUNDING FOR AFFORDABLE
7 HOUSING

8 (a) Findings. The General Assembly finds that:

9 (1) In 2017, the General Assembly, in partnership with the Vermont
10 Housing and Conservation Board, the Vermont Housing Finance Agency, the
11 State Treasurer, and other affordable housing stakeholders, provided for the
12 funding and creation of an affordable housing bond to support the development
13 of affordable housing throughout the State.

14 (2) The results of the Housing for All Revenue Bond initiative greatly
15 exceeded original estimates by raising \$37 million in bond proceeds, creating
16 or improving more than 800 homes across the State, generating \$172 million in
17 construction activity, and leveraging \$198 million in other public and private
18 funding.

19 (3) Additional investments through the Vermont Housing and
20 Conservation Board are necessary to sustain and build on the success of the
21 Housing for All Revenue Bond and create needed affordable housing options
22 for Vermonters including:

- 1 (A) creating new multifamily and single-family homes;
2 (B) addressing blighted properties and other existing housing stock
3 requiring reinvestment, including in mobile home parks; and
4 (C) providing service-supported housing in coordination with the
5 Agency of Human Services, including housing for those who are elderly,
6 homeless, in recovery, experiencing severe mental illness, or leaving
7 incarceration.

8 (b) Purpose and intent.

- 9 (1) The purpose of this section is to promote the development and
10 improvement of permanently affordable housing for current and future
11 Vermont residents throughout the State.

- 12 (2) It is the intent of the General Assembly to provide funding to the
13 Vermont Housing and Conservation Board in accordance with 10 V.S.A.
14 § 312.

- 15 (c) Appropriations. In fiscal year 2021, the amount of \$13,073,840.00 is
16 appropriated to the Vermont Housing and Conservation Board from property
17 transfer tax revenues pursuant to 32 V.S.A. § 9602, which represents an
18 increase of \$2,269,000.00 from the fiscal year 2020 appropriation to the
19 Vermont Housing and Conservation Board from property transfer tax
20 revenues. It is the intent of the General Assembly that this increase of

1 \$2,269,000.00 is used for housing projects, of which approximately
2 \$750,000.00 shall be used for mobile home park infrastructure needs.

3 * * * Short-term Rentals * * *

4 Sec. 19. SHORT-TERM RENTALS

5 (a) The Department of Housing and Community Development may
6 exercise its authority under 3 V.S.A. § 844 to adopt emergency rules to collect
7 sufficient data to allow the State to understand the impact of short-term rentals
8 on the availability of housing in this State while balancing the privacy interests
9 of short-term rental operators and their guests.

10 (b) On or before January 15, 2021, the Department shall submit a report to
11 the Senate Committee on Economic Development, Housing and General
12 Affairs and to the House Committee on General, Housing, and Military Affairs
13 that includes:

14 (1) information concerning the data it collects pursuant to this section
15 and in conjunction with any housing needs assessment the Department
16 conducts in conjunction with the Vermont Housing Finance Agency and
17 Vermont Housing and Conservation Board;

18 (2) a compilation of the legal frameworks adopted by U.S. states and
19 municipalities to regulate short-term rentals; and

20 (3) recommendations for any statutory and municipal regulation of
21 short-term rentals in this State.

§ 2291. ENUMERATION OF POWERS

* * *

* * * Homelessness Prevention * * *

(a) Consistent with the report mandated in 2019 Acts and Resolves No. 72, Sec. E.300.4, the Secretary of Human Services shall take reasonable measures, including increasing case management services under a “housing first” model for Vermonters who are homeless, to reduce the loss of specialized federal rental assistance vouchers.

1 (b) The Secretary shall report to the Senate Committees on Appropriations,
2 on Economic Development, Housing and General Affairs, and on Health and
3 Welfare and to the House Committees on Appropriations, on General,
4 Housing, and Military Affairs, on Human Services, and on Health Care on or
5 before October 15, 2020 on measures taken, and results achieved, in increasing
6 the use of specialized federal assistance vouchers.

7 * * * Mobile Home Parks * * *

8 Sec. 22. MOBILE HOME PARK INFRASTRUCTURE

9 (a) The Department of Environmental Conservation shall:

10 (1) assist the Town of Brattleboro and the Tri-Park Cooperative in the
11 implementation of the Tri-Park Master Plan and Deerfield River & Lower
12 Connecticut River Tactical Basin Plan, including through loan forgiveness or
13 restructuring of State Revolving Loans RF1-104 and RF3-163 and additional
14 loans, to allow for the relocation of homes in the floodplain and improvements
15 to wastewater and stormwater infrastructure needs;

16 (2) provide similar assistance to the extent possible to similarly situated
17 mobile home parks that also have relocation or infrastructure needs; and

18 (3) identify statutory and programmatic changes necessary to assist in
19 the implementation of the plans and to improve access and terms by mobile
20 home parks and other small communities to the Clean Water Revolving Loan

1 Fund, Water Infrastructure Sponsorship Program and the Drinking Water State
2 Revolving Fund.

3 (b) On or before January 15, 2021, the Department shall report on actions
4 taken and recommendations for statutory or programmatic changes to the
5 Senate Committees on Economic Development, Housing and General Affairs
6 and on Institutions and to the House Committees on General, Housing, and
7 Military Affairs and on Corrections and Institutions.

8 Sec. 23. 10 V.S.A. § 10 is amended to read:

9 § 10. VERMONT STATE TREASURER; CREDIT FACILITY FOR LOCAL
10 INVESTMENTS

11 (a)(1) Notwithstanding any provision of 32 V.S.A. § 433(a) to the contrary,
12 the Vermont State Treasurer shall have the authority to establish a credit
13 facility of up to 10 percent of the State's average cash balance on terms
14 acceptable to the Treasurer and consistent with prudent investment principles
15 and guidelines pursuant to 32 V.S.A. § 433(b)–(c) and the Uniform Prudent
16 Investor Act, 14A V.S.A. chapter 9.

17 ~~(b)(2)~~ The amount authorized in subdivision (1) of this subsection (a) of
18 ~~this section~~ shall include all credit facilities authorized by the General
19 Assembly and established by the Treasurer, and the renewal or replacement of
20 those credit facilities.

1 (b) The Treasurer may use amounts available under this section to provide
2 financing for infrastructure projects in Vermont mobile home parks and may
3 modify the terms of such financing in his or her discretion as is necessary to
4 promote the availability of mobile home park housing and to protect the
5 interests of the State.

6 * * * Vermont Housing Incentive Program * * *

7 Sec. 24. 10 V.S.A. chapter 29, subchapter 3 is added to read:

8 Subchapter 3. Vermont Housing Incentive Program

9 § 699. VERMONT HOUSING INCENTIVE PROGRAM

10 (a) Purpose. Recognizing that Vermont's rental housing stock is some of
11 the oldest in the country and that much of it needs updating to meet code
12 requirement and other standards, this section is intended to incentivize private
13 apartment owners to make significant improvements to both housing quality
14 and weatherization by providing small grants that are matched by the private
15 apartment owner.

16 (b) Creation of Program. The Department of Housing and Community
17 Development shall design and implement a Vermont Housing Incentive
18 Program to provide funding to regional nonprofit housing partner organizations
19 to provide incentive grants to private landlords for the rehabilitation and
20 improvement, including weatherization, of existing rental housing stock.

1 (c) Administration. The Department shall require any nonprofit regional
2 housing partner organization that receives funding under this Program to
3 develop a standard application form for property owners that describes the
4 application process and includes clear instructions and examples to help
5 property owners apply, a selection process that ensures equitable selection of
6 property owners, and a grants management system that ensures accountability
7 for funds awarded to property owners.

8 (d) Grant Requirements. The Department shall ensure that each grant
9 complies with the following requirements:

10 (1) A property owner may apply for a grant for improvements to not
11 more than four rental units that are vacant, blighted, or otherwise do not
12 comply with applicable rental housing health and safety laws.

13 (2) A property owner shall:

14 (A) match the value of a grant at least two-to-one with his or her
15 own funds and not through in-kind services;

16 (B) include a weatherization component; and

17 (C) comply with applicable permit requirements and rental housing
18 health and safety laws.

19 (3) The Department and the property owner shall ensure that not fewer
20 than half of the rental units improved with grant funds have rents that are

1 affordable to households earning not more than 80 percent of area median
2 income and remain affordable for not less than seven years.

3 (4) If a property owner sells or transfers a property improved with grant
4 funds within seven years of receiving the grant, the property owner shall:

5 (A) repay the amount of the grant funds upon sale or transfer; or

6 (B) ensure that the property continues to remain affordable for the
7 remainder of the seven-year period required in subdivision (3) of this
8 subsection.

9 (e) As used in this section:

10 (1) “Blighted” means that a rental unit is not fit for human habitation
11 and does not comply with the requirements of applicable building, housing,
12 and health regulations.

13 (2) “Vacant” means that a rental unit has not been leased or occupied for
14 at least 90 days prior to the date a property owner submits a grant application
15 and remains unoccupied at the time the grant is awarded.

16 * * * Appropriations * * *

17 Sec. 25. APPROPRIATIONS

18 (a) The sum of \$150,000.00 is appropriated to the Municipal and Regional
19 Planning Fund from the General Fund in fiscal year 2021 to be used by

1 regional planning commissions to assist municipalities in updating their
2 bylaws to include inclusionary housing bylaws.

3 (b) The sum of \$150,000.00 is appropriated to the Municipal and Regional
4 Planning Fund from the General Fund in fiscal year 2021 to be used by
5 municipal planning commissions to assist municipalities in updating their
6 bylaws to include inclusionary housing bylaws.

7 (c) The sum of \$50,000.00 is appropriated to Agency of Commerce and
8 Community Development from the General Fund in fiscal year 2021 to provide
9 technical assistance to homeowners and developers who seek to develop
10 accessory dwelling units for existing residential properties and for small
11 residential projects of less than \$1,000,000.00 in anticipated construction costs.

12 (d) The sum of \$800,000.00 is appropriated to the Agency of Human
13 Services from the General Fund to increase case management services under a
14 “housing first” model for Vermonters who are homeless pursuant to Sec. 22 of
15 this act.

16 (e) The sum of \$1,000,000.00 is appropriated to the Department of Housing
17 and Community Development from the General Fund to provide funding
18 through the Vermont Housing Incentive Program created in 10 V.S.A. § 699.

19 * * * Implementation of Incentives * * *

20 Sec. 26. IMPLEMENTATION

* * * Effective Dates * * *

(Committee vote: _____)

Senator _____

FOR THE COMMITTEE

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
EXECUTIVE COMMITTEE MEETING MINUTES
DRAFT

DATE: Wednesday June 3, 2020
TIME: 5:45 PM
PLACE: REMOTE ATTENDANCE VIA GOTOMEETING
PRESENT: Mike O'Brien, Chair Catherine McMains, Vice Chair
John Zicconi, Treasurer Chris Shaw, At Large >5000
Barbara Elliott, At Large <5000

ABSENT: Chris Roy, Immediate Past Chair

STAFF/OTHER: Charlie Baker, Executive Director Eleni Churchill, Transportation Program Mgr.
Regina Mahony, Planning Mgr. Forest Cohen, Senior Business Mgr.
Amy Irvin Witham, Business Office Associate

1. Call to Order. The meeting was called to order at 5:50 PM by Catherine McMains.

2. Changes to the Agenda, Members' Items. There were no changes.

3. Approval of May 3, 2020 Joint Finance and Executive Committee Minutes

CHRIS SHAW MADE A MOTION, SECONDED BY BARBARA ELLIOTT TO APPROVE THE MINUTES. NO EDITS NEEDED. MOTION CARRIED UNANIMOUSLY.

4. Act 250 & Section 248 Applications.

a. ER Bolton Valley Solar. LLC; Bolton; #20-1232-AN

Regina noted this project was seen previously and has reached the second of three stages. The CCRPC received a 45-day notice of application for the construction of a 500kW solar array to be located at 1320 Roosevelt Highway, (US Rt 2) in Bolton Vt. Based on the 45-day notice, the CCRPC has identified two State possible constraints (Flood Hazard Area and Agricultural Soils) and one local possible constraint (Flood Hazard Area II). The CCRPC encourages the applicant to work with relevant State agencies and the municipality to determine how to minimize impacts to these possible constraints. The applicant has also identified a local known constraint: Class II wetland on site. The CCRPC requests the applicant confirm the proposed facility will be located outside of the Class II wetland buffer. Regina stated, we have not received any feedback from the town of Bolton for this stage in the project, however, they issued a preferred site letter previously. Regina recommended adding the following sentence to the letter: "Bolton has not taken any action at this time."

JOHN ZICCONI MADE A MOTION, SECONDED BY CHRIS SHAW TO APPROVE THE LETTER ON THE BOLTON VALLEY SOLAR PETITION, WITH REQUESTED EDITS. MOTION CARRIED UNANIMOUSLY.

5. Financial Reports Review. Forest Cohen provided members with a financial overview covering the period from July 1, 2019 through April 30, 2020 and referred members to the Income Statement they received. Forest noted Operations Support Revenue is at 81.9%, only slightly behind the budget year, which is 83.3% through April. Revenues exceeded expenses by \$55,692 for the month of April, bringing us to positive income of \$30,757 for the fiscal year. Forest explained he is not sure what May and June will look like, but he is hopeful we can end FY20 in the black. He feels we are in

a favorable position as we head into the uncertainty of FY21. Mike and members agreed this is a good place to be financially and gave praise to the staff.

6. FY21 Calendar of Meeting dates. Charlie asked members to review the proposed FY21 schedule of meetings for the Commission and Committees covering July 2020 through June 2021. Members reviewed. JOHN ZICCONI MADE A MOTION, SECONDED BY BARBARA ELLIOTT, TO RECOMMEND THE MEETING SCHEDULE AS PRESENTED TO THE BOARD. MOTION CARRIED UNANIMOUSLY.

7. Review the FY2021-24 TIP. Charlie and Eleni referred members to the Draft 2021-2024 Transportation Improvement Program (TIP) document, corresponding Memo and Table. Members reviewed and discussed. Mike asked for clarification on the table: CCRPC FY201-2024 TIP Funding by Project Use Category. Specifically, he wanted to confirm that the CCRPC does not have any influence on the aviation federal funds listed in the table and Eleni verified that is correct and that aviation funding is included for informational purposes only. Mike recommended we clearly note this detail in the table; Eleni stated she will make sure clarification is added. Members asked about the various funds and projects included in the table. Members also discussed the uncertainty of future budgets.

8. Chair/Executive Director Report

- a. **Legislative Update:** Charlie stated there are currently no proposed cuts to our FY21 budget, however, this could change during the summer months. He said he is starting to watch Senator Sirotkin's bill S237 promoting affordable housing and housing construction. It also includes some ACT 250 updates, with significant changes in laws regarding zoning for towns with sewer and water. Municipalities may be concerned about potential impacts from the bill. We may need to have deeper discussions on this topic at a future meeting.
- b. **CCRPC Operations:** In terms of CCRPC operations, staff continues to work mostly from home. Interns started working last week and will spend some time in the office. They are working under the Safety Plan we have in place, which follows State guidance for cleaning protocols, wearing masks, distancing, etc. Charlie expects there will be people continuing to work at home, particularly if they are parenting younger children.

9. CCRPC Board Meeting June 17, 2020 Agenda review.

Charlie reviewed the June Board Agenda with members. Members discussed the proposed agenda that includes the election of officers, to warn a public hearing for the TIP, and discussion on the Interstate 89 Study.

10. Other Business, future topics: Charlie asked members about having Joe Flynn, Secretary, VTrans attend our July Board meeting. John expressed concerns that July is too early, and it might be better to have him join us at a later meeting in either September or October. Members discussed how the State budgets are being developed and agreed having Joe Flynn come at later date would be preferable since the agency may have more budget information available. Charlie stated that he will plan for September and adjust if needed.

11. Executive Session: BARBARA ELLIOTT MADE A MOTION, SECONDED BY JOHN ZICCONI, TO GO INTO EXECUTIVE SESSION AT 6:27PM WITH CHARLIE PRESENT TO DISCUSS PERSONNEL MATTERS. MOTION CARRIED UNANIMOUSLY. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CHRIS SHAW, TO EXIT EXECUTIVE SESSION AT 7:04 PM. MOTION CARRIED UNANIMOUSLY. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CHRIS SHAW THAT THE EXECUTIVE COMMITTEE

1 RECOGNIZE EMPLOYEE ACHIEVEMENT AND AUTHORIZE THE EXECUTIVE DIRECTOR TO SPEND UP TO
2 98.8% OF THE FY21 SALARY BUDGET AS DETERMINED BY THE EXECUTIVE DIRECTOR FOR STAFF, AND
3 AS DETERMINED BY THE EXECUTIVE COMMITTEE, FOR THE EXECUTIVE DIRECTOR. MOTION CARRIED
4 UNANIMOUSLY

5
6 12. Adjournment: BARBARA ELLIOTT MADE A MOTION, SECONDED BY CHRIS SHAW TO ADJOURN THE
7 MEETING AT 7:05 P.M. MOTION CARRIED UNANIMOUSLY.

8
9 Respectfully submitted,
10 Amy Irvin Witham

June 4, 2020

Judith Whitney, Clerk of the Commission
Vermont Public Utility Commission
112 State Street
Montpelier, VT 05620-2701

Re: ER Bolton Valley Solar, LLC - Chittenden County Regional Planning Commission

Dear Ms. Whitney,

The Chittenden County Regional Planning Commission ("CCRPC") is in receipt of a 45-day notice of application submitted by ER Bolton Valley Solar, LLC for the construction of a 500 kW solar array to be located at 1320 Roosevelt Highway (US 2) in Bolton, VT. The subject parcel is owned by the Eastcote Holdings (C/O Charles Deslauriers). **Insert Bolton's stance on project.**

The 2018 ECOS Plan, the regional plan for Chittenden County, and CCRPC's "Guidelines and Standards for Reviewing Act 250 and Section 248 Applications" provide guidance for the siting of renewable energy facilities and the designation of preferred sites in Chittenden County. CCRPC staff has used this guidance to review ER Bolton Valley Solar, LLC's 45-day notice of application.

The 2018 ECOS Plan contains a "Constraint Policies" to ensure that proposed facilities are not located within areas subject to State and local development restrictions. Based on the 45-day notice of application, CCRPC has identified that the proposed project may impact two State possible constraints (Flood Hazard Area and Agricultural Soils) and one local possible constraint (Flood Hazard Area II). CCRPC encourages the applicant to work with relevant State agencies and the municipality to determine how to minimize impacts to these possible constraints.

The applicant has identified a Class II wetland on site. Class II wetlands are identified as a State known constraints in the 2018 ECOS Plan. The site plan submitted with the applicant's 45-day notice of application shows that the proposed facility will avoid impact to Class II wetlands on site. **CCRPC requests that the applicant confirm that the proposed facility will also be located outside of the Class II wetland buffer.** Wetlands buffers have been identified by the Town of Bolton as a local known constraint.

The subject property does contain several other known and possible constraints identified in the 2018 ECOS Plan, but the 45-day notice of application indicates that these constraints will be avoided. These constraints include a deer wintering area, slopes greater than 25% grade, and Vermont Conservation Design Highest Priority Forest Blocks.

This 2018 ECOS Plan also contains "Suitability Policies" which define characteristics of sites where CCRPC encourages renewable energy generation facilities. The proposed project meets the following policies:

1. Locate energy generation proximate to existing distribution and transmission infrastructure: The proposed facility is located adjacent to existing distribution infrastructure.
2. Locate ground-mounted solar larger than 15 kW...outside of state designated village centers: The project is not located within a designated village center.

The proposed project advances the 2018 ECOS Plan's goal of increasing renewable energy generation in Chittenden County.

This review is based on the information provided in the 45-day notice of application. CCRPC will review the final site plan when it is submitted with the full Certificate of Public Good application to ensure that the proposed project continues to avoid known constraints and attempts to minimize impacts to possible constraints.

Thank you for your time and attention.

Sincerely,

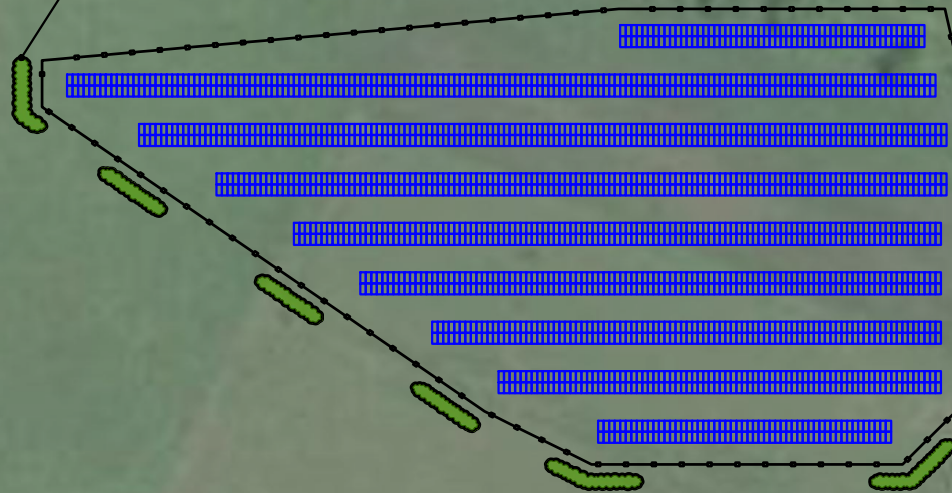
Charlie Baker
Executive Director

CC: CCRPC Board
Larry Lewack, Planning and Zoning Administrator



T.J. BOYLE ASSOCIATES
LANDSCAPE ARCHITECTURE & PLANNING

PROPOSED MITIGATION PLANTINGS,
MIX OF DECIDUOUS AND EVERGREEN SHRUBS



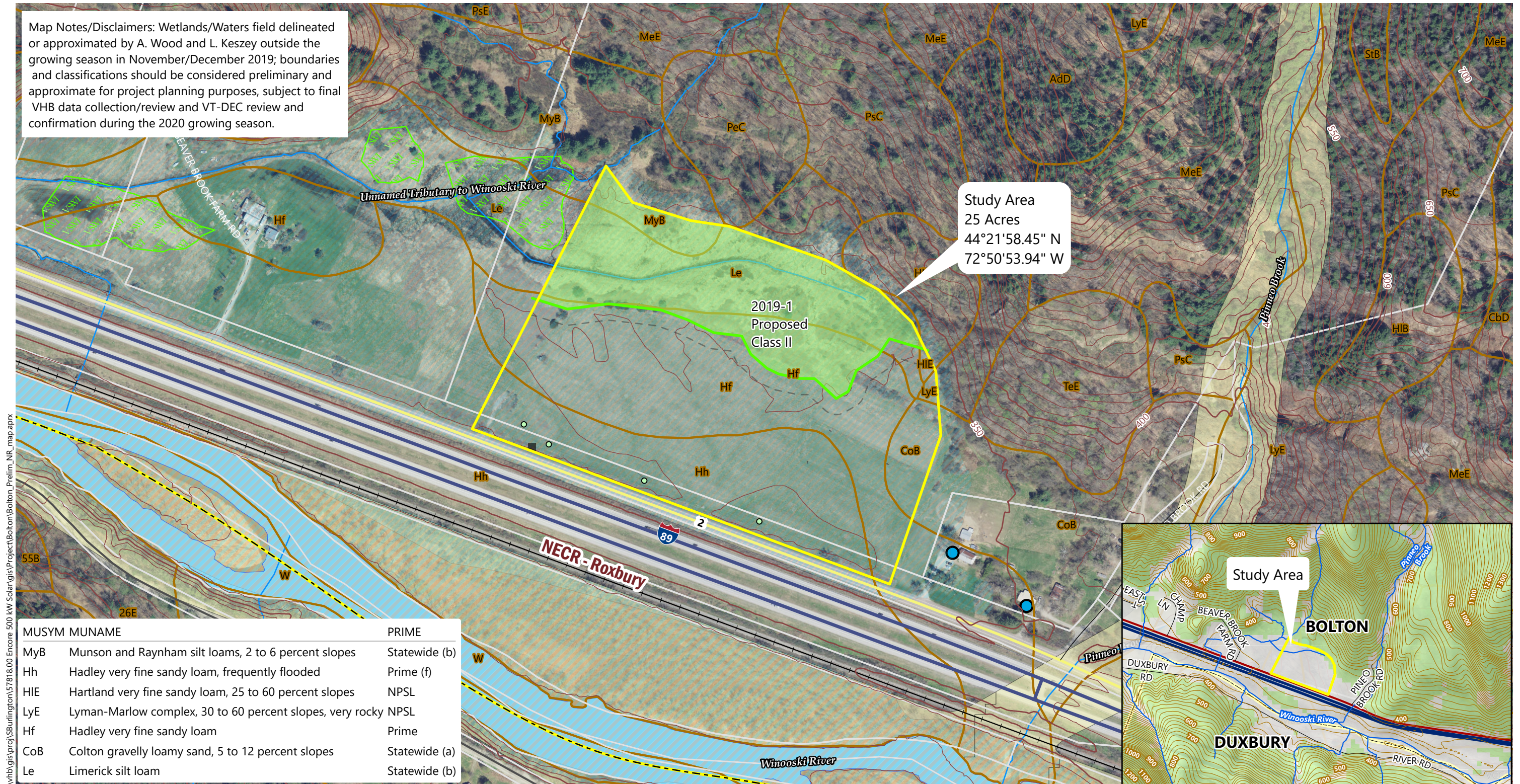
ER BOLTON SOLAR

Preliminary Landscape Mitigation Plan

05/15/2020



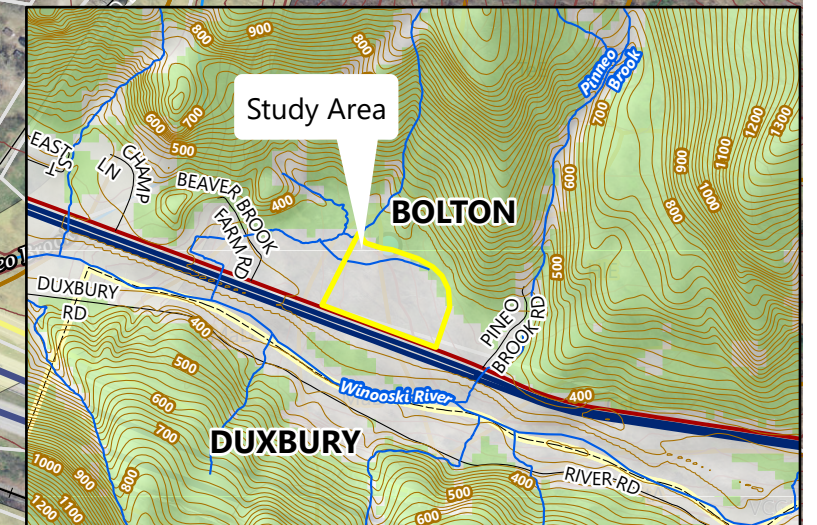
Map Notes/Disclaimers: Wetlands/Waters field delineated or approximated by A. Wood and L. Keszei outside the growing season in November/December 2019; boundaries and classifications should be considered preliminary and approximate for project planning purposes, subject to final VHB data collection/review and VT-DEC review and confirmation during the 2020 growing season.



MUSYM	MUNAME	PRIME
MyB	Munson and Raynham silt loams, 2 to 6 percent slopes	Statewide (b)
Hh	Hadley very fine sandy loam, frequently flooded	Prime (f)
HIE	Hartland very fine sandy loam, 25 to 60 percent slopes	NPSL
LyE	Lyman-Marlow complex, 30 to 60 percent slopes, very rocky	NPSL
Hf	Hadley very fine sandy loam	Prime
CoB	Colton gravelly loamy sand, 5 to 12 percent slopes	Statewide (a)
Le	Limerick silt loam	Statewide (b)

0 150 300 Feet

- | | | | | |
|--|--|---|--|---|
| <ul style="list-style-type: none"> Approx. Wetland Boundary (VHB) Approx. Wetland (VHB) Wetland Buffer (VHB) Utility Pole (VHB) Culvert (VHB) | <ul style="list-style-type: none"> Public Water Source (ANR) Private Well (ANR) Stream (ANR) Waterbody (ANR) River Corridor (ANR) | <ul style="list-style-type: none"> Floodway (FEMA) 100 Year (FEMA) VSWI (ANR) Soil Map Unit (VCGI) Contour 50 (VCGI) | <ul style="list-style-type: none"> Contour 10 (VCGI) Parcel Boundary (VCGI) County Boundary (VCGI) Town Boundary (VCGI) Railroad Lines (VTrans) | <ul style="list-style-type: none"> Interstate Highway US Highway State Highway Local Road Other Road Private Road |
|--|--|---|--|---|



Encore DeLaurier Bolton Solar Project | Bolton, Vermont

Preliminary Wetlands and Waters Map

Sources:
ANR - Vermont Agency of Natural Resources Web Map Service
VCGI - Vermont Center for Geographic Information Web Map Service
VTrans - Vermont Agency of Transportation Web Map Service
Background Image by VCGI (2018)

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
TRANSPORTATION ADVISORY COMMITTEE - MINUTES

DATE: Tuesday June 4, 2019
TIME: 9:00 a.m.
PLACE: CCRPC Offices, 110 West Canal St. Winooski, VT

Members Present

Lisa Schaeffler, Williston
Brian Bigelow, Underhill
Jon Rauscher, Winooski
Nicole Losch, Burlington
Richard Watts, Hinesburg
Joss Besse, Bolton
Matt Langham, VTrans
Dennis Lutz, Essex
Amy Bell, VTrans
Bob Henneberger, Seniors
Justin Rabidoux, South Burlington
Dean Pierce, Shelburne
Sandy Thibault, CATMA
Bryan Osborne, Colchester, TAC Chair
Josh Arneson, Richmond
Charles Hunter, Rail
Larry Lackey, Burlington Airport
Rachel Kennedy, GMT

Staff

Bryan Davis, Senior Transportation Planner
Chris Dubin, Transportation Planner
Peter Keating, Senior Transportation Planner
Christine Forde, Senior Transportation Planner
Marshall Distel, Transportation Planner
Sai Sarepalli, Transportation Planning Engineer

Others

Joe Segale, VTrans
Harrison Luca, CCRPC Intern
Rachel Galus, CCRPC Intern
Kate Longfield, CCRPC Intern
Kathryn Koberna, CCRPC Intern

Bryan Osborne called the meeting to order at 9:00AM, calling for a round of introductions.

1. Consent Agenda

JUSTIN RABIDOUX MADE A MOTION, SECONDED BY DENNIS LUTZ, TO APPROVE THE
CONSENT OF TIP AMENDMENTS. THE MOTION PASSED UNANIMOUSLY.

2. Approval of Minutes

BOB HENNEBERGER MADE A MOTION, SECONDED BY USTIN RABIDOUX, TO APROVE THE
MINUTES OF MAY 7, 2019. THE MOTION PASSED UNANIMOUSLY.

3. Public Comments

None.

4. Automated Vehicle (AV) Testing in VT

Joe Segale of VTrans reported on recently passed state legislation to allow the testing of AVs in the state.
The points he covered included:

- Automated Vehicles Overview
- Potential Benefits and Consequences
- Federal and State Roles
- VT Stakeholder Feedback
- S.149 - VT AV Testing Legislation

The overview addressed the various elements that comprise an AV, as well as the five stages of automation – from the driver having total control to the system having that control. He also offered projections on when, and at what rate, AVs will come online, and a disruptive change scenario where 95% of vehicle miles are in shared and electric vehicles by 2030. To illustrate how quickly AVs are advancing, Joe shared graphics of private sector investment and the many corporations joining in the effort. He also noted the different impacts that could affect the future system if a private/individual

ownership scenario happens vs. a shared vehicle model. Congestion and parking impacts could be very different. Joe also described the federal vs. state and municipal roles in our transportation system and how AV related legislation is being considered in more and more states. The last several slides of his presentation went over the details in the VT legislation that just passed. Key elements of this bill include:

- Specific state, RPC and municipal roles
- AV tester requirements
- Elements in the testing application

Joe is also developing program guidance that will be complete by 2021. The discussion that followed included more on municipal roles and responsibilities, the liability issues that will arise and the types of vehicles that might be tested – cars, trucks or transit.

5. FY29-23 Draft Transportation Improvement Program

Christine Forde began by putting the TIP into larger context flowing from the Metropolitan Transportation Plan, through corridor or scoping studies before ending up on the TIP list. She went on, explaining how from the TIP (where funding is identified and obligated) a project leads to design and construction. She then defined the TIP, described how projects get on it, and noted that projects also need to be on the State's Transportation Capital Program. She noted that the TIP is a planning and not a budget document. It represents the intent to construct or implement a specific project and the anticipated flow of federal funds. Using a sample page from the draft TIP Christine described how the document should be read and identified the content of its various sections. She then presented the anticipated level of funding expected over the coming 4 years:

- FY2020 -- \$76.4 million
 - FY2021 -- \$60.2 million
 - FY2022 -- \$59.3 million
 - FY2023 -- \$45.3 million
- FY20-23 Total - \$244 million

Christine explained the ups and downs of year-to-year funding by looking at funding history back to 2010 in a bar chart. She then broke down the TIP content in finer detail describing transportation project categories and the amounts of funding in each. There is a bit of gray area when it comes to assigning projects to some of these categories as illustrated by the I-89 Exit 16 improvements in the Roadway Corridor Improvements category, a project that could've gone into New Facilities. She next reported on CIRC alternatives project status and then anticipated construction projects scheduled over the next two years. The following discussion included:

- Dennis Lutz repeated a request that he has brought up in the past. That is the need to more specifically identify how projects get on the TIP once scoping has been completed. (Christine reported that we will return this Fall to the TAC with a plan on this process.)
- Justin Rabidoux said that South Burlington cannot support an Airport project that includes the demolition of any more homes and that he would be voting against TIP approval. He also noted that it wasn't his intent to hold up the entire TIP but that the City insists that home demolitions should cease. Christine noted that the words "land acquisition" should be removed from the project description. Matt Langham noted that the aviation projects are on the TIP only for information and could be removed as the TIP has no authority over Federal Aviation Administration (FAA) funding.

Following further discussion, DENNIS LUTZ MADE A MOTION THE TAC ASK THE BOARD TO WARN A PUBLIC HEARING FOR THEIR JULY MEETING FOR THE FY2020 – 2023 TIP; AND THAT THE BOARD APPROVE THE TIP. THE MOTION WAS SECONDED BY DEAN PIERCE AND PASSED WITH JUSTIN RABIDOUX VOTING NO.

6. Committee Chairmanship

Eleni reported that Bryan Osborne is interested in continuing as TAC Chair but that it would be helpful if another member would agree to be Vice-Chair in his absence. Justin Rabidoux agreed to accept the Vice-Chair role.

1
2 **7. Status of Projects and Subcommittee Reports (Information Item)**

3 Justin asked about the status of the Crescent Connector project in Essex Junction. Robin Pierce replied
4 that one property owner is opposing it and has not yet agreed to any easement on his property.
5

6 **8. CCRPC May Board Meetings Report**

7 Peter noted that the Board met on 5/15, holding a public hearing and approving the FY20 UPWP.
8

9 **9. Chairman's/Members' Items**

10 Chris Dubin showed the list of Grant in Aid awards which are the same as last year. Amy Bell reported on
11 VTrans staff move to Barre. The move is reportedly going to save the Agency \$300,000/year. Dennis
12 reported that the Susie Wilson corridor will become a signalization guinea pig for VTrans new traffic
13 signal cabinet technology.
14

15 The meeting adjourned at 10:40 AM.

Respectfully submitted, Peter Keating