

**Agenda**  
**Executive Committee**  
**Wednesday, July 1, 2020 – 5:45 p.m.**



**Remote Access Meeting Only**

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

1. Call to Order, Attendance
2. Changes to the Agenda, Members' Items (Action)
3. Approval of June 3, 2020 Executive Committee Minutes\* (Action)
4. Act 250 & Section 248 Applications
  - a. None
5. Financial Update – FY20 (Jul 2019- May 2020) *(to be reviewed if available)* (Discussion)
6. Basin 5 – Direct to Lake Tactical Basin Plan – Regional Plan Conformance Letter\* (Action)
7. FY21-24 Transportation Improvement Program (TIP)\* (Action)
8. Legislative Priority check-in\* (Discussion)
9. Chair/Executive Director Report (Discussion)
  - a. Clean Water Service Provider update
  - b. EDA and EPA Grant updates
  - c. CHAMP P3 update
  - d. Budget and Operations update
10. CCRPC July 15, 2020 Meeting Agenda review\* (Discussion)
11. Other Business (Discussion)
12. Executive Session (if needed) (Action)
13. Adjournment (Action)

\*Attachments

**NEXT MEETING – Executive Committee – Wed. August 5, 2020; 5:45 p.m. if needed**

*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](mailto:evaughn@ccrpcvt.org), no later than 3 business days prior to the meeting for which services are requested.*

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
2 JOINT EXECUTIVE COMMITTEE MEETING MINUTES  
3 DRAFT  
4

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

11  
12 ABSENT: Chris Roy, Immediate Past Chair

13  
14 STAFF/OTHER: Charlie Baker, Executive Director Eleni Churchill, Transportation Program Mgr.  
15 Regina Mahony, Planning Mgr. Forest Cohen, Senior Business Mgr.  
16 Amy Irvin Witham, Business Office Associate  
17

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

19  
20 2. Changes to the Agenda, Members' Items. There were no changes.

21  
22 3. Approval of May 3, 2020 Joint Finance and Executive Committee Minutes

23 CHRIS SHAW MADE A MOTION, SECONDED BY BARBARA ELLIOTT TO APPROVE THE MINUTES. NO  
24 EDITS NEEDED. MOTION CARRIED UNANIMOUSLY.  
25

26 4. Act 250 & Section 248 Applications.

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

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

40 JOHN ZICCONI MADE A MOTION, SECONDED BY CHRIS SHAW TO APPROVE THE LETTER ON THE  
41 BOLTON VALLEY SOLAR PETITION, WITH REQUESTED EDITS. MOTION CARRIED UNANIMOUSLY.  
42

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

- 1 a favorable position as we head into the uncertainty of FY21. Mike and members agreed this is a  
2 good place to be financially and gave praise to the staff.  
3
- 4 6. FY21 Calendar of Meeting dates. Charlie asked members to review the proposed FY21 schedule of  
5 meetings for the Commission and Committees covering July 2020 through June 2021. Members  
6 reviewed. JOHN ZICCONI MADE A MOTION, SECONDED BY BARBARA ELLIOTT, TO RECOMMEND THE  
7 MEETING SCHEDULE AS PRESENTED TO THE BOARD. MOTION CARRIED UNANIMOUSLY.  
8
- 9 7. Review the FY2021-24 TIP. Charlie and Eleni referred members to the Draft 2021-2024  
10 Transportation Improvement Program (TIP) document, corresponding Memo and Table. Members  
11 reviewed and discussed. Mike asked for clarification on the table: CCRPC FY201-2024 TIP Funding  
12 by Project Use Category. Specifically, he wanted to confirm that the CCRPC does not have any  
13 influence on the aviation federal funds listed in the table and Eleni verified that is correct; aviation  
14 funding is included for informational purposes only. Mike recommended we clearly note this detail  
15 in the table; Eleni stated she will make sure clarification is added. Members asked about the various  
16 funds and projects included in the table. Members also discussed the uncertainty of future budgets.  
17
- 18 8. Chair/Executive Director Report  
19 a. **Legislative Update:** Charlie stated there are currently no proposed cuts to our FY21 budget,  
20 however, this could change during the summer months. He said he is starting to watch  
21 Senator Sirotkin's bill S237 promoting affordable housing and housing construction. It also  
22 includes some ACT 250 updates, with significant changes in laws regarding zoning for towns  
23 with sewer and water. Municipalities may be concerned about potential impacts from the  
24 bill. We may need to have deeper discussions on this topic at a future meeting.  
25 b. **CCRPC Operations:** In terms of CCRPC operations, staff continues to work mostly from  
26 home. Interns started working last week and will spend some time in the office. They are  
27 working under the Safety Plan we have in place, which follows State guidance for cleaning  
28 protocols, wearing masks, distancing, etc. Charlie expects there will be people continuing to  
29 work at home, particularly if they are parenting younger children.  
30
- 31 9. CCRPC Board Meeting June 17, 2020 Agenda review.  
32 Charlie reviewed the June Board Agenda with members. Members discussed the proposed agenda  
33 that includes the election of officers, to warn a public hearing for the TIP, and discussion on the  
34 Interstate 89 Study.  
35
- 36 10. Other Business, future topics: Charlie asked members about having Joe Flynn, Secretary, VTrans  
37 attend our July Board meeting. John expressed concerns that July is too early, and it might be better  
38 to have him join us at a later meeting in either September or October. Members discussed how the  
39 State budgets are being developed and agreed having Joe Flynn come at later date would be  
40 preferable since the agency may have more budget information available. Charlie stated that he will  
41 plan for September and adjust if needed.  
42
- 43 11. Executive Session: BARBARA ELLIOTT MADE A MOTION, SECONDED BY JOHN ZICCONI, TO GO INTO  
44 EXECUTIVE SESSION AT 6:27PM WITH CHARLIE PRESENT TO DISCUSS PERSONNEL MATTERS.  
45 MOTION CARRIED UNANIMOUSLY. BARBARA ELLIOTT MADE A MOTION, SECONDED BY CHRIS  
46 SHAW, TO EXIT EXECUTIVE SESSION AT 7:04 PM. MOTION CARRIED UNANIMOUSLY. BARBARA  
47 ELLIOTT MADE A MOTION, SECONDED BY CHRIS SHAW THAT THE EXECUTIVE COMMITTEE  
48 RECOGNIZE EMPLOYEE ACHIEVEMENT AND AUTHORIZE THE EXECUTIVE DIRECTOR TO SPEND UP TO

1 98.8% OF THE FY21 SALARY BUDGET AS DETERMINED BY THE EXECUTIVE DIRECTOR FOR STAFF, AND  
2 AS DETERMINED BY THE EXECUTIVE COMMITTEE, FOR THE EXECUTIVE DIRECTOR. MOTION CARRIED  
3 UNANIMOUSLY

4  
5 12. Adjournment: BARBARA ELLIOTT MADE A MOTION, SECONDED BY CHRIS SHAW TO ADJOURN THE  
6 MEETING AT 7:05 P.M. MOTION CARRIED UNANIMOUSLY.

7  
8 Respectfully submitted,  
9 Amy Irvin Witham

DRAFT

**Date:** July X, 2020

**To:** Vermont Agency of Natural Resources, Department of Environmental Conservation

**From:** Chittenden County Regional Planning Commission

**Re: RECOMMENDATIONS REGARDING CONFORMANCE OF THE DRAFT NORTHERN LAKE  
CHAMPLAIN DIRECT DRAINAGES TACTICAL BASIN PLAN WITH THE 2018 CHITTENDEN COUNTY  
ECOS PLAN**

The CCRPC would like to commend Department of Environmental Conservation (DEC) Watershed Planner Karen Bates, on the comprehensive presentation and analysis contained in the *Draft Northern Lake Champlain Direct Drainages Tactical Basin Plan (TBP)*. We appreciate the opportunity to work with her and other DEC staff to strengthen municipal and public participation in TBP development. We look forward to continued cooperation with DEC and with the Agency of Natural Resources on future TBPs, as well as water quality outreach and education and other activities.

The purpose of this memorandum is to analyze the relative conformance of the *Draft Northern Lake Champlain Direct Drainages Tactical Basin Plan* with the relevant Goals, Strategies and Recommended Actions of the *ECOS Plan* and to provide recommendations regarding project prioritization.

#### **BACKGROUND**

CCRPC has the opportunity to provide recommendations to the Agency of Natural Resources regarding tactical basin plans pursuant to the following sections of Vermont Statutes Title 10, Chapter 47, §1253(d)

- (2)(G) ... *the Secretary [of Natural Resources] shall: develop, in consultation with the regional planning commission, an analysis and formal recommendation on conformance with the goals and objectives of applicable regional plans.*
- (3)(D) ... *[the regional planning commissions are to] assist the Secretary in implementing a project evaluation process to prioritize water quality improvement projects within the region to assure cost effective use of State and federal funds.*

The CCRPC reviewed the *Draft Northern Lake Champlain Direct Tactical Basin Plan* that was issued for RPC review in February 2020 and the formal draft issued on July X, 2020. The Basin includes major portions of the Chittenden County municipalities of Burlington, Charlotte, Colchester, Hinesburg, Milton, and small portions of Essex, Essex Junction, Richmond, Saint George and Williston

The *2018 Chittenden County ECOS Plan* serves as the County's Regional Plan. The *ECOS Plan* also serves as the Metropolitan Transportation Plan (MTP) and the Comprehensive Economic Development Strategy (CEDS) for the County.

#### **CONFORMANCE WITH THE REGIONAL PLAN**

The draft *Northern Lake Champlain Direct Drainages Tactical Basin Plan* is in conformance with and supportive of the *2018 Chittenden County ECOS Plan*, specifically with the following ECOS Plan Goals and Strategies:

**Goals:**

**Natural Systems** – Design and maintain a strategically planned and managed green infrastructure network composed of natural lands, working landscapes, and open spaces that conserve ecosystem values and functions, and provide associated benefits to our community.

**Built Environment** - Make public and private investments in the built environment to minimize environmental impact, maximize financial efficiency, optimize social equity and benefits, and improve public health.

1. Ecological Systems (Habitats, Water Quality, Air Quality) - Conserve, protect and improve the health of native species habitats, water quality and quantity, and air quality.

12. Working Lands - Support the growth and vitality of working farms and managed forests; and sustainably manage sand and gravel extraction operations.

16. Infrastructure - Ensure adequate infrastructure and facilities (i.e. water supply, wastewater treatment, stormwater treatment, broadband coverage and solid waste recovery and recycling) to support areas planned for growth while conserving resources.

**Strategies:**

#2: Strive for 80% of new development in areas planned for growth, which amounts to 15% of our land area.

#3: Improve the safety, water quality, and habitat of our rivers, streams, wetlands and lakes in each watershed.

#4 Increase investment in and decrease subdivision of working lands and significant habitats, and support local food systems.

The following table details how the Basin Plan’s Objectives by Sector are in conformance with and supportive of specific Actions of the ECOS Plan.

Draft Northern Lake Champlain Direct Drainages Tactical Basin Plan, Objectives	Conformance with select Actions of 2018 Chittenden County ECOS Plan (cf. applicable section)
AGRICULTURE: Conservation Practices that reduce sources of pollution from farm production areas and farm fields.	Strategy 3. Action 2.b. includes "Incentivize best management practices for agricultural uses; and encourage the Agency of Agriculture to better enforce their required agricultural practices. "
DEVELOPED LANDS – STORMWATER: Practices that reduce or treat polluted stormwater runoff from developed lands such as parking lots, sidewalks and rooftops.	Strategy 3. and all Action 2. sub-actions which include data collection of areas producing water quality pollutants, help municipalities with regulatory measures (i.e. MRGP, developed lands permit, etc.), and help municipalities and partners with non-regulatory approaches (financial assistance for stormwater facility improvements).
DEVELOPED LANDS – ROADS: Stormwater and roadside erosion control practices that prevent erosion and treat road-related sources of	Strategy 3. and all Action 2. sub-actions which include data collection of areas producing water quality pollutants, help municipalities with regulatory

<p><i>pollution.</i></p>	<p>measures (i.e. MRGP, developed lands permit, etc.), and help municipalities and partners with non-regulatory approaches (financial assistance for stormwater facility improvements).</p>
<p><i>WASTEWATER: Improvements to municipal wastewater infrastructure that decrease pollution from municipal wastewater systems through treatment upgrades, combined sewer overflow (CSA) abatement, and refurbishment of aging infrastructure.</i></p>	<p><u>Strategy 3. Action 3</u> discusses needed wastewater treatment plant upgrades. In addition, the Comprehensive Economic Development Strategies list includes specific wastewater treatment plant projects.</p>
<p><i>NATURAL RESOURCE RESTORATION: Restoration of "natural infrastructure" functions that prevent and abate pollution. Natural infrastructure includes: floodplains, river channels, lakeshores, wetlands, and forest lands.</i></p>	<p><u>Strategy 3. Action 1.</u> River Hazard Protection. And multiple sub-actions.</p> <p><u>Strategy 3, Action 1.d.</u> "Support non-regulatory conservation and/or preservation of vulnerable areas through public and land trust investments, including identification of repetitively damaged structures and provide assistance to elevate, relocate or buy out structures, and identify where flood storage capacity may be restored and conserved."</p> <p><u>Strategy 3. Action 1.f.</u> - "To protect water quality, development should be located to avoid state and local known constraints that have been field verified, and to minimize impacts to state and local possible constraints that have been field verified." These constraints include floodplains, municipal surface water setbacks, riparian areas and wildlife connectivity resources.</p> <p><u>Strategy 4.</u> "Increase investment in and decrease subdivision of working lands and significant habitats, and support local food systems."</p> <p><u>Strategy 4. Action 1.</u> Protect forest blocks, wildlife connectivity resources and crossings, surface waters, riparian areas and other significant habitats (e.g. wetlands) from development and fragmentation."</p>

**PLAN CONFORMANCE CONCLUSION**

The draft *2020 Northern Lake Champlain Tactical Basin Plan* is in conformance with and supportive of the *2018 Chittenden County ECOS Plan*.

**ADDITIONAL RECOMMENDATIONS**

1. CCRPC recommends that RPCs, through their Clean Water Advisory Committee be allowed to provide input to DEC's prioritization scoring system as intended by statute: Title 10, Chapter 47,

§1253(d)(3)(D) ... [the regional planning commissions are to] *assist the Secretary in implementing a project evaluation process to prioritize water quality improvement projects within the region to assure cost effective use of State and federal funds.* As projects are developed, DEC and other agencies and organizations that provide funding, or implement projects directly, should prioritize projects that achieve a high phosphorus removed benefit per cost ratio. Additionally, projects that also provide co-benefits such as other TMDLs (i.e. Flow Restoration Plans, *e.coli*, mercury, etc.), hazard mitigation, transportation improvement, aquatic organism passage, and/or listed in municipal comprehensive plans and capital plans should also receive additional consideration in making funding decisions. We look forward to being able to participate more fully as a partner in evaluating and scoring projects as required in Chapter 47 §1253(d)(3)(D).

2. We wish to restate the concern of several of CCRPC's member municipalities that requiring municipal wastewater treatment plants to engage in costly upgrades at poor Phosphorus Reduction Benefit to Cost Ratio will make it a challenge for Chittenden County to achieve key strategies of the ECOS Plan, namely:
  - o *Strategy 2 [ Strive for 80% of new development in areas planned for growth ]*
  - o *Strategy 7 [ Develop financing and governance systems to make the most efficient use of taxpayer dollars and reduce costs]*

It is estimated that the Capital expenses alone for the required upgrades to municipal wastewater treatment to achieve phosphorus reduction optimization in Chittenden County alone would be in the tens of million dollars for relatively low amounts of additional phosphorus removal. Increasing these municipal operating costs will increase already high housing costs in Chittenden County, make it more difficult to build via infill or on brownfields, and drive development away from areas planned for growth. As the ECOS Plan notes: *Considering development and growth comes with both costs and benefits, this Plan attempts to reach a balance by directing growth in such a way that new infrastructure and long-term maintenance costs are minimized. For example: Promotion of and incentives for compact development in areas planned for growth will help keep rural areas open; this can also minimize stormwater problems and prevent new watersheds from becoming impaired.*

In the 2014 Lake Champlain TMDL, DEC estimated costs of \$4,000 per kilo of phosphorus removed via upgrades to wastewater treatment facilities. Therefore, mechanisms need to be developed for municipalities for municipalities and other property owners with permits to invest in Natural Resource or Agriculture sector phosphorus reduction projects. As documented in DEC's own 2019 Clean Water Performance Report, forested riparian buffer restoration projects and agricultural pollution prevention projects have cost estimates per kilogram of phosphorus reduced of only about \$100 per kilo and \$200-\$600 per kilo, respectively. Developing a process for municipalities to invest in these types of projects would clearly provide much more phosphorus reduction per dollar spent as well as facilitate more appropriate housing and commercial development in line with the ECOS Plan.

3. Finally, we would like to support the concerns raised by our MS4 permittee municipalities and organizations that the 50% match requirement imposed by the DEC for use of State grant funds is unfair and counterproductive. Depending upon the grant source, DEC is requiring only a 0% to 20% match for other municipalities. Additionally, as DEC is aware, much of the needed total phosphorous (TP) load reduction originates in these MS4s. Many MS4s have identified and scoped numerous TP-reduction projects in their Flow Restoration Plans and pending Phosphorous Control



Plans and are eager to move forward with these projects to stay in permit compliance. Requiring a 50% match on both Design and Implementation projects seems arbitrary and ultimately slows progress towards meeting the Lake Champlain phosphorus TMDL.

Thank you for your consideration of our recommendations. If you desire clarification on this letter, please do not hesitate to contact Dan Albrecht, [dalbrecht@ccrpcvt.org](mailto:dalbrecht@ccrpcvt.org) or 802-861-0133. Please note that the CCRPC will provide additional staff level comments once the formal public review draft is issued.



**CCRPC Executive Committee**

**July 1, 2020**

**Agenda Item 7: 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 FY21-24 TIP includes \$248.2 million in federal funds for transportation projects in Chittenden County. Projects funded advance transportation performance goals set by FHWA, VTrans and CCRPC as detailed below.

- Safety - Includes over \$80 million for improvements at 14 High Crash Locations in the county. The TIP also includes over \$4.9 million for separated paths and sidewalk projects that will improve safety for pedestrian and bicyclists.
- Infrastructure Condition - Includes over \$41 million for paving projects and \$16.3 million for bridge preservation projects.
- Transit Reliability - Includes \$55 million for transit projects including bus and van replacements, bus facility upgrades and transit services.
- National Highway System Reliability - Includes projects in the categories of intelligent transportation systems and traffic operations that improve the operations of existing infrastructure. It also includes improvements at four interstate interchanges, Exit 12, Exit 14, Exit 16 and Exit 17, to improve access in the vicinity of I-89.

The Draft Fiscal Year 2021–2024 TIP is available on CCRPC’s website <http://www.ccrpcvt.org/our-work/our-plans/transportation-improvement-program/>.

**TAC/Staff Recommendation:** Hold a Public Hearing on July 15, 2020 on the FY2021–2024 Transportation Improvement Program for Chittenden County and approve the TIP.

**For more information contact:** Christine Forde  
846-4490 ext. \*13 or [cforde@ccrpcvt.org](mailto:cforde@ccrpcvt.org)

**DRAFT – Potential Policy Participation Topics for CCRPC Board - July 2020**

It is important to note that normally July would be a good time to prepare for the following legislative session; however, this is an exceptionally unusual year. The State Legislature promptly moved to COVID-19 response in mid-March; and is still in session now (the plan is to break at the end of June and return in August). While they have picked up a few of the non-COVID related bills most of them will be put off until the 2021 session.

	<b>Topic</b> – click on links for more detailed info in this document	<b>ECOS Plan Strategy</b>	<b>ECOS Plan Top 10 Action</b>	<b>Included in FY21 UPWP?</b>	<b>CCRPC Committee</b>	<b>Staff Recommendation</b>
1.	<a href="#">Clean Water Act 76 (2019 Act 76, S.96)</a>	#3 – water quality	#5 – water quality	Yes	CWAC	Yes, work with CWAC to provide comments on Clean Water Service Provider rulemaking and funding.
2.	<a href="#">Automated Vehicle Testing (2019 Act 60, S.149)</a>	#2 – smart growth	#2 – transportation and #8 autonomous vehicles	Yes	TAC	Yes, Staff recommends that CCRPC work with both the TAC and directly with municipalities to decide whether they would like to pre-approve automated vehicle testing on their roads.
3.	<a href="#">Promoting the Ownership and Use of Electric Vehicles</a>	#2 – smart growth	#4 – energy planning	Yes	TAC, Energy	Yes, Staff recommends that CCRPC continue to monitor legislation and policies related to EVs and continue to work with Drive Electric Vermont on these issues.
4.	<a href="#">VTrans’ Project Selection &amp; Prioritization Processes</a>	#2 – smart growth	#2 - transportation	Yes	TAC	Yes, Staff recommends that CCRPC continue to assist VTrans in this effort and bring drafts to the TAC and Board for review.
5.	<a href="#">Transportation Climate Initiative</a>	#2 – smart growth	#2 - transportation	Yes generally	TAC	Yes, CCRPC assisted VTrans with regional workshops in the Fall of 2019. Continue to follow and assist as needed and appropriate.
6.	<a href="#">Rail Service Study</a>	#2 – smart growth	#1, #2, & #4	No	TAC	Yes, CCRPC Staff recommends we manage the federal planning grant, if awarded.
7.	<a href="#">Act 250 Reform (H.926) &amp; Housing (S.237)</a>	#2 – smart growth	#1 – land use/smart growth	Yes	ad hoc Act 250, PAC	Yes, CCRPC Staff recommends that we continue with this work.
8.	<a href="#">Broadband Deployment throughout Vermont (H.513)</a>	#1 – economic development	Not specifically included	No	PAC	Yes, Staff recommends that we assist in the latest expansion efforts as requested.
9.	<a href="#">Climate Change – Global Warming Solutions</a>	#2 – smart growth	#4 – energy planning	No	Executive	No, but monitor.

10.	<a href="#">Proposed Changes to PUC Rule 5.100 (19-0855-RULE)</a>	#2 – smart growth	#4 – energy planning	Yes		Yes, Staff recommends that CCRPC continue to monitor and participate in this rulemaking process, with a particular focus on the issue of preferred sites.
11.	<a href="#">Community Justice Centers Regional Workshop</a>			No	Executive	Yes, Staff recommends continuing to work with involved parties to develop options for consideration by the state and municipalities including a final regional workshop this fall.
12.	<a href="#">Chittenden Accountable Community for Health (CACH (ACO))</a>	#5 – health and safety		Not specifically	Executive	Yes, Staff recommends continuing engagement as needed to make sure municipal interests are represented in the work of the Population Health Alliance
13.	<a href="#">Climate Change Response Plan and Public Health</a>	#5 – health and safety	#7 - population health	Not specifically		Yes, Staff recommends continuing engagement as needed on the bill itself, and continue to work with our public health partners on this work in the future.
14.	<a href="#">Marijuana/cannabis taxation and regulation (S.54)</a>			No	PAC	No, but monitor.
15.	<a href="#">Transportation Bill (2019 Act 59, H.529) – multiple studies</a>	#2 – smart growth	#2 - transportation	Yes	TAC	These studies have been completed by VTrans and were submitted to the Legislature. Links for these studies are provided below.
16.	<a href="#">Project Specific TIF (2020 H.642)</a>	#2 – smart growth	#1 – land use/smart growth	Yes	PAC	Yes, Staff recommends that CCRPC monitor and support this bill if it moves.

### 1. Clean Water (2019 Act 76, S.96)

Act 76, the 2019 Clean Water Bill that was the brainchild of the Agency of Natural Resources (ANR), establishes a new structure for improving water quality throughout Vermont. It should also better achieve the clean water goals established in total maximum daily load (TMDL) plans that have been approved by the federal Environmental Protection Agency. The concept is to devolve responsibility for administering non-regulatory clean water programs to entities other than ANR, which is not well suited to implementing them. CCRPC applied to be the Clean Water Service Provider for the Direct to Lake Basin in May, 2020. There will be rulemaking to address the specifics of how the Clean Water Service Providers will operate. CCRPC will remain heavily involved in this process.

*Staff Recommendation to the CCRPC Board:* CCRPC Staff recommends that we continue to work with the CWAC to provide comments on Clean Water Service Provider rules and funding.

## 2. Automated Vehicle Testing (2019 Act 60, S.149)

Act 60 includes Vermont's first attempt to address the testing of automated vehicles traveling state roads and creates a new section of law, the Automated Vehicles Testing Act. The rules are out for public comment at this time. Once the rules are established, municipal legislative bodies can opt to have their Class 2 and 3 roads used for testing. CCRPC will continue to provide the TAC with this information, and talk with legislative bodies as requested.

*Staff Recommendation to the CCRPC Board:* Staff recommends that CCRPC work with both the TAC and directly with municipalities to decide whether they would like to pre-approve automated vehicle testing on their roads.

## 3. Promoting the Ownership and Use of Electric Vehicles

FY2021 Transportation Bill – H 942 - <https://legislature.vermont.gov/bill/status/2020/H.942>

- Includes \$750,000 for continuing State funding for EV charging.
- Ongoing support for State EV incentive program to continue spending down funds appropriated last session. Placeholder to add more funds to the program if federal COVID relief funds are available to support other critical transportation infrastructure investments. We may not know for several months whether additional funds are likely.
- Draft bill includes study for manufacturer direct vehicle sales and service, which could lead to a proposal that would allow Tesla, Rivian and other EV manufacturers to operate service centers in Vermont.
- The original bill called for a pilot EV fee program to work with the PUC and electric utilities on a per kWh fee similar to a gasoline tax on EV use. This is removed in the current version of the bill as it was not deemed critical after COVID-related disruptions.
- This is related to an ongoing VT PUC investigation on EV fees that stemmed from the FY19 investigation (#18-2660-INV):
  - 19-3009-INV Electric Vehicle Fees Investigation pursuant to Act 59 <https://epuc.vermont.gov/?q=node/64/143513>

Energy Efficiency Modernization Act – S 337 - <https://legislature.vermont.gov/bill/status/2020/S.337>

- Would allow Efficiency Vermont and Burlington Electric Dept to expand electric efficiency program spending to include transportation and thermal programs. Could provide additional support for EV dealer engagement, consumer education, and other activities to be determined through a stakeholder engagement process.
- Bill under consideration could provide up to \$2 million per year for three years (2021-2023) on these types of programs.
- Related to ongoing VT PUC investigation that informed legislative deliberations and may continue to support implementation if the bill passes:
  - 19-2956-INV Investigation pursuant to Act 62 re: all-fuels energy efficiency program <https://epuc.vermont.gov/?q=node/64/143416>

Building Energy Code: The new code will be in effect as of 9/1/2020. This new code includes provisions for electric vehicles in the base code and more stringent requirements for EVs in the stretch code. Here is the webpage with more details: <https://publicservice.vermont.gov/content/building-energy-standards-update>.

*Staff Recommendation to the CCRPC Board:* Staff recommends that CCRPC continue to monitor legislation and policies related to EVs and comment as necessary. Staff also recommends that CCRPC continue its longstanding work with Drive Electric Vermont.

#### 4. VTrans' Project Selection & Prioritization Processes

VTrans is in the process of updating its project selection and prioritization processes. They are seeking to improve the performance-based and data driven project selection and prioritization framework. They intend to review/revamp/revise the current processes to: identify and define how ideas for transportation improvements can become transportation projects; and, take advantage of “harmonization” opportunities to address transportation needs to deliver increased value through our transportation projects. VTrans has been seeking RPC input throughout the process. Christine has been serving on the technical advisory committee.

*Staff Recommendation to the CCRPC Board:* Continue to assist VTrans in this effort and bring drafts to the TAC and Board for review.

#### 5. Transportation Climate Initiative

The [Transportation and Climate Initiative](#) (TCI) is a regional collaboration of 12 Northeast and Mid-Atlantic states and the District of Columbia that seeks to improve transportation, develop the clean energy economy and reduce carbon emissions from the transportation sector. The participating states are: Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, and Virginia.

Recognizing that more than one third of all carbon emissions come from the transportation sector, participating states started taking action through working groups focused on regional priorities, such as [clean vehicles and fuels](#). Several TCI states are also now working together to explore potential regional policies to improve transportation systems and reduce pollution.

In Vermont, ANR and VTrans are working together on this initiative. CCRPC assisted by supporting regional workshops to discuss rural transportation options in the Fall of 2019.

*Staff Recommendation to the CCRPC Board:* Staff recommends continuing to support this work as it directly ties into our transportation and energy work.

## 6. Rail Service Study

As we know from the media, several years ago AllEarth Rail acquired low cost diesel mobile unit passenger rail cars. It is now time to have a planning process to determine if it is financially feasible to operate passenger rail service in Northwestern Vermont without significant public subsidies. We applied for a USDOT BUILD planning grant to explore the feasibility of this service in 2019 that was not funded. We will continue to apply for federal funding and seek private sector matching funds to fund a feasibility study. The concept would rely heavily on developing properties adjacent to the rail stations and using that revenue to support the rail service. One possible site that may be explored for redevelopment is the Burlington Railyard, so this study will also examine opportunities to relocate the Railyard. A large, public planning process will be necessary to explore the concept, determine public and municipal support, and determine fiscal feasibility.

*Staff Recommendation to the CCRPC Board:* This work ties directly into our transportation, land use, and energy work so we recommend supporting the effort by managing a federal planning grant, if awarded.

## 7. Act 250 Reform (H.962) and Housing Bill (S.237)

The House voted out an Act 250 reform bill (H.926) in 2019. The bill is now in the Senate, but this work was put on hold due to COVID-19. However, as the Senate worked on the housing bill (S.237) some pieces of H.926 are being considered as additions to S.237. This should get resolved in the August session.

*Staff Recommendation to the CCRPC Board:* CCRPC has been working with our municipalities and regional partners on this Act 250 reform effort and housing initiatives for the past three years. CCRPC Staff recommends that we continue in this work in line with ECOS Plan Strategy #2; and Top 10 Action #1.

## 8. Broadband Deployment throughout Vermont (H.513)

*Excerpt from VLCT's 2019 Legislative Wrap-up*

“Reaching the last mile,” says the Findings section in the as-passed version of H.513, “will require a grassroots approach that is founded on input from and support of local communities, whose residents are best situated to decide which broadband solution fits their needs. ... As we expand our access and reliance on the Internet, we need to be intentional in supporting rural communities and town centers.” The Connectivity Initiative (of 2018) is now designed to provide internet service to each address in Vermont that has a speed of at least 25 Mbps download and 3 Mbps upload. See the rest of the summary on page 11: [https://www.vlct.org/sites/default/files/2019\\_wrap-up\\_web.pdf](https://www.vlct.org/sites/default/files/2019_wrap-up_web.pdf).

With COVID-19 there has been an increased effort to expand broadband in the state, including a couple of new bills. CCRPC will assist as requested in ensuring broadband expansion in the region.

*Staff Recommendation to the CCRPC Board:* While there is no direct role for CCRPC in the 2019 bill, CCRPC will assist in the latest expansion efforts as requested.

#### 9. Climate Change – Global Warming Solutions

H.688 of 2020, known as the Vermont Global Warming Solutions Act of 2020, proposes to create a legally enforceable system by which Vermont will reduce its statewide greenhouse gas emissions and establish strategies to mitigate climate risks and build resiliency to climate change. There were a few carbon tax or climate change bills introduced in this session. This bill passed the House on 2/21/2020 and is moving through the Senate Committees. Monitor this bill, including the potentially problematic citizen right to sue provision.

*Staff Recommendation to the CCRPC Board:* We recommend monitoring the status of this bill.

#### 10. Proposed Changes to Vermont’s Net Metering Rules (PUC Case 19-0855-RULE)

The Public Utilities Commission began an investigation regarding the biennial update of Vermont’s net metering rules in March 2019. The net metering rules cover a number of topics, including electric rates, grid constraints, caps on renewable energy utilities by individuals and businesses, and siting. Siting issues, particularly the definition of “preferred sites” for net metering solar and wind facilities, are an important component of energy planning work at the regional and local level. VAPDA provided comments on this in the Fall of 2019; and it appears that the case is still open.

*Staff Recommendation to the CCRPC Board:* Staff recommends that CCRPC continue to monitor and participate in this rulemaking process, with a particular focus on the issue of preferred sites. Energy siting on preferred sites is highly encouraged in the ECOS Plan and it is important that these sites remain viable for energy development.

#### 11. Community Justice Center Regional Workshop

Our municipalities that manage Community Justice Centers and the Vermont Department of Corrections asked us to host a regional workshop in Fall 2019 to discuss service models, staffing and work distribution need to be evaluated from a region-wide standpoint to determine a financially sustainable model.

*Staff Recommendation to the CCRPC Board:* We recommend supporting the effort by continuing to follow-up on the regional workshop held in the Fall of 2019 and develop options for all parties this summer with a final workshop in Fall 2020.

#### 12. Chittenden Accountable Community for Health (CACH (ACO))

Vermont continues to move forward with implementing an accountable care organizational structure for health care that will shift the focus more towards public health initiatives. Some of this work will intersect with our work in the areas of developing walkable communities and transportation services (especially for elderly and disabled). Staff has been monitoring this effort and providing some level of assistance as they work to develop a



functional organizational structure. We helped the Chittenden County Opioid Alliance evolve into the Chittenden County Population Health Alliance in early 2020 to foster this work.

*Staff Recommendation to the CCRPC Board:* We recommend continuing engagement as needed to make sure municipal interests are represented in the work of the Population Health Alliance.

### 13. Climate Change Response Plan – Public Health

S.185 of 2020 proposes to require the Department of Health to develop and adopt a statewide climate change response plan. It further proposes to require regional planning commissions to develop a communications plan for the purpose of mitigating and responding to climate change related public health risks. This bill passed the Senate on 5/19/2020.

*Staff Recommendation to the CCRPC Board:* We recommend continuing engagement as needed on the bill itself, and continue to work with our public health partners on this work in the future.

### 14. Marijuana/cannabis taxation and regulation (S.54)

*Excerpt from VPA's 2019 Legislative Summary in May*

This bill has passed the Senate and is now in the House Ways and Means committee to deal with the taxation side of the bill. The version that came out of the House Government Operations committee changed the municipal opt out option for any and all establishments (e.g., growing, testing, retail sales) to a municipal opt in system for retail establishments, and a requirement that growing and testing facilities be allowed. In other words, municipalities would NOT be able to prohibit grow and testing operations, but could prohibit retail establishments. This version still has language that prevents municipalities from using zoning or ordinance powers to create a blanket prohibition on cannabis establishments. In other words, everything other than retail sales must be allowed somewhere in every municipality, and a blanket prohibition on retail sales is the default until a municipality votes to allow it – not via zoning, but via a town-wide vote as described in the bill. Local zoning can still regulate cannabis establishments, but only in coordination with a local cannabis control commission – similar to liquor control boards.

To see the version that passed out of the House Government Operations Committee, go to the May 3 House Calendar and search for S. 54 - <https://legislature.vermont.gov/Documents/2020/Docs/CALENDAR/hc190503.pdf> To see the version that passed the Senate, and the status of the bill, see <https://legislature.vermont.gov/bill/status/2020/S.54>.

On March 13, 2020, a Committee of Conference was appointed due to disagreeing votes of the two Houses on the Senate bill. Staff is unaware if any movement has been made on this bill since COVID-19.

*Staff Recommendation to the CCRPC Board:* We recommend monitoring the status of this bill.

### 15. Transportation Bill (2019 Act 59, H.529)

All VTrans legislative studies have been completed and submitted to the Legislature. Here are the links:

- Methods to Increase Public Transit - <https://legislature.vermont.gov/assets/Legislative-Reports/Section-20-Report-01-07-20-FINAL.pdf>
- Barre-Montpelier Commuter Rail Study - <https://legislature.vermont.gov/assets/Legislative-Reports/WACR-MB-Freight-Corridor-Commuter-Rail-Study.pdf>
- Feebate Report - <https://legislature.vermont.gov/assets/Legislative-Reports/Feebate-Study-Report-10-15-2019-Final.pdf>
- Weight-Based Vehicle Registration - <https://legislature.vermont.gov/assets/Legislative-Reports/Weight-Based-Registration-Legislative-Report-12-13-2019-Final.pdf>

### 16. Project Specific TIF (2020 H.642)

House bill 642 proposes to allow a municipality to use tax increment financing to develop a project. The intention is to simplify the process and program for small infrastructure projects in rural communities like municipal wastewater. It was introduced in January 2020, but hasn't moved.

*Staff Recommendation to the CCRPC Board:* Staff recommends that CCRPC monitor and support this bill if it moves.

# ANNUAL MEETING AGENDA

Wednesday, July 15, 2020 - **6:00 p.m.**



## Remote Access Meeting Only

Please join the meeting by clicking <https://global.gotomeeting.com/join/221994725>.

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 (872) 240-3311

Access Code: 221-994-725

- One-touch: <tel:+18722403311,221994725#>

*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 – **yes\***

## 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 June 17, 2020 Meeting\* (Action; 1 minute)
5. FY21-24 Transportation Improvement Program (TIP) \*
  - a. Public Hearing (MPO Action; 10 minutes)
  - b. Action on the TIP (MPO Action; 1 minute)
  - c. Certification of the Planning Process\* (MPO Action: 1 minute)
6. Basin 5 – Direct to Lake Tactical Basin Plan – Regional Plan Conformance Letter\* (Action: 2 minutes)
7. Committee member review/volunteers\* (Discussion; 20 minutes)
8. Legislative Priorities Update\* (Discussion; 20 minutes)
9. Chair/Executive Director Report (Discussion; 5 minutes)
  - a. CCRPC Budget and Operations
10. Committee/Liaison Activities & Reports \* (Information, 2 minutes)
  - a. Executive Committee (draft minutes July 1, 2020)\*
    - i. Act 250 Sec 248 letters
  - b. Planning Advisory Committee (draft minutes June 10, 2020)\*
  - c. Clean Water Advisory Committee (draft minutes July 7, 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](mailto:evaughn@ccrpcvt.org), no later than 3 business days prior to the meeting for which services are requested.*

d. Clean Water Advisory Committee – MS4 Subcommittee (draft minutes July 7, 2020)\*

- 11. Future Agenda Topics (Discussion; 10 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=PLjLFn4BZd2O0l4hJU\\_nJ9q0l3PdQR0Pp](https://www.youtube.com/playlist?list=PLjLFn4BZd2O0l4hJU_nJ9q0l3PdQR0Pp). The meeting will air Sunday, May 24, 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:

- Transportation Advisory Committee – Tuesday, August 4, 2020, 9am
- Clean Water Advisory Committee - Tuesday, August 4, 2020, ~11am
- CWAC MS4 Subcommittee - Tuesday, August 4, 2020, ~12:30pm
- Executive Committee – Wednesday, August 5, 2020, 5:45pm if needed
- Executive Committee – Wednesday, September 2, 2020, 5:45pm
- Transportation Advisory Committee – Tuesday, September 1, 2020, 9am
- Clean Water Advisory Committee - Tuesday, September 1, 2020, ~11am
- CWAC MS4 Subcommittee - Tuesday, September 1, 2020, ~12:30pm
- Planning Advisory Committee – Wednesday, September 9, 2020, 2:30pm
- CCRPC Board Meeting - Wednesday, September 16, 2020 6:00pm

Tentative future Board agenda items:

August	NO MEETING
September 16, 2020	Secretary Flynn? Committee member appointment Annual gathering?
October 21, 2020	

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