



# CHITTENDEN COUNTY RPC

*Communities Planning Together*

## ***Planning Advisory Committee Agenda***

**Wednesday, June 8, 2022**

**2:30pm to 4:00pm**

**Meeting will be held virtually.**

**Virtual Location:** <https://us02web.zoom.us/j/82635645186>

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.)

Dial: +1 646 876 9923; Meeting ID: 826 3564 5186

For supported devices, tap a one-touch number join instantly: +13017158592,,82635645186#

## **Agenda**

**2:30 Welcome and Introductions, Joss Besse**

**2:35 Approval of May 11, 2022 Minutes\***

**2:40 Vermont Significant Wetlands Inventory (VSWI) Update, Laura Lapierre**

Laura Lapierre will provide an overview of DEC's proposal to update the Vermont Significant Wetlands Inventory (VSWI), generally determine wetland types as Class II, and revise the Vermont Wetland Rules to clarify map update and determination procedures. Ultimately, the intent is to update the wetlands inventory to clarify the location of existing significant wetlands and provide better predictability for landowners. A public comment period is open until July 1, 2022. See [this website](#) for more information, including an [interactive draft VSWI map](#).

**3:00 ECOS Plan Draft Section – Energy & Climate Change\*, Melanie Needle**

Melanie Needle will provide an overview of the draft Energy & Climate Change section for the draft 2023 ECOS Plan. Please come prepared with comments.

**3:20 Burlington District Office of the Vermont Department of Health, Amanda Froeschle**

Amanda Froeschle, Chronic Disease Designee, will be at the meeting to introduce herself as a resource for municipalities to incorporate public health in planning work.

**3:30 Members Items Open Forum, Members**

If anyone has anything they'd like to bring up with the group, please do so. *Potential prompt: debrief from May 24th VLCT Cannabis Meeting?*

**3:45 Regional Act 250/Section 248 Projects on the Horizon - Please email Regina and Taylor with projects on the horizon.**

**3:50 Other Business**

a. Legislative Summaries:

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



# CHITTENDEN COUNTY RPC

*Communities Planning Together*

- a. Attached is the Agency of Commerce & Community Development Preliminary Legislative Summary\*
- b. The [Lake Champlain Chamber wrap-up](#)
- c. Coming soon: VPA and VLCT
- b. Significant amount of hazard mitigation funding currently available. See attached email.
- c. Vermont Department of Environmental Conservation has developed a new **Permit Navigator** tool ([dec.vermont.gov/permitnavigator](http://dec.vermont.gov/permitnavigator)) that will replace the old Permit Review Sheets. The Permit Navigator tool assists individuals, businesses, and municipalities in determining what state environmental permits they may need for a given project. The Permit Navigator provides a section to learn about various Agency of Natural Resources permits, including a brief explanation, time to issue the permit, application fee amount, link to the application, program resources, and more. The Permit Navigator produces a downloadable/printable document (Permit Navigator Result) to help anyone through the permitting and planning process and learn about what may be required.
- d. Champlain Housing Trust's CEO Michael Monte and Director of Home Ownership Julie Curtin will be presenting the details of the brand new **Homeownership Equity Program** initiative on Zoom at noon on Thursday, June 23<sup>rd</sup>. Register [here](#).
- e. ESRI ArcGIS Urban – we've previously talked about cost sharing for the match, but I believe CCRPC will be able to cover the match amount.
- f. RPCs are going to start thinking about resources that should be updated on the [www.vpic.info](http://www.vpic.info). If you have any thoughts when you use the website, please let me know.

## 4:00 Adjourn

\* = Attachment

## NEXT MEETINGS: September 14, 2022 at 2:30pm

Here are the future PAC meetings so you can hold the time in your calendars. Just keep in mind that sometimes we have to adjust these dates for various reasons:

November 9

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION  
PLANNING ADVISORY COMMITTEE - MINUTES

DATE: Wednesday, May 11, 2022  
TIME: 2:30 p.m. to 4:00 p.m.  
PLACE: Virtual Meeting via Zoom with link as published on the agenda

**Members Present:**

Joss Besse, Bolton  
Eric Vorwald, Winooski  
Larry Lewack, Charlotte  
Cathyann LaRose, Colchester  
Katherine Sonnick, Jericho  
Adele Gravitz, Shelburne (left at 3pm)  
Ravi Venkataraman, Richmond  
Darren Schibler, Essex  
Cymone Haiju, Milton

Charles Dillard, Burlington  
Paul Conner, South Burlington  
Katherine Sonnick, Jericho  
Nick Atherton, Underhill

**Staff:**

Regina Mahony, Planning Program Manager  
Taylor Newton, Senior Planner  
Bryan Davis, Senior Transportation Planner

**1. Welcome and Introductions**

Joss Besse called the meeting to order at 2:37 p.m.

**2. Approval of April 13, 2022 Minutes**

Eric Vorwald made a motion, seconded by Darren Schibler to approve the April 13, 2022 minutes. No further discussion. MOTION PASSED.

**3. Active Transportation Plan**

Bryan Davis explained that CCRPC is working with Toole Design to update the Active Transportation Plan. It was last updated in 2017. It will be incorporated by reference into the *ECOS Plan*. There is a Committee guiding this process with the following representation: rural rep, urban rep, VT Department of Health, UVM TRC, Local Motion, VTrans, CATMA, AALV, AARP, and a member from Old Spokes Home Transportation Equity Coalition. Also doing more to connect with folks who can't attend typical meetings. Local Motion and Bryan hosted a forum of all bike/walk committees in the region. The work will include four kinds of analyses: 1. Equity Analysis (both data, and listening sessions, talking with folks individually, will provide aspects of transportation planning history); 2. Bicycle/sidewalk connectedness analysis (including a BNA score – high is more connected, low is less connected and an analysis of stress level for biking); 3. Trip Analysis (bike and ped) in three towns; and 4. An Unpaved Trail Analysis (possibly shorter more cost effective connections for off road trails). This last piece is a lower priority. There were a few questions about what the last analysis will include. Bryan indicated that because these informal networks are less well known, and not likely mapped we'll be asking folks for information on where these might be.

Bryan shared the wiki map on how input is being collected: <https://tinyurl.com/RegionalWalkBikePlan>. Bryan will also share flyers and blurbs for the PAC members to share in their communities.

Bryan also asked the PAC members for their top barriers and challenges, and who else he should talk to as part of this project.

**PAC member comments:**

- Paul Conner stated that through the climate change work they've found the data on where folks live and work to be helpful in setting the stage. Most people who live in South Burlington and work, work in an adjacent neighboring community. This is likely a similar pattern to other Chittenden County communities and it really speaks to why the bike/ped connections are super important. They are also digging into what it will take to meet the state and Paris Accord goals. For the next decade – they will need a 1% reduction in

VMT per year. These kinds of specific targets in the Active Transportation Plan could be really helpful in defining the need and measuring implementation.

- Adele Gravitz – it may also be helpful to put the goals into more of a human scale. Because the issue is too big for some, and it's hard to influence behavior change. For example, what are the emissions benefits of parking on the other end of the parking lot, or taking the stairs – in the same way that someone can understand how many calories they can burn by doing these simple changes. Bryan Davis stated that there is, or at least was, a similar calculator on the Travel Ready Center site. The calculator gave you both calorie and emissions information. Darren Schibler put the following link in the chat:  
<https://www.connectingcommuters.org/travel-apps/trip-planner/>
- Adele Gravitz also suggested mentioning this effort at the second public meeting for the Shelburne bike/ped plan. It would be a great way to get the word out.

Bryan Davis asked PAC members to add desires and barriers to the map. Paul Conner asked if the map has the latest bike/ped data that the municipalities have provided to CCRPC? Bryan Davis stated that he will work with Pam to make sure all the data is up to date; however it shouldn't impede the efficacy of the engagement tool.

Darren Schibler stated that he has added information to the tool already. He indicated that some of the data fields were confusing; though they may have been fixed. Darren also asked for CCRPC to share any input that would be useful at the local level, so issues can be fixed/corrected. Bryan Davis stated that type of information will certainly be shared.

#### 4. CCRPC Updates

Regina Mahony provided the following updates:

- a. ESRI ArcGIS Urban status. We still don't have a full cost estimate for this product. But it is in the \$25,000 price range. We can use transportation dollars to help cover it; and once we know more information about how the rest of our budget will play out (largely waiting on the legislature for final ACCD contract amount) we will know if we need help from the municipalities to cover the match. Because it isn't clear how it will serve each of the member towns right from the start, we'd like to match it with regional funds if we can. Paul Conner suggested that perhaps a few municipalities would be willing to be pilot municipalities and could help cover the match. The Town of Essex might be interested in this as well.
- b. Broadband: The VT Broadband Board is going to issue a RFP this week to identify a solution or solutions for towns that are currently not members of a CUD and not actively engaged with a provider to provide speed equal or great to 100/100 Mbps. This is set up for our region, and just for the towns not in Waitsfield Telecomm territory, and not Milton as they are in the northern CUD. This will really help us with next steps. But we will still be under pressure to join a CUD.
- c. Legislative Update – It's too soon to say where things are going to land.
- d. ECOS Update – CEDS, I89 study:
  - CEDS: We have a contract with VT Professionals of Color to host focused conversations with their membership and contacts. These will be happening throughout the summer. There is also a draft of the Plan being worked on for Steering Committee review in June.
  - I89: The I-89 Study is nearing completion. The team prepared a draft Implementation Plan for the I-89 Corridor that was presented to the public last night (May 10<sup>th</sup>) and will be presented to the I-89 Advisory Committee on May 18<sup>th</sup> for their approval. The public meeting presentation is posted [here](#) and we will have the draft Implementation Plan posted on the [Envision89](#) website by tomorrow or Friday (the latest).
  - Moving along on other ECOS sections through the Long Range Planning Committee – thanks Eric for your participation on that Committee. Energy/Climate Change is the next section we'll be working on.
- e. Final Land Use Climate Change Guide is up on the website [here](#). Thanks for your comments at the last meeting.
- f. Equity work status: We did have a job advertisement, but at this time, we are pausing our hiring process as we take additional steps to reevaluate the scope of work for this position. We have a second scope of work with Creative Discourse to help us better define our next action steps; and to help us diversify our Equity

Committee.

- g. Three municipal plan initial consultations coming up: South Burlington, Essex & Jericho. We'll review South Burlington first, and plan to get to the other two over the summer. These are the first that we've done in quite a while. As Essex and So. Burlington were our first 8 yr. municipal plans. Part of this process will now include reporting to CCRPC how the Plan has been implemented. We'll provide these initial reviews to the PAC as a FYI.

## 5. Members Items Open Forum

Paul Conner described South Burlington's work on their Climate Action Plan. They are concluding that it is going to be nearly impossible to meet the goals without carbon neutral for new construction. Carrots aren't likely to cut it. Paul Conner asked if anyone else is having these conversations? Charles Dillard stated Burlington is starting to look at an Innovation Overlay District for the Lakeside area. They plan is to incentivize very high performing building types. But it's a real challenge with the existing building code. As an example, a double loaded corridor apartment building doesn't allow for cross ventilization, which results in a lot more energy needed for heating and cooling buildings. There are some states that are starting to require alternatives to these structural challenges (such as VA, CA and OR). Charles Dillard added that it is really going to be hard to meet the goals without addressing the state building code. The International Building Code (IBC) is light years behind where we need to be.

Taylor Newton provided the following resource in the chat: "Alternative to the double loaded corridor: <https://slate.com/business/2021/12/staircases-floor-plan-twitter-housing-apartments.html>"

Darren Schibler suggested that any movement on building code should be tied to rental/safety. Joss Besse suggested the need to find someone at the state level who would be interested in moving this forward. Other recommendations on organizations that might be interested: the Climate Council, DHCD, VPA.

Darren Schibler added that they've begun conversations in Essex to get all boards/committees to work together and move collectively together toward the shared mission.

Darren Schibler asked if anyone is starting to look at microtransit options? Katherine Sonnick stated that there is a TriTown Transportation Committee in looking at rural transit options in Jericho, Underhill and Cambridge connection. They've looked at the future of rural transit. Ravi Venkataraman added that Richmond is part of that conversation as well and they are looking to find connections for folks along that whole corridor to the Richmond Park and Ride connection up to Cambridge through all those towns. The group is in the early stages.

## 6. Regional Act 250/Section 248 Projects on the Horizon.

Joss Besse asked the PAC to email Regina and Taylor any Act 250/Section 248 updates.

## 7. Other Business

- a. VLCT issues statewide **Tax Increment Financing assessment**: [Press Release](#) and [Report](#).
- b. The Vermont Department of Housing and Community Development, the Vermont Department of Health, the Vermont Community Foundation, and Patronicity are currently accepting placemaking projects for [Better Places](#), a statewide community grant program that empowers Vermonters to create vibrant and inclusive public places in the hearts of Vermont communities. Those who are interested in the Better Places program can visit the website to [learn more](#) or contact [Richard Amore](#). Or join Patronicity on Instagram Live on Thursday, May 12<sup>th</sup> at 12pm EST to learn more about the Better Places program and show how it is supporting communities across Vermont.
- c. The Department of Housing and Community Development and the Preservation Trust of Vermont is pleased to present the **Downtown and Historic Preservation Conference on Thursday, June 9, 2022**, in St. Johnsbury. Please [visit the website](#) for more information on the schedule, sessions, and additional conference information.
- d. **Invitation to Request Funding through United Way's Prevention Center of Excellence grant** from the VT Division of Alcohol and Drug Abuse Programs (ADAP). As part of that grant, United Way will make subgrants of up to \$10,000 to local community organizations working to prevention substance misuse and advance wellbeing of youth and young adults. See the attached invitation for this program\*.

e. DEC is now accepting applications for **ARPA – Pretreatment grants to fund wastewater pretreatment projects at VT businesses and municipal wastewater treatment facilities**. To apply for an award please respond to the Department's [\*\*"Pretreatment Grant Funds for Businesses and Municipalities RFP"\*\*](#). **If you are a municipality applying for funding, the following projects are eligible:**

- Development of Technically Based Local Limits in accordance with Environmental Protection Agency's (EPA) Local Limits Development Guidance (EPA 833-R-04-002A) and State and Federal Regulations.
- Industrial User Surveys to identify the industrial users discharging or hauling non-domestic wastewater to the municipal wastewater treatment facility (WWTF) and characterize the quality and volume of wastewater received by these users.
- Updates to the Sewer Use Ordinance to support development of Technically Based Local Limits, Industrial User Survey, and/or control of high strength or toxic discharges to a WWTF.
- **If you are a business applying for funding, the following projects are eligible:**
- Design and installation/construction of a pretreatment system to treat the process wastewater discharge from a business to a VT municipal WWTF. These projects shall be designed and implemented by a Vermont Professional Engineer with experience in industrial wastewater treatment design and construction.
- Equipment/infrastructure to manage/store high-strength waste or concentrated by-products from your manufacturing process (side streaming, pollution prevention).

#### **9. Adjourn**

Regina Mahony noted that she will be on vacation for the next regularly scheduled meeting in July. It isn't likely that we will have great attendance if we push the meeting to August. If there is a need to have a meeting sooner than later, Regina stated that she may hold a meeting in June. She asked the PAC to stay tuned.

Meeting adjourned at 3:47pm.

Respectfully submitted, Regina Mahony

## PLACE

### XX. CLIMATE

**Climate Change Goal:** Reduce greenhouse gas emissions contributing to climate change and adapt to become more resilient to a changing climate.

#### Key Issues/Trends/Insights

[Data for this section drawn from [The 2021 Vermont Climate Assessment](#)]

#### Climate Change is Here

- Vermont is becoming warmer (average annual temperature is about 2°F warmer since 1900) and Vermont's winters are becoming warmer more quickly (winter temperatures have warmed 2.5x more quickly than average annual temperature since 1960). On average, lakes and ponds across Vermont are icing-out one to three days earlier per decade since the 1970s and 1980s Vermont is also becoming wetter (average annual precipitation has increased by 21% or 7.5 inches since 1900). Extreme weather events such as droughts and floods are expected to continue to increase with climate change. Vermont experiences 2.4 more days of heavy precipitation than in the 1960s, most often in summer. However, Vermont still experiences prolonged droughts because of shifts in the water cycle and different regions of Vermont can experience different climate impacts. (2021 Vermont Climate Assessment)
- Scientists overwhelmingly agree that changes in climate worldwide are a result of human activities with the main cause identified as the burning of fossil fuels. Climate model forecasts for the Northeast US predict that during this century temperatures will continue to increase. So too will extreme heat days and heat waves. More total precipitation, and extreme precipitation events, are expected although short-term summer droughts may also become more frequent.

#### Climate Change Impacts

- Current and predicted changes in climate have broad implications for our region.
  - Environmental Quality - Summer air quality will deteriorate as warmer temperatures promote the formation of smog. More intense rainfall will increase storm water runoff and the potential for flooding. Increased rain and runoff will wash pollutants into our waterways. Warmer waters and nutrients will encourage growth of bacteria and blue-green algae.
  - Natural Communities - Cold-water aquatic species, such as brook trout, will struggle to survive in warmer waters and in competition with better-adapted species. Our forests will change: maple, beech and birch trees will gradually be replaced by oak and hickory trees that are better adapted to warmer, wetter conditions. Invasive species, like the hemlock wooly adelgid and the emerald ash borer, will further affect change in forest composition.
  - Public Health - Warmer temperatures allow the spread of insect-borne diseases, such as West Nile virus and Lyme disease. Air pollution and higher pollen production will increase problems for people with allergies, chronic respiratory diseases and asthma. High temperatures and heat waves will increase the risk of heat stress for the elderly, very young children and other vulnerable populations.

- **Built Environment** – Flooding will put homes, businesses and public infrastructure in flood-prone areas at risk. Flooding may impact the safety of the water supply; droughts will also threaten water supplies. Although warmer winters will require less fuel for heating, hotter summers will increase electricity demands for cooling. Urban trees will be increasingly important as urban trees reduce the urban heat island effect through shading and reducing stormwater runoff.
- **Agriculture and Food Systems** – While warmer temperatures will hurt maple sugar production, milder temperatures will extend the growing season and allow new crops not previously viable in Vermont to be grown here. However, growing conditions will be tougher because of greater variability in temperatures and precipitation. Farmers can expect declining yields for cool-weather crops and depressed milk production from heat-stressed dairy cows.
- **Recreation and Tourism**–Trees may be negatively affected by warmer temperatures and recreation activities that depend on trees, like leaf peeping and apple picking, may be less viable. Less predictable snow and increasing winter temperatures will jeopardize winter recreation and compromise Vermont's image as a winter sports destination. . snowmaking will likely make snow sports viable up until approximately 2050.

#### Climate Change Response

We can respond to climate change in two different ways.

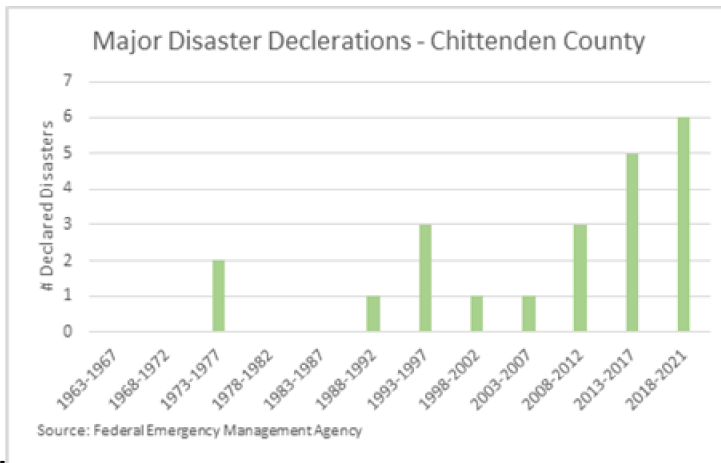
- **Climate mitigation** strategies will reduce the region's contribution of greenhouse gases. Although Chittenden County is a small part of global greenhouse gas emissions, it is important that Chittenden County do its part to help solve the problem. Specifically, Chittenden County should help the State reach the goals of reducing 40% of greenhouse gas emissions from the 1990 baseline by 2030 and 80% of greenhouse gas emissions from the 1990 baseline by 2050.
- **Climate adaptation** strategies help individuals, businesses and communities be able to withstand and bounce back from – or even take advantage of – the impacts of climate change.

#### Key Indicators

- **Major Disaster Declarations** - Major disaster declarations are made for natural events causing damage so severe that it is beyond the combined capabilities of state and local governments to respond.

FIGURE 14 - MAJOR DISASTER DECLARATIONS, CHITTENDEN COUNTY

**Commented [RM1]:** @Melanie Needle what is this? Why viable only until 2050?

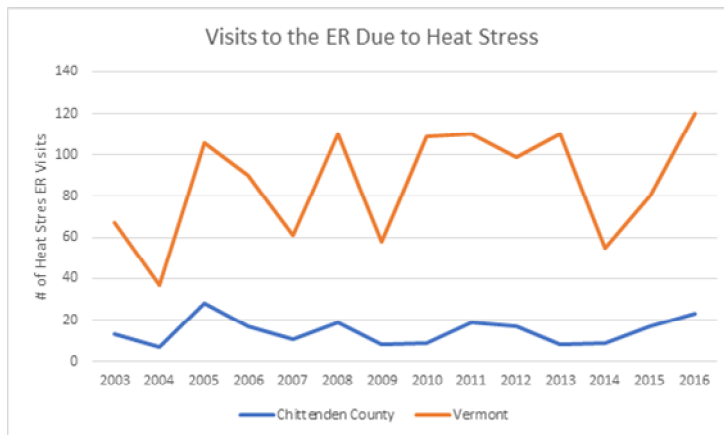


- **Climate-Related Infectious Diseases.** Increased transmission of vector-borne diseases is a key supporting indicator associated with climate change. The Health Department tracks the number of new Lyme disease, West Nile virus (WNV) and Eastern Equine Encephalitis (EEE) cases each year. Twelve cases of WNV and two cases of EEE have been reported since 2011. (Vermont Department of Health) Data for Lyme disease are presented below.

**FIGURE 15** - Number of Confirmed Lyme Disease Cases Reported to be Exposed in Chittenden County [See scorecard for updated data](#)

## Heat Stress Hospitalizations

**FIGURE 4** - HEAT STRESS HOSPITALIZATIONS [See scorecard for updated data](#)



Indicator	Location
<a href="#">Greenhouse Gas Emissions, 2010</a>	Scorecard
<a href="#">Carbon Sequestration from Vegetated Landscapes, 2001</a>	Scorecard
<a href="#">Major Disaster Declarations, 1997-2016</a>	Scorecard
9	Scorecard
<a href="#">Number of Confirmed Lyme Disease Cases Reported to be Exposed in Chittenden County, 2005-2016</a>	Scorecard

Additional indicators can be found on the ECOS Scorecard.

## X. ENERGY

**Energy Goal:** Move Chittenden County's energy usage toward cleaner, more efficient and renewable sources that benefit health, economic development, and the local/global climate by working towards the State's Comprehensive Energy Plan goals.

**Commented [MN2]:** I think usage is not the best word because an end user does not have control of the fuel source.

### Key Issues/Trends/Insights

[Data for this section drawn from: Energy Analysis, Targets & Methodology in Supplement 6 of this Plan, [Energy Analysis Report](#) and associated appendices and [Climate Change Trends and Impacts Report](#)].

### State Goals

To meet state energy goals, the region is planning for a major shift away from fossil fuels in the transportation and heating sector to renewable sources of energy, efficiency in all sectors, and an increase in state renewable energy generators.

The goals of the 2022 Vermont Comprehensive Energy Plan are to:

- Meet the Global Warming Solutions Act greenhouse gas emissions (GHG) requirements:
  - 26% reduction from 2005 levels by 2025
  - 40% reduction from 1990 levels by 2030
  - 80% reduction from 1990 levels by 2050
- Weatherize 120,000 Vermont homes by 2030 relative to the 2008 baseline
- The Initial Vermont Climate Action includes a goal to weatherize an additional 90,000 homes by 2030. Meet 90% of Vermont's energy from renewable sources by 2050
  - Intermediate goals of 25% of energy from renewable sources by 2025 and 45% by 2035.
  - In the transportation sector, 10% of energy needs will be from renewable energy by 2025, and 45% by 2040. Zero-emission vehicles account for 100% of light-duty vehicle sales by 2035.
  - In the thermal sector, 30% of energy needs will be from renewable energy by 2025, and 70% by 2042. Weatherizing 120,000 households by 2030. Achieve net-zero ready construction for newly constructed buildings by 2030.
  - In the electric sector, be 100% decarbonized and at least 75% renewable by 2032.

### Energy Overview

- Vermont citizens, businesses, and industries spend about \$1.5 billion a year to pay for imported fossil fuels (2021 EAN Annual Report). Much of this money leaves the County and state immediately. This outflow of energy dollars acts as a drain on the local economy.
- The price of energy is forecasted to continue increasing in the future, which will result in an additional burden on the County's residents and businesses, unless energy consumption can be reduced.

- Fossil fuel combustion increases the atmospheric concentration of carbon dioxide and other greenhouse gases, which are the causes of global climate change. Climate change will have profound impacts on the environment, public health, infrastructure, and economy of Chittenden County.
- Vermont, and the County, relies heavily on gasoline and diesel for transportation. Gasoline consumption has increased as more residents drive to and from work and run errands.
- Chittenden County is home to an international airport and a National Guard base. Transportation fuel consumption in the County not only includes gasoline, diesel, and compressed natural gas, but also aviation gasoline and jet fuel.

#### Weatherization and Energy Efficiency

- Chittenden County has a long history of electrical and natural gas energy efficiency programs, dating back to 1990, which have provided significant energy savings and economic benefits to the state and County. These programs along with improvements in federal standards have led to a reduction in per household and per employee energy consumption of electricity and natural gas. Reduction in energy consumption directly results in a reduction in energy bills. Following the Home Performance with ENERGY STAR® guidelines, and building/renovating to the State's Building Energy Code, are two programs which assist Vermonters with reducing energy consumption from heating and electricity in homes and businesses. [See Indicators for data on efficiency gains.](#)
- Vermont fell short of the 2016 Comprehensive Energy Plan's (CEP) goal to weatherize 80,000 homes by 2020. According to the 2021 Vermont Energy Action Report, only 10% or 29,289 homes have been weatherized. The 2022 CEP calls for an even more ambitious target to weatherize 120,000 homes by 2030. To meet this target, the Energy Action Network estimates that Vermont's qualified weatherization workforce needs to grow five-fold in fewer than five years (EAN 2021 Annual Report). To meet the weatherization goal, the State needs to address all the challenges affecting weatherization workforce. These challenges include shortages of skilled workers willing to work in uncomfortable conditions, wage competition with less-strenuous working conditions, fluctuations in funding/incentives for weatherization projects, and affordable housing ([Weatherization Workforce Plan](#), [Efficiency Vermont 2021](#)).
- There is a need for focused study to determine solutions for vermiculite removal as it relates to weatherization, in particular low-income weatherization. Vermiculite was used as an insulator for decades (1960-1990) and was mined with asbestos. Thus, any home with vermiculite is assumed to be contaminated.
- While efficiency programs targeting electricity and natural gas have been largely successful in the commercial and residential sectors, there is an urgent need to fund and develop similar programs and policies for non-regulated thermal fuels to accelerate switching to fuels with less greenhouse gas emissions.
- According to the LEAP analysis, Chittenden County would need to weatherize 14% of homes by 2025 and 70% of homes by 2050.

**Commented [MN3]:** wait for 2021 Efficiency VT Report to display progress on efficiency with the most current data

#### Fuel Switching and Electrification

- Vermont's energy future includes a transition to beneficial electrification in the heating and transportation sector. Beneficial electrification includes heat pumps, electric vehicles, energy storage and smart appliances. Increased electricity end use coupled with renewable energy generation and storage may create challenges for the electric

grid and for homes. A modern electric grid is necessary to maintain reliability and affordability. Homes and businesses may need upgrades to electric service to ensure adequate ampage for increased electrical appliances like EV charging and cold climate heat pumps. Smart Grid technology coupled with education, behavior change, price signaling (e.g., time of use rates), and load control technologies can help reduce peak demand and defer substation upgrades, which can result in substantial cost saving.

- To prepare for electric / zero-emission vehicles accounting for 100% of light-duty vehicle sales by 2035, electric vehicle charging station equipment (EVSE) should be installed as part of new development or redevelopment to ensure charging is available at homes, businesses, and workplaces as these are the locations where people are most likely to be charging their vehicles given current technology. Retrofitting existing multi-family properties with EVSE and the necessary electric service ampage is imperative to ensure that electric vehicle adoption is equitable, and all drivers have adequate access to charging infrastructure. Multi-unit dwelling (MUD) residents in apartments and condominiums often have more challenges in gaining access to home EV charging due to parking issues and cost. Renters in MUDs have additional barriers to long-term investments in charging infrastructure for shorter-term housing. In addition, policies and pricing structures to encourage off peak charging need to be considered to mitigate grid constraints associated with electric vehicle charging.
- It is necessary to shift the heating sector away from fossil fuel use. Promoting cold climate heat pumps (powered by a renewable electric grid), in addition to sustainably harvested wood/biomass systems, biogas and geothermal heating systems, is key to meeting the Global Warming Solutions Act requirements and the 2022 CEP goals. Currently natural gas prices are not cost competitive with electricity so customers are not likely to save money by replacing existing natural gas heating systems with cold climate heat pumps, except in the summer for cooling. Switching from fuel oil or propane to a heat pump system will save customers money and protect customers from price volatility. Net-zero buildings and cold climate heat pumps as the primary fuel source in new buildings will help the region meet its goal of shifting the heating sector away from fossil fuels.
- VGS's comprehensive strategy for NetZero by 2050, with an immediate goal of reducing GHG emissions for customers by 30% by 2030, is critical to achieving the State's energy and climate goals. Expanding renewable natural gas to make up 20% of the supply mix by 2030 is also part of VGS's strategy.
- .

#### Transition to Renewable Energy

- In analyzing Chittenden County's ability to meet the 90% renewable energy by 2050 goal the Long-Range Energy Alternatives (LEAP) model was utilized to understand the type and amount of fuel needed to meet the State's energy goals. It is important to note that Chittenden County's LEAP scenario reflects 87% renewable by 2050. Although the level of renewability is not 90%, the ECOS Plan is deemed to be consistent with the State energy goals because the policy statements within this plan are aligned with the framework for advancing state energy goals and Chittenden County is well suited to move in the right direction. See Supplement 6 for more information on LEAP.
- The LEAP model shows a significant reduction in natural gas as one scenario to achieve the ambitious 90% renewable energy by 2050 goal in Chittenden County. This scenario will be challenging because of the region's current reliance on natural gas for heating in significant portions of Chittenden County, recent and planned service area expansions, and the relatively low cost of the fuel source. The natural gas infrastructure in Chittenden

**Commented [MN4]:** consider taking out this section and moving bullets to the Renewable Energy Generation Section

County also represents a significant investment on the part of utility companies, and much of the County's dense residential and commercial growth is dependent on this fuel. Therefore, fulfillment of this scenario requires aggressive weatherization of the region's building stock, switching to heat pumps and other renewable heating technologies. The shift to renewable energy sources for heating will also require the involvement of private-sector energy developers, regional and state-wide utilities, and individual energy users; as well as changes to state energy policy implementation. Despite challenges related to natural gas, CCRPC will work to the best of our ability to meet the 90x2050 goal via the actions discussed in Strategy 2. It is important to note fuel use in the aviation sector was removed from CCRPC's LEAP analysis and modeling of future energy use, as this is a sector the region will have little influence over.

**Commented [MN5]:** will update this section after PSD LEAP data and guidance becomes available.

- A transition to renewable energy will drive down carbon emissions. This will require electrifying the heating and transportation sectors and generating more electricity from renewable sources to power these sectors.
- As we transition to more renewables, grid resilience is valued by both residents and business, especially because Vermont's climate makes us vulnerable to grid outages. When storage is coupled with distributed energy generation it can provide a source of backup power and also offer the potential to minimize loads at peak times, thereby reducing energy costs.
- A Vermont statute passed in 2015, Act 56, established a renewable energy standard (RES) which requires Vermont's Electric Utilities to be 55% renewable by 2017, 75% by 2032, and 90% by 2050. Also as part of Act 56, electric utilities need to work with customers to reduce fossil fuel and decrease carbon emissions from transportation and thermal heating by offering new innovative programs and services to their customers. The electric utilities subject to Act 56 are offering innovative products for electrification and incentives to meet the statute and deliver innovation. Green Mountain Power's supply is now 100% carbon free and 68% renewable now and will be 100% renewable by 2030. Burlington Electric Department's portfolio is also 100% renewable. Vermont Electric Co-op plans to meet or exceed its RES obligations by 2030.

#### Renewable Energy Generation

- Chittenden County has many non-fossil fuel based, renewable energy production sites owned by utilities, private parties, and municipalities. Reliable, cost effective, and environmentally sustainable energy availability is critical to support the economy and natural resources of Chittenden County.
- Vermont's rural nature offers challenges for the transmission and distribution of energy. It is important to maintain and develop an energy production, transmission, and distribution infrastructure in Chittenden County that is efficient, reliable, cost-effective, and environmentally responsible. Current energy distribution projects include: Extension of 3-phase power in south Hinesburg along VT116 by Green Mountain Power; and and The City of Burlington and partners are planning to advance a district heating system using McNeil's waste heat for distribution to the University of Vermont Medical Center. See the CEDS Project list in Supplement 4 for cost estimates, funding sources and proposed timelines for these projects.
- The cost of electricity is impacted by the distance it travels. When electricity is transmitted over long distances a significant amount of electricity is lost. Locating distributed generation near electric loads reduces transmission losses and could result in more cost-effective retail electricity rates.

**Commented [MN6]:** needs to be updated

**Commented [TN7R6]:** I think that 3-phase line was built...but can't find anything online to confirm.

- Every three years, Vermont Electric Power Company (VELCO), the State's transmission utility, completes a Long-range Transmission Plan. This plan identifies transmission-constrained areas and reliability concerns. The plan also identifies potential infrastructure projects that may be needed to address identified concerns. The 2021 Long-range Transmission Plan identifies several projects within Chittenden County, and in areas immediately adjacent to the County, that will likely need to be installed over the next decade due to anticipated growth in electric demand due to mass electrification and due to the State's increasing reliance on distributed generation (See page 38-39: [https://www.velco.com/assets/documents/2021%20VL RTP%20to%20PUC\\_FINAL.pdf](https://www.velco.com/assets/documents/2021%20VL RTP%20to%20PUC_FINAL.pdf)). Adequate transmission and distribution grids that are able to accommodate the planned increase in electricity use, and reduces energy loss, are necessary to meet the goals of this section.
- CCRPC has undergone a process to look at areas suitable for solar and wind energy generation to determine our ability to meet the 90% renewable by 2050 goal. See the key indicators below for an analysis of existing generation and future generation possibilities.

#### Energy and Land-Use Planning

- One of the most impactful ways to reduce greenhouse gas emissions is to enable more compact walkable neighborhoods in areas planned for growth. Chittenden County, perhaps more so than other regions of the State, can achieve great energy efficiency and GHG benefits because of development density and infill development goals. Compact walkable neighborhoods encourage smaller building footprints with lower heating and cooling needs, promotes efficient travel that is less dependent on cars and provides more opportunity for walking, biking, and transit. Compact development also decreases development pressure on Vermont's working and natural landscapes, preserving land for existing and future carbon sequestration and storage.
- Dense population centers make distributed generation easier, because energy can be produced near significant numbers of customers. Additionally, portions of the county's dense land use pattern may allow for innovative energy solutions, such as district heating and microgrids.
- In 2016, the Vermont Legislature Enacted Act 174 to improve energy planning and give town and regional plans greater weight or "substantial deference" in Public Service Board proceedings. As of 2022, Burlington, Charlotte, Colchester, Essex Junction, Huntington, Jericho, Richmond, Shelburne, Williston, Winooski, Hinesburg, Underhill, and Westford have adopted enhanced energy plans.

#### Key Indicators

Additional indicators can be found on the ECOS Scorecard.

Indicators	Location
<a href="#">Annual Natural Gas Consumption</a>	Scorecard
<a href="#">Annual Electricity Consumption</a>	Scorecard
<a href="#">Percent of Electricity Saved</a>	Scorecard
<a href="#">Renewable Energy Capacity Sited in Chittenden County</a>	Scorecard

**Commented [MN8]:** add Bolton to this list once the Town adopts it and CCRPC board approves it.

**Commented [MN9]:** I have natural gas consumption data through 2021 just need to enter it into the scorecard. requested renewable energy generation data from PSD.

See Supplement 6 for the complete Act 174 Energy Planning Analysis and Targets

**CLIMATE/ENERGY STRATEGY: Move the Region's energy system to meet the goals of Vermont's energy and greenhouse gas reduction goals while balancing economic vitality and affordability.**

- a. Reduce energy consumption and decrease greenhouse gas emissions, to support the State's energy goals and the Global Warming Solution Actions:
  - 
  - Reduce GHG emissions by no less than 26% below 2005 GHG emission levels by 2025;
  - Reduce GHG emissions 40% below 1990 GHG emission levels by 2030;
  - Reduce GHG emissions 80% below 1990 GHG emission levels by 2050.,
  - Reduce per capita energy use across all sectors (electricity, transportation and heating) 15% by 2025,
  - Reduce per capita energy use across all sectors (electricity, transportation and heating) by more than 1/3 by 2050, and
  - Weatherize 25% of all homes by 2020.
- i. Continue partnerships with VGS, Burlington Electric Department, Efficiency Vermont and the Champlain Valley Office of Economic Opportunity Weatherization Assistance Program to promote i weatherization and energy efficiency programs and incentives for homes and businesses.
- ii. Decrease fossil fuel consumption in the thermal sector by working with partners such as Green Mountain Power, Efficiency Vermont, Burlington Electric Department, and other energy service providers to educate developers, businesses, and homeowners about cold climate heat pumps, heat pump hot water heaters, wood heating, biofuels, and geothermal systems. Reduce fossil fuel consumption in the transportation sector, through transportation demand management (TDM) and electric vehicle promotion strategies outlined in Part 6 of this section and in the Metropolitan Transportation Plan (MTP) included in this plan.
- iii. Collaborate with the State of Vermont and utilities to ensure that state energy policy implementation (i.e. permits for non-renewable fuels) reflect state energy goals and our policies in Section b.
- iv. Encourage the State of Vermont to implement a single building energy code standard for all new development and retrofits that requires enforcement at the state level, accelerates net zero building practices and electric vehicle charging infrastructure installations in a manner that ensures progress is made on the Global Warning Solutions Act requirements.

- i. Provide assistance to municipalities when requested to enhance town plans to be consistent with Act 174 standards for the purpose of enabling municipalities the ability to gain substantial deference in the Certificate of Public Good Section 248 process. This assistance will include working with municipalities to identify natural, cultural, historic, or scenic resources to be protected from all development types, identify preferred locations for renewable energy generation facilities, and encourage municipalities to lead by example with respect to energy efficiency for buildings and transportation and the deployment of renewable energy.
  - ii. Support a wide variety of renewable energy generation types, including storage, sustainable uses of biomass for heating, passive solar building design, bio-digesters for electricity generation, photovoltaic solar, wind turbines, and optimizing the energy potential for existing hydro-electric dams.
  - iii. Work with the utilities on long-range infrastructure capacity planning.
  - i. Support in-place upgrades of existing facilities, including existing renewable energy generation, storage, transmission lines, distribution lines and substations as needed to reliably serve municipalities and the region.
  - ii. Support changes in federal, state, and local policies to achieve the state of Vermont Comprehensive Energy Plan goals.
  - iii. Provide assistance to municipalities on implementing enhanced energy plans.
  - iv. Support investments in distribution and transmission infrastructure upgrades necessary for handling increased electricity loads and renewable energy generation.
  - v. Advocate for the State, utilities, and workforce/business development organizations to address weatherization workforce challenges identified in the 2021 Weatherization Workforce Report. Promote the expansion of current workforce training programs that are effective, such as ReSOURCE's weatherization and HVAC 101 training programs.
  - vi. Address barriers and empower multi-unit housing owners to retrofit parking to include electric vehicle charging equipment that is adequate to advance widespread electric vehicle adoption.
  - vii. Assist municipalities with revising zoning regulations to enable more compact walkable neighborhoods in areas planned for growth.
- b. CCRPC supports the generation of new renewable energy in the County to meet the Vermont Comprehensive Energy Plan's goal of using 90% renewable energy by 2050, in a manner that is cost effective and respects the natural environment. Specifically, Chittenden County needs to generate a total of 756,250 MWh (Megawatt hours) of energy to meet the low target (a 51% increase), or 1,265,134 MWh to meet the high target (a 152% increase). Currently, Chittenden County generates 501,661 MWh of renewable energy. The targets are technology neutral, meaning that they can be met with any mix of technologies. The following statements are CCRPC's renewable energy generation facility siting policies and will inform CCRPC's preferred sites policy.

Constraint Policies: Ground mounted renewable energy generation is constrained in certain areas due to state and local restrictions on development.

- i. Site renewable energy generation to avoid state and local known constraints and to minimize impacts to state and local possible constraints, as defined in Strategy 3, Action 1.f, and Strategy 4, Action 1.f,

**Commented [MN10]:** will be updated once PSD guidance and LEAP data is available. July/August timeframe

and Action 2.e. Renewable energy generation sited on existing structures or parking lots complies with this policy.

- ii. Site ground-mounted solar development in accordance with setback standards as defined in [30 V.S.A. §248\(s\)](#) and municipal screening requirements adopted in accordance with [30 V.S.A. §248\(b\)\(B\)](#).

**Suitability Policies:** After considering the constraints referenced above and found in Supplement 3, different levels of suitability exist for different scales and types of renewable energy generation depending on location within the County. To determine an appropriate location for a facility, first review the constraints above and then look at the policies below to determine how and where CCRPC encourages renewable energy generation facilities. CCRPC recommends the location of renewable energy generation facilities in accordance with the relevant guidelines below. Inability to meet these guidelines does not necessarily preclude the ability to develop renewable energy generation development.

- i. Locate energy generation proximate to existing distribution and transmission infrastructure with adequate capacity and near areas with high electric load (See Green Mountain Power's [Solar Map](#) and Burlington Electric Department's [Distributed Generation Map](#))
- ii. Locate renewable energy generation in areas designated by a municipality in an adopted plan for such use, including specific preferred sites for solar (state preferred sites are mapped on Map 5).
- iii. Locate solar generation (including but not limited to net metering) on previously impacted areas (such as, parking lots, previously developed sites, brownfields, State regulated landfills with post-closure certification, gravel pits/quarries, or on or near existing structures).
- iv. Locate ground-mounted solar larger than 15 kW AC and wind turbines with a hub height larger than 30 meters (98 ft.) outside of state designated village centers, growth centers, downtowns, new town centers, neighborhood development areas, and historic districts on the State or National Register.
- v. Locate ground-mounted solar generation, and small-scale wind (1 or 2 turbines, up to 50 meters (164 ft.) in Chittenden County's areas planned for growth, while allowing infill development wherever reasonably practical.
- vi. Locate wind generation in areas with high wind potential, such as the prime and base wind potential areas shown on Map 7.

## Regina Mahony

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**From:** Vermont Planners Association <VPA@list.uvm.edu> on behalf of Hemmerick, Jacob  
<Jacob.Hemmerick@VERMONT.GOV>  
**Sent:** Wednesday, June 1, 2022 6:16 PM  
**To:** VPA@LIST.UVM.EDU  
**Subject:** [VPA] 2022 Legislative Revisions Affecting Community Planning and Revitalization

### MEMORANDUM

#### ***PRELIMINARY SUMMARY PENDING FINAL EXECUTIVE ACTIONS***

**TO:** Municipal Planning and Development Review Officials  
**FROM:** Vermont Department of Housing and Community Development  
Chris Cochran, Director of Community Planning & Revitalization  
Jacob Hemmerick, Community Planning & Policy Manager  
Bronwyn Cooke, Planning & Policy Manager  
Maxwell Krieger, General Counsel  
**DATE:** June 1, 2022  
**RE:** 2022 Legislative Revisions Affecting Community Planning and Revitalization

###

Vermont's General Assembly enacted several laws and amendments affecting state, municipal, and regional planning during the 2022 session. As in past years, we are issuing this preliminary memo to inform local and regional officials of changes in statute and funding opportunities.

This document will be updated with links to the bills as enacted when final and posted. The Vermont Statutes Online website is typically updated in October and does not include the prior session's changes until then.

In compiling these updates, we owe thanks to the Vermont Planners Association's (VPA) legislative team and to the Vermont League of Cities and Towns' advocacy team (VLCT) for their companion legislative updates throughout the session, as well as the Vermont Association of Planning & Development Agencies (VAPDA).

The year ahead presents another round of unprecedented funding opportunities for planning and community development stakeholders. The important work of community leaders in the coming year will shape Vermont's future for many years. The Department of Housing & Community Development (DHCD) is thankful for the efforts happening throughout the state to recover from the pandemic and build thriving communities.

###

**H.740 – An act relating to making appropriations for the support of government:** The legislature passed a record-breaking \$8.3 billion dollar budget that made significant investments in housing (\$89M), workforce and economic development (\$165M), sewer and water infrastructure (\$104M), broadband (\$96M), and climate change initiatives (\$224M). Many of these are one-time American Rescue Plan Act (ARPA) investments that must be obligated by December 31, 2024, and expended by December 31, 2026, although the Agency of Administration will expect final spending to be complete earlier in 2026.

#### **State Budget Highlights**

The Agency of Commerce and Community Development (ACCD) will stand up a new \$40M Community Recovery and Revitalization Grant Program (more on this in the S.11 summary below). The Brownfield Assessment and

Cleanup Program received a \$6M boost. The Bike and Pedestrian Facilities Program received nearly \$20M, and outdoor recreation grants received an additional \$5M. The Vermont Arts Council will stand up a \$9M program to ensure the arts remains a vital part of the Vermont economy. And, Village Centers have a special allocation of \$15M for water and wastewater infrastructure.

DHCD will oversee or manage over \$42M in funding to increase housing options, quality, and access. The programs will provide targeted support to first-generation and “missing middle” home buyers, accessory dwelling units, manufactured homes and communities, and state designated centers. DHCD will also oversee a \$10M grant program to expand electric vehicle charging options at multiunit dwellings, workplaces, and public venues and attractions. The Department will continue its municipal ARPA technical assistance program that funds several positions at the Vermont League of Cities and Towns.

After years of flat funding, Regional Planning Commissions received an additional \$1.6M, increasing their annual grant to \$4.57M. This additional funding comes from healthy property transfer tax revenues, which help pay for municipal and regional planning, as well as the Vermont Housing and Conservation Board, and the Vermont Center for Geographic Information.

The Municipal Planning Grant (MPG) Program was on track to receive a \$400,000 increase in FY23, but a bill drafting error now requires DHCD to allocate \$650,000 of the \$872,120 total budgeted for MPG to bylaw modernization grants (the correct language included the important words “up to” \$650,000 to support bylaw modernization grants). As passed, this results in only \$200,000 in funding to support municipal planning grants in the coming year.

DHCD and House budget writers agreed on a solution to offer \$400,000 for Bylaw Modernization Grants in the fall, and may have to open Municipal Planning Grants after a budget adjustment bill restores the MPG funding to last year’s amount of \$450,000. This may delay the FY23 MPG granting round.

**S.226 – An act relating to expanding access to safe and affordable housing:** Increasing the supply of homes was a top priority of the Governor and the General Assembly. This bill aims to align state and local land use policy with millions in new funding to enable more homes to be built in state designated centers. It makes changes to the Neighborhood Development Area Designation Program that will make it easier for small towns and villages to achieve the designation and qualify for benefits like tax credits and Act 250 exemptions for affordable housing projects. Below is a section-by-section summary.

#### **§§1-11: NEW HOUSING PROGRAMS AND FUNDING:**

**§§1-2 – \$1M First-Generation Homebuyer Program:** Vermont Housing Finance Agency (VHFA) will run this new program with support and oversight by DHCD. This program couples with the existing Down Payment Assistance Programs at VHFA and is intended to help households historically sidelined from home ownership and the opportunities it provides to build wealth. Look for specific program guidelines and eligibility for this new program in the coming months.

**§3 – \$4M Manufactured Home Replacement and Park Improvement:** These ARPA funds will allow DHCD to design and implement programs, in coordination with regional and statewide partners, to provide owners of manufactured home communities with small-scale grants up to \$20,000 to improve critical infrastructure in mobile home parks (\$2.5M), assist with minor home repairs under \$3,000 (\$750,000), and foundation grants for HUD-approved installations (\$750,000). Through these efforts, Vermont’s manufactured home communities can receive the necessary investment to continue to provide an affordable, safe housing options for thousands of Vermonters.

**§4 – \$1M Neighborhood Development Partnership:** DHCD will lead an ARPA-funded, stakeholder partnership effort to build homes in a new or existing neighborhood. Members of the partnership, including Vermont

Housing & Conservation Board (VHCB), the Agency of Natural Resources (ANR), Vermont Department of Public Service (PSD), Vermont Agency of Transportation (AOT), Regional Development Corporations (RDC), VHFA, RPCs, and other stakeholders, will bring funding or resources to pilot a new model of partnership and shared risk to develop and re-develop new neighborhood infrastructure and build needed homes. Municipalities interested in participating will have bylaws that support compact development, will be able to demonstrate need, and will make budget commitments to support housing within or near a community center. Only one municipality will be selected to partner with funders. Program guidelines will be available this fall, and the results of the program are due to the legislature in December 2026.

**§§5-10 – \$2.45M Downtown and Village Center Tax Credit Expansion:** These sections expand the tax credit benefit to neighborhood development areas and create a new flood mitigation credit of up to \$75,000 to help offset costs to make vulnerable buildings flood-ready. Funding to support the expanded tax credits is in S.11, which also increases the tax credit program cap to \$4.2M for two years and allows up to \$2M to be allocated to projects in neighborhood development areas.

**§11 – \$15M Missing Middle Income Home Ownership Development Program:** As is the case across the country, Vermont has seen limited development of housing that is affordable to the aspiring first-time homebuyer, or to those making an income that is above the threshold for subsidy eligibility (above 120% of area median income) but below what is needed to actively compete in the current market. The Missing Middle Homeownership Program aims to bridge these steps in the ladder by providing ARPA funded incentives and support to developers to build modest homes to be sold at prices affordable to middle-income Vermonters. This innovative approach has been supported in other areas of the country and could serve as a model for supporting our workforce and keeping Vermont vibrant for all. \$5M will be allocated in FY22 and \$10M in FY23.

#### **§§12-22: MISCELLANEOUS HOUSING PROVISIONS:**

**§§12-18 – Residential Construction Contractors:** To inform consumers, reduce fraud, and educate contractors on current standards, the act creates a registration and certification framework for residential construction contractors within the Office of Professional Regulation. The threshold for registration and written contracts is \$10,000.

**§§19-20 – Equity and Harassment in Housing:** This section amends and strengthens provisions of the Vermont public accommodations and fair housing laws regarding harassment and discrimination of members of protected classes.

**§21 – Prohibition of Tax Sale while VHAP Application is Pending:** This section prevents a tax sale and allows for a stay of a tax sale procedure pending the outcome of a Vermont Homeowner Assistance Program (VHAP) application. It requires a municipality to provide notice to a delinquent taxpayer of VHAP funding.

**§22 – Vermont Land Access and Opportunity Board:** Provides \$200,000 to VHCB to create a board to promote racial and social equity access to farm and forest land and homeownership for Vermonters who have historically suffered from discrimination and have not had equal access to public or private economic benefits. The Board will advise and work with a mix of organizations and state agencies.

#### **§§23-34: HOUSING RELATED PERMIT REFORMS:**

**§23 – Neighborhood definitions:** This section makes changes to the definition of neighborhood development area, allowing a multi-town application and designation of Neighborhood Development Areas (such as designation of Burlington neighborhoods just across the river from Winooski's downtown). It also allows the neighborhood development area to overlay the flood hazard and river corridor areas that are outside of the floodway, with the local adoption of flood hazard and river corridors bylaws for the entire municipality. Last, it

removes the pre-requisite for existing wastewater infrastructure and treats all uses equally by applying the minimum density requirement of four units per acre for all residential uses and building types.

**§24 – Designation of new town center development districts:** Creates a minimum density requirement of four dwellings units per acre for all allowed residential uses and building types.

**§25 – Zoning permit, certificate of occupancy and municipal land use permit:** To allow a longer implementation of a zoning permit, this section invalidates any municipal bylaw that expires a municipal land use site plan or conditional use permit in less than two years from the date of issuance. Although statute is currently silent on such timelines, any bylaws that do not hold such a permit valid for at least two years must be updated to allow the minimum time frame.

**§§26-28 – Municipal Planning & Bylaw Modernization Grants:** This section allows DHCD to use up to 6% of municipal planning grant funds for the necessary costs of administering the program, and allows funds allocated to the municipalities to be used for a stand-alone Bylaw Modernization Grant Program. The new statute outlines what the program will fund and commits \$650,000 of the \$872,120 municipal allocation for bylaw modernization in FY23. As noted in the State Budget Highlights section above this was a bill drafting error that limited the portion of funds available for municipal planning grants to approximately \$200,000. House budget writers have agreed to offer a correction bill. This may delay MPG awards from December until May of 2023.

**§29 – Permissible Types of Zoning Regulation for Accessory Dwelling Units (ADU):** This section invalidates municipal bylaws that require more than one parking space per bedroom for an accessory dwelling unit. Bylaws with greater parking requirements for this accessory use must be updated.

**§§30-33 – Act 250 Changes:** This section increases the unit cap for a priority housing project to qualify for act 250 exemption from 24 to 49 dwelling units, for small municipalities with populations less than 6,000. The unit caps for larger municipalities remain unchanged. The legislation also simplifies qualification as a priority housing project on lands subject to act 250 permit by eliminating the requirement for a permit amendment. Both changes will prompt an update to the State's priority housing project [flowchart](#) used to determine eligibility. The section also updates flood and priority housing project definitions to reflect current ANR and VHFA practices.

#### **§§34-38: MISCELLANEOUS ACT 250 CHANGES:**

**§34 – Municipal Response to Act 250:** Requires cities and towns to respond to applicants on any municipal impacts within 90 days. Failure to respond within 90 days results in presumptive compliance with criteria 6 and 7.

**§§35-36 – Wood Products Manufactures:** Changes to definitions and permit conditions to increase flexibility on permit conditions for forestry, including more flexibility for timing of deliveries of wood products.

**§§37-38 – Jurisdiction in One-Acre Towns:** Codifies the historic practice for determining commercial and industrial development jurisdiction in towns without permanent zoning and subdivision.

#### **§§39-41: REPORTS:**

**§39:** The Natural Resources Board (NRB) will review and report on proposed changes to Act 250 to exempt accessory on-farm businesses like farm stays, stands, suppers and weddings. The report is due January 1, 2023.

**§40:** The state designation programs; downtowns, village centers, neighborhood development areas, new town centers, and growth centers – are widely recognized by local and regional governments and state agencies as locations where new development can maximize benefits and minimize impacts of growth, but they were not designed to substitute regional land use planning or to manage broader climate impacts, including climate

related risks to infrastructure, human health and local economies, as well as the growth Vermont expects to see from climate related migration. The legislature appropriated \$150,000 to DHCD to support an independent, multi-stakeholder process to evaluate and make recommendations for modernizing the programs. The consultant's report is due July 1, 2023.

**§41:** Requires a NRB report on various Act 250 topics including: how to transition to location-based jurisdiction, how to use the Capability and Development Plan, the effectiveness of the current fee structure, and assessment of current staff levels. The report is due December 31, 2023.

**S.210 – An act relating to rental housing health, safety, and affordable housing:** The enforcement of rental housing health and safety codes often falls on individual municipal health officers. The Rental Housing Safety Bill reassigns this important function to the Division of Fire Safety and allocates funds that would allow for the hiring of additional inspectors to respond to complaints about health and safety problems in rental housing.

The bill also appropriates \$20M in ARPA funding to continue the successful Vermont Housing Improvement Program (VHIP), up to \$5M of which is for new ADUs. Funds will be administered through the regional Homeownership Centers and will provide property owners with grants or forgivable loans of up to \$50,000, with an additional 20% match required from the owner, to rehabilitate rental units that are out of compliance with applicable building, housing, and health laws (including weatherization improvements), and once rehabilitated, to rent the units at affordable rates. The current focus of this program is to utilize these units to assist households experiencing homelessness and other low-income Vermonters while helping to re-invest in existing buildings to address our housing availability crisis. The portion of the funds for ADUs will support the creation of new units with similar affordable rental requirements and fund a statewide education and navigation system to support homeowners through the process of design, finance, permitting, and contracting for improvements that create ADUs. The grants and loans carry different requirements. Stay tuned for program details. DHCD must report back to the legislature on the program's impact by February 15, 2023.

**H. 512 – An act relating to modernizing land records and notarial acts law:** Effective July 1, 2022, the act aims to establish new and more uniform standards and best practices for notarial acts and real estate-related land records issued by the Vermont State Archives and Record Administration. The bill began as an effort for centralized digital record-keeping and evolved into best practices and a report to the General Assembly due in January. The report will outline ways to modernize land records. The most significant change related to notarial acts is an allowance for remote notarization, where communication can be done by sight and sound, including many requirements and rulemaking authority to establish a special endorsement for such acts. This work would affect municipal land use permits.

**H.518 – An act relating to municipal energy resilience initiatives:** The act establishes the Municipal Energy Resilience Grant Program within the Department of Building and General Services, and appropriates \$36M in ARPA funds to grant up to \$500,000 to municipalities for improvements to municipal buildings that result in the reduction or elimination of the use of fossil fuels for heating, including weatherization, improved thermal system efficiency, and replacement of heating systems with renewable or electric heating systems. Grants of up to \$4,000 are also available for facilitating community meeting and communications about municipal energy resilience.

To be eligible for grant funds, a municipality must first apply for a building assessment, which will be completed by a 3<sup>rd</sup> party contractor hired by BGS with \$5M allocated by this bill. To receive a building assessment, the building must have existing access to high-speed internet or a plan for acquiring access to high-speed internet by 2024 and be ADA compliant by the time the project is completed. Assessments will be completed by January 15<sup>th</sup>, 2024.

Municipalities will be able to seek out assistance from their Regional Planning Commissions for assistance on assessment and grants applications, thanks to \$2.4M that was appropriated to BGS for distribution to RPCs for their technical support services, per the standard RPC funding allocation formula.

**H.551 – An act relating to prohibiting racially and religiously restrictive covenants in deeds:** Effective July 1, 2022, all deeds, mortgages, plats cannot contain a covenant, easement, or restriction on the ownership or use of real property on the basis of race or religion. Existing restrictions of this kind are made void and unenforceable in state law, consistent with the US Supreme Court’s 1948 decision in *Shelley v. Kraemer*, which made such covenants unenforceable.

**H.606 – An act relating to community resilience and biodiversity protection:** Effective July 1, 2022, the act establishes land conservation goals of 30% of Vermont's total land area be conserved by 2030, and 50% by 2050. It identifies and defines the type of lands for which conservation would contribute towards attainment of the goals. The act requires that ANR develop a plan for achieving the goals by December 2023, with several study components, including an evaluation of intergenerational land transfer, inventories of permanently conserved land, and inventories of existing conservation program.

**H.697 – An act relating to eligibility of reserve forestland for enrollment in the Use Value Appraisal Program:** The legislation amends 32 V.S.A chapter 124 to define “reserved forestland” and authorizes this new category to be eligible for enrollment in the Use Value Appraisal Program.

It defines reserve forestland as land that is managed for achieving old forest values. Unlike “managed forestland” which is currently eligible for the Use Value Appraisal Program, reserve forestland would not require active growing and harvesting of forest crops but may require restoration of degradation to advance old forest functions and values.

Parcels between 25 and 100 acres would be eligible as reserve forestland for the Use Value Appraisal Program if 50% or more of the enrolled parcel acres are composed of significant and sensitive conditions, as defined by the minimum acceptable standards established by the Commissioner. Parcels over 100 acres would be eligible as reserve forestland for the Use Value Appraisal Program if more than 30% of the enrolled parcel acres are composed of significant and sensitive conditions as defined by the minimum acceptable standards established by the Commissioner.

Land already enrolled in the Use Value Appraisal Program under the managed forestland category can transition to enrollment as reserve forestland, if eligible, beginning July 1, 2023.

**H.736 – An act relating to the Transportation Program and miscellaneous changes to laws related to transportation:** The bill sets the State’s annual Transportation Program for FY23 and includes funds to support a wide range of programs that increase transportation equity and choice, provide options to reduce household transportation costs, support vibrant and walkable centers, and reduce greenhouse gas emissions from the transportation sector.

#### **FUNDS FOR ACTIVE, SHARED AND PUBLIC TRANSPORTATION MODES:**

**§2 – Summary of Investments:** The Bike and Pedestrian Facilities Program received an appropriation of \$19.8M to fund 29 bike and pedestrian construction projects and 18 bike and pedestrian design, right-of-way, or design and right-of-way projects for construction in future fiscal years. The Public Transit Program received an appropriation of \$50.23M for public transit uses throughout the State, a 9.6% increase over fiscal year 2022. This appropriation includes \$873,000 for Go! Vermont which supports implementing the State’s transportation demand management strategies, and \$35.36M, including local matching funds, for intercity passenger rail service and rail infrastructure throughout the State, including the return of New York City –Burlington passenger rail service.

**§20 – Transportation Alternatives Program:** \$5.67M, including local matching funds required for federal funding, was allocated for 18 transportation alternatives construction projects and 24 transportation alternatives design, right-of-way, or design and right-of-way projects. Of these, 12 include environmental mitigation related to clean water or stormwater concerns, or both, and 23 include bicycle and pedestrian facilities.

**§15 – Mobility and Transportation Innovation (MTI) Grant Program:** Allocates \$1.5M to support projects that improve both mobility and access to services for transit-dependent Vermonters, reduce the use of single occupancy vehicles, and reduce greenhouse gas emissions. Not less than \$1.25M will be used for micro transit projects.

**§16 – Zero-fare Public Transit and Service Restoration:** \$1.2M one-time public transit monies authorized to allow public transit providers to, as practicable, provide zero-fare public transit on routes other than commuter and LINK Express and restore service to pre-COVID-19 levels.

#### **FUNDS FOR VEHICLE ELECTRIFICATION:**

**§3 – Electric Vehicle Supply Equipment (EVSE):** Funding for EV charging continues to focus on supporting the charging needs of those who are traveling far from where their vehicle is primarily garaged (visitors and transport vehicles), and residents without access to home charging. \$6.25M in Infrastructure Investment and Jobs Act funds was appropriated to the Agency of Transportation (AOT) to install level 3 charging stations along the State highway network per the States goals and requirements of the federal funds. \$10M appropriated to DHCD for EVSE at multiunit dwellings, workplaces, and public venues and attractions. Look for specific program guidelines and eligibility for EVSE funding programs in the coming months.

**§5 – Vehicle Incentive Programs and Expansion of the PEV Market:** Purchase incentives are helping to overcome cost and uncertainty barriers to increase the adoption of EVs by Vermonters. The State’s PEV purchase, and lease incentives will continue with \$12M in funding. \$3M was allocated to the MileageSmart Program, which provides incentives for used, high-fuel-efficiency vehicles, and to the Replace Your Ride Program. \$50,000 was appropriated to stand up and administer an eBike incentive program.

#### **MISCELLANEOUS TRANSPORTATION PLANNING PROVISIONS:**

**§4 – EV Charging Network Goals:** Updates the State goals for EVSE to have one Level 3 charging port within one mile of every exit of the Dwight D. Eisenhower National Highway System, instead of within 5 miles, and to have a Level 3 charging port within 25 driving miles of another level 3 charging port available to the public, instead of within 50 miles.

**§18 – Carbon Reduction Program:** Requires the Agency of Transportation to consult with the Vermont Climate Council to ensure that all federal monies that are proposed by the State for expenditure under the Carbon Reduction Program, within AOT’s Proposed Transportation Program for fiscal years 2024, 2025, and 2026, are allocated toward projects that align with the recommendations of the Climate Action Plan (CAP).

**§19 – Vermont State Standards:** Requires the Agency to develop a plan for updating the Vermont State Standards for the Design of Transportation Construction, Reconstruction and Rehabilitation on Freeways, Roads, and Streets to create context sensitive, multimodal projects that support smart growth.

**§25 – Bicycle and Pedestrian Planning Integration Program:** Requires the Agency to establish a program to support the continued development and buildout of bicycle and pedestrian infrastructure. The program will provide funding to RPCs through the Transportation Planning Initiative Program, so that RPCs may develop or help municipalities develop prioritized municipal bicycle and pedestrian plans.

**S.148 – An Act Relating to Environmental Justice in Vermont:** The bill establishes an environmental justice (EJ) policy for the State of Vermont, which codifies that no segment of the population of the State should, because of its racial, cultural, or economic makeup, bear a disproportionate share of environmental burdens or be denied an equitable share of environmental benefits.

It establishes two advisory councils, the Environmental Justice Advisory Council and the Interagency Environmental Justice Committee, to advise the State on environmental justice issues and coordinate the implementation of the environmental justice policy across agencies.

Implementation of the EJ policy will include the creation of community engagement plans by State agencies named in the act, creating definitions related to implementation of the environmental justice policy (including cumulative environmental burdens), development of an EJ mapping tool, and rulemaking for state directed investments to EJ focus populations.

It requires 11 State agencies to incorporate environmental justice into their work by adopting community engagement plans for environmental justice focus populations, establishing a baseline of spending on projects that result in environmental benefits or burdens, providing annual summaries on environmental justice complaints and resolutions, incorporating environmental benefits and burdens into annual spending reports, and publicizing annual reports on actions taken to implement environmental justice.

It allocates \$500,000 for the creation of a mapping tool and support for the Environmental Justice Advisory Council, and \$250,000 for one Compliance Officer and two new positions for Environmental Justice Coordinators in the Agency of Natural Resources to support the work of S.148 in FY23.

**S.181 – An act relating to authorizing miscellaneous regulatory authority for municipal governments:** Effective July 1, 2022, the act amends and expands municipal authority in a variety of ways that affects planning and development officials.

**§1:** Authorizes a municipality to adopt ordinances that govern the installation of sidewalks, traffic calming, storm drains, and establishes health and safety standards to protect the public and prevent physical injury to other properties.

**§2:** Allows municipalities to suspend local charter provisions with voter approval up to three years and revert to general law with certification of the clerk and notification to the Legislative Council.

**§3:** Enables municipalities to allow non-residents (who still reside in Vermont) to be elected or appointed town officers, so long as municipal bodies with residency requirements be held by a majority of residents, and with exceptions for the legislative body and justices of the peace.

**§5:** Allows a municipality to change the number of members on appropriate municipal panel with voter approval with details on seat reduction term expirations.

**§6:** Allows the legislative body to change the number of members to an appointed planning commission, or the voters to approve a change to the membership of an elected commission with details on seat reduction term expirations.

**§8:** Establishes provisions on the meetings of public bodies affected by an all-hazard event or declared state of emergency, including allowances for not designating or being present at a physical location, modification of notice posting locations, electronic meeting access.

**§9-10:** Makes similar allowances for Boards of Civil Authority in-person appeals and inspections during a declared state of emergency.

**§11:** Prohibits public water service disconnections during a declared state of emergency, where the hazard causes financial hardship and other criteria, establishing enforcement powers to the Agency of Natural Resources.

**§12:** Establishes allowances for municipal deadlines, plans, and license expirations during a declared state of emergency up to 90 days following the end of the declared state of emergency.

**§13:** Eliminates restrictions on the use of town highway taxes for purposes other than uses voted upon.

**S.188 – Cannabis, small cultivation permitting exemptions:** Effective upon passage, the act amends cannabis and hemp regulations. Most relevant to planning officials, Title 7 will continue to regulate most cannabis cultivation separately from that of ‘farming’, an agricultural product, or ‘current use’ agricultural land valuation, but it now makes a special and narrow allowance for the licensure of small, outdoor cultivators (not more than 1,000 s.f.) on land that was subject to the required agricultural practices prior to licensure. Such activity will be exempt from Act 250, cannot be regulated by a municipal bylaw in the same manner as a required agricultural practice, is eligible to enroll in the use value appraisal if the land was previously enrolled and still qualifies, and will be exempt from tax on retail sales. The act outlines cultivator licensure requirements, including requirements to screen the cultivation area from public view and limit access to the cultivator and authorized persons at least 21 years old.<sup>1</sup> There are similar changes to the personal home cultivation; easing the requirement that the area for two mature plants be enclosed and secured and while maintaining the screening and access limitations. Of less relevance to municipal officials are provisions requiring the Cannabis Control Board to report back to the General Assembly in January on recommendations to regulate hemp products, processors, and manufacturers; changes to product regulations; and administrative matters related to licensure. VLCT has recently hosted trainings on rulemaking and the rollout of prior legislation, including municipal authority to create a Local Cannabis Control Commission in communities that have voted to opt in.

# # #

Prior DHCD memos summarizing the statutory changes starting in 2007 can be found at <http://accd.vermont.gov/community-development/resources-rules/planning>. The final version of this summary will be posted.

Jacob Hemmerick, AICP

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## Regina Mahony

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**From:** Smith, Stephanie A via DPS.RPC0all <dps.rpc0all@list.vermont.gov>  
**Sent:** Wednesday, May 18, 2022 1:58 PM  
**To:** dps.rpc0all@list.vermont.gov  
**Subject:** [Dps.rpc0all] Over \$36 Million in Hazard Mitigation Funding Available!  
**Attachments:** ATT00001.txt

Hi RPC Planners –

We have a significant amount of hazard mitigation funding currently available, so I want to make sure you are aware of the below and can share with your communities. Please reach out if you have any questions or to discuss a potential project.

- **Flood Resilient Communities Fund (FRCF):**
  - ARPA funding to reduce future public safety and water quality impacts of flood hazards in Vermont, focusing on buyouts of flood-vulnerable properties and natural resource projects. This program prioritizes projects that are not eligible for FEMA funding. **An additional \$15 million was allocated by the Vermont Legislature in FY23 (pending the Governor's signature). Next Funding Rounds: Friday, October 28, 2022 and Friday, March 31, 2023.**
  - **State Hazard Mitigation Program Match:** \$8 million was allocated by the Vermont Legislature in FY23 (pending the Governor's signature) to provide State match for FEMA funds to purchase properties identified for high flood risk.
- **Hazard Mitigation Grant Program (HMGP):** funding is opening for the major disaster declared for the COVID-19 pandemic, just over \$11 million. **Next Funding Round: State application deadline on June 30, 2022, deadline to FEMA August 5, 2022. I have requested an extension from FEMA and anticipate a new State deadline of September 30, 2022. I anticipate requesting an additional 90-days on top of that extension.** Eligible projects include: property buyouts with flood or landslide risk (NOT required to have been flooded in the past); culvert or bridge upsizing; road relocation or elevation; floodproofing of non-residential structures; property elevations; planning activities; and generators for critical facilities.
  - **With this funding round, we have a contract with engineering firm SLR to develop Benefit-Cost Analyses (BCAs).** If you have a project that is ready for implementation and you just need a BCA, please reach out!
  - We also have a smaller HMGP round coming up, anticipated close to \$1 million. State deadline: Friday, August 26, 2022. All projects under this funding round will have a 90% federal share instead of the standard 75% federal share.
- **Building Resilient Infrastructure and Communities (BRIC):** grant program to states and local communities for mitigation activities. The BRIC 2022 set-aside will be at least \$1.5 million for planning and scoping work. **Next Funding Round: we don't have exact dates until FEMA releases the notice of funding (typically in August), but anticipated mid-December State deadline.**

**NOTE:** while we are not able to use our State ARPA funding as match, **towns are able to use their Local Fiscal Recovery Fund allocation, up to their "revenue loss" amount, for non-federal match for hazard mitigation programs.** Towns are **not** able to use State Fiscal Recovery Fund grants for nonfederal match of hazard mitigation programs.

Thanks!  
Stephanie

Stephanie A. Smith  
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Vermont Emergency Management  
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We are hiring an Assistant State Hazard Mitigation Planner – [Check it out!](#) Applications are due 6/1/22.