CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
TRANSPORTATION ADVISORY COMMITTEE
MINUTES

DATE: Tuesday, June 4, 2024
TIME: 9:00 a.m.
PLACE: Hybrid Meeting via Zoom and at CCRPC office in Winooski

Members Present
Bryan Osborne, Colchester
Bob Henneberger, Seniors
Bruce Hoar, Williston
Chris Yuen, Essex Junction
Chris Damiani, GMT
Conner Smith, GMT
Deirdre Holmes, Charlotte
Kurt Johnson, Underhill
Josh Arneson, Richmond
Jonathon Weber, Local Motion
Jon Rauscher, Winooski
Phillip Peterson, Burlington
Norm Baldwin, Burlington
Tom DiPietro, South Burlington
Sam Andersen, GBIC
Sandy Thibault, CATMA
Matthew Arancio, VTrans
Mary Anne Michaels, Rail
Jacqui Dement, FHWA

Staff
Eleni Churchill, Transportation Program Manager
Taylor Newton, Planning Program Manager
Christine Forde, Senior Transportation Planner
Eliana Fox, Transportation Planner
Chris Dubin, Senior Transportation Planner
Jason Charest, Senior Transportation Planning Engineer
Sai Sarepalli, Senior Transportation Planning Engineer
Bryan Davis, Senior Transportation Planner
Marshall Distel, Senior Transportation Planner

1. Bryan Osborne called the meeting to order at 9:04 AM.

2. Consent Agenda
SAM ANDERSEN MADE A MOTION TO APPROVE THE CONSENT AGENDA, SECONDED BY SANDY THIBAULT. THE MOTION PASSED UNANIMOUSLY.

3. Approval of May 7, 2024 Minutes
BOB HENNEBERGER MADE A MOTION TO APPROVE THE MINUTES OF MAY 7, 2024, SECONDED BY BRUCE HOAR. THE MOTION PASSED UNANIMOUSLY.

4. Public Comments
No comments from the public.

5. TAC Chair
Today is Bryan Osborne's last day as TAC Chair. We are seeking a TAC member to volunteer to serve in this role. Phillip Peterson, Burlington, volunteered to be the new TAC Chair.

6. Act 250 Update
The Vermont Legislature passed reforms to Act 250 during this session. Taylor Newton, CCRPC, provided a broad overview of some of the changes. A draft summary is included at the end of these minutes.

The state will be divided into three tiers. Tier 1 Areas are those planned for growth and feature access to water, sewer, transit, etc. Tier 1 is further divided into Tier 1A and 1B. Tier 1B Areas have limited Act 250 exemptions. Municipalities start as Tier 1B then could become Tier 1A Areas, which feature total Act 250 exemptions, if a municipality meets certain standards and is approved by the Land Use Review Board. Tier 3 Areas include "critical natural resources," but the bill doesn't define this term. The Legislature says the new Land Use Review Board (LURB), which replaces the Natural Resources Board, will define this over next 3-4 years but is likely to generally include areas that can't be developed such as

large forest blocks, riparian areas, etc. Note that membership of the LURB has not been determined. Tier 2 Areas are those that aren't Tier 1 or 3 and jurisdiction will stay the same (i.e., Act 250 applies).

Regional Planning Commission's will use standard methodology established in the bill to produce regional Future Land Use maps by 2026. The map will include 6-7 land use types similar to current regional maps. The CCRPC plans to finish updating the regional ECOS Plan (in process), then do an amendment later to update the map(s) as required. Note this will also require an amendment to the MTP.

The existing State designation programs will be phased out by December 2026 and consolidated into two designations:

- Downtowns and Village Centers will include current downtowns, new town centers, and village designations. These will be identified in the regional plan, and municipalities will not have to go through re-designation every five years.
- Designated Neighborhoods include planned growth areas and village areas identified on the regional plan future land use map.

Are there any implications for transportation planning or funding? Probably not for funding. In terms of planning, probably not in Chittenden County, there may not be any changes needed since our communities have been doing good planning.

How do Act 250 updates overlap with growth requirements or expectations for housing targets? And will they appear on the same map? There was a floor amendment related to the housing targets but we haven't reviewed it yet. It may require municipal housing targets in municipal plans but we're not sure of any penalties if they're not met. It's also to be determined how housing targets are related to the regional map update. There are conversations happening about how to refine the approach.

How will Tier 1A function in practice? Will municipalities have to provide documentation or a letter from someone? There will be an application to the new Land Use Review Board for approval to be Tier 1A. If approved, the municipality won't be subject to Act 250 review anymore.

Is there an appeal process if the Tier 1A application isn't approved? CCRPC staff is unclear and will need to review the bill. The regional future land use map will need approval by the Natural Resources Board, and there is no appeal framework or process.

7. TAC Environmental Community seat

Bryan Davis noted the TAC Environmental Community seat is vacant. At the May TAC meeting two candidates introduced themselves and expressed interest in the opportunity to join the TAC. Bryan Davis provided a brief update on their introductions and pointed out it the last TAC meeting was probably Holly's busiest day of the year so challenging for her to be fully present and engaged. We are looking for guidance from the TAC on how to proceed. There was discussion about the appointment process, desired qualities of candidate, range of interests they would be representing (natural resources, environmental justice, etc.).

TAC members supported Holly Francis as the new Environmental Community representative with Kris Stepenuck as the alternate. Bryan Davis will communicate this arrangement with Holly and Kris.

8. Status of Projects and Subcommittee Reports

See bulleted list at the end of the agenda for current CCRPC projects. TAC members are encouraged to ask staff for more information on the status of any of these ongoing or recently completed projects.

Christine Forde, CCRPC, said there is $90 million of federal funding now available to Vermont municipalities to implement hazard mitigation measures that reduce future flood risk. These funds are available to all Vermont towns with no local match requirement. Note that a community didn't have to

experience flooding to apply for funding; it can also be used pay for projects that help prevent future damage. Christine encourages TAC members to reach out to her (cforde@ccrpcvt.org) with potential projects to help navigate the process. More information at https://vem.vermont.gov/funding/mitigation.

Vermont Emergency Management has a consultant who may be able to help with cost-benefit analysis. It's unclear whether municipalities can use their own consultant and get reimbursed for that type of work.

9. CCRPC Board Meeting Report

In May the Board voted to approve TIP amendments to Highway Safety Improvement Program funded projects, held a public hearing for the draft FY25 UPWP, voted to approve the FY25 UPWP and budget, heard an equity program update, and heard other miscellaneous Director and legislative updates.

10. Chair/Members' Items

- **VTrans Bicycle and Pedestrian Program** is seeking grant applications for infrastructure projects that improve access and safety for bicyclists and pedestrians. The 2024 grant cycle has additional funding from the Infrastructure Investment and Jobs Act (IIJA) Carbon Reduction Program (CRP) which serves to fund projects designed to reduce transportation emissions. **These additional funds will significantly increase the total amount available for this grant cycle.** Applications must be received by June 14. A pre-application information and training webinar is planned for May 15. Visit https://vtrans.vermont.gov/highway/local-projects/bike-ped or contact Peter Pochop at 802-477-3123 or Peter.Pochop@vermont.gov.
- **VTrans Mobility and Transportation Innovation Grant Program** supports innovative strategies and projects that improve mobility and access to services for transit-dependent Vermonters, reduce the use of single-occupancy vehicles, and reduce greenhouse gas emissions. In addition to funds from the Transportation Bill, this year's program includes additional funding from the federal Carbon Reduction Program (CRP) to specifically support the expansion of travel demand management projects that encourage less carbon-intensive means of travel. Applications due September 16 at 4:30 pm, more information available at https://vtrans.vermont.gov/public-transit/mti.
- **FHWA Promoting Resilient Operations for Transformative, Efficient, and Cost-Saving Transportation (PROTECT) Program** to help make surface transportation more resilient to natural hazards, including climate change, sea level rise, flooding, extreme weather events, and other natural disasters through support of planning activities, resilience improvements, community resilience and evacuation routes, and at-risk costal infrastructure. $1.4 billion in contract authority over five years (FY22 – FY26). https://www.fhwa.dot.gov/environment/protect/
- The **Northern Border Regional Commission** has announced availability of $50M in **2024 Catalyst Program** funding for infrastructure (awards up to 1M) and non-infrastructure (awards up to $500,000). Infrastructure broad categories of transportation, basic public infrastructure, telecommunications, and energy. https://www.nbrc.gov/content/Catalyst and program overview
- **USDOT Funding Resources/Opportunities:**
  - Active Transportation Infrastructure Investment Program (ATIIP) provides $45M for planning, design and construction. Planning and Design grants must have planning and design costs of at least $100,000 to be eligible. Projects seeking Construction grants must have total costs of at least $15 million to be eligible. The deadline for applications is 11:59 p.m. (EST) Monday, June 17, 2024. The required match of 20% could be waived for eligible projects serving communities with a poverty rate of over 40 percent based on the majority of census tracts served by the eligible project. https://www.fhwa.dot.gov/environment/bicycle_pedestrian/atiip/index.cfm
  - USDOT Safe Streets and Roads for All (SS4A) grant program, NOFO now available with multiple deadlines depending on grant request (due date of August 29, final round for Planning and Demonstration Grants). This round includes leftover funds from FY23 so this is good opportunity for new applicants. https://www.transportation.gov/grants/SS4A

    - USDOT Discretionary Grants Dashboard (https://www.transportation.gov/grants/dashboard) provides an overview of discretionary grant opportunities The Dashboard also includes Federal grant programs outside of DOT that may be of particular interest to rural communities.
    - DOT Navigator https://www.transportation.gov/dot-navigator
    - Rural Opportunities to Use Transportation for Economic Success (ROUTES) https://www.transportation.gov/rural
    - Reconnecting Communities – note that Burlington and South Burlington applied last round, awards not yet announced. This program is more competitive than SS4A. https://www.transportation.gov/grants/rcnprogram
- **2024 Tier 2 & Tier 3 River & Roads Training Dates**, to view more details visit https://dec.vermont.gov/event/vermont-rivers-roads-tier-2-and-tier-3-training.

Sandy said that CATMA's is hosting their third annual Transportation Summit on October 15. There are sponsorships available and the call for papers is currently open. Burlington Mayor Emma Mulvaney-Stanek is confirmed as the Summit keynote and other subject matter experts have been confirmed to attend. Visit https://catmavt.org/transportation-summit/ for more information.

The TAC will not meet in July. The next meeting is scheduled for August 6.

The meeting ended with a congratulations and thank you to Bryan Osborne. Bryan thanked everyone and expressed appreciation for everyone's support and partnership.

The meeting adjourned at 10:08 AM.

Respectfully submitted, Bryan Davis

H.687 - An act relating to community resilience and biodiversity protection through land use

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PERMITTING & DISCLOSURE CHANGES

- Governor to appoint professional **Land Use Review Board** to replace the Natural Resources Board by July 1, 2025. Nominating committee recommends, Senate confirms. Secs. 2, 3, 10, 11
- Provides **permanent exemptions from Act 250** for:
  - Converting motels or hotels to permanently affordable housing. Sec. 31
  - All development in Tier 1A areas. Beginning January 1, 2026, municipalities may apply to the Land Use Review Board to obtain Tier 1A status. Numerous criteria including public water and sewer, zoning and subdivision bylaws that address smart growth, historic preservation, and natural resources. LURB to produce guidance by January 1, 2026. Sec. 28, 29, 31. 33
  - Up to 50 units of housing on 10 acres or less in Tier 1B areas. These areas to be defined by municipalities and RPCs with approval of Regional Plan by LURB. Sec. 31,
- Provides **interim exemptions from Act 250** for:
  - Accessory dwelling unit related to a single-family home until July 1, 2028. Sec. 31
  - Converting a commercial structure to 29 or fewer housing units until July 1, 2028. Sec. 31
  - All housing within a designated downtown outside floodplains until July 1, 2027. Sec. 31
  - Priority housing projects within ½ mile of downtowns, growth centers, and neighborhood development areas until July 1, 2027. Sec. 24
  - Housing projects with up to 75 units in designated new town centers, growth centers, and neighborhood development areas outside floodplains until July 1, 2027. Sec. 31
  - Housing projects with up to 50 units within ¼ mile of designated village centers or within ¼ mile of transit routes in urban portion of Chittenden County outside floodplains until July 1, 2027. Sec. 31
- Expansions made to "**accessory on-farm business**" definitions. Sec. 17, 18
- No Act 250 permit required for **electric distribution lines** until 12/31/2030. Sec. 26
- Permits judge to allow **amicus curiae briefs**. Sec. 44
- Clarifies some **municipal zoning** requirements from 2023 Act 47. Sec. 52, 53, 54, 55, 56, 58
- Threshold for **municipal permit appeals** raised from 10 to 20 people. Sec. 59
- Short-term rentals **health and safety disclosure** to be posted in unit. Sec. 101
- **Flood risk disclosure** to be provided by sellers and landlords. Sec. 102, 103, 104, 105, 105a
- VHCB has **right of first refusal on age-restricted properties** for sale. Sec. 109
- **Age-restricted housing** owners to provide notice of rent increases. Sec. 110

PLANNING

- **Regional Plans** to be completed by 12/31/2026 and reviewed by LURB based upon specific statutory guidance. With municipal input, Centers and Tier 1B areas to be defined in Regional Plans and automatically obtain designation benefits upon LURB approval. Potential Tier 1A areas identified. Regional Plans to show where and how housing targets will be met. Sec. 27, 45-49
- Adds resiliency to purpose of **municipal planning and resilience grants**, provides priority to towns without zoning, and appropriates $1,279,740. Sec. 62**,** 78

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- **State and Regional Housing Targets** to have annual reporting by DHCD and RPCs. Sec. 93

NATURAL RESOURCE PROTECTION

- Adds "**habitat connector**" and "**forest block**" criteria to Act 250 criterion 8 with rulemaking. Sec. 12, 13, 14
- Adds "**road rule**" on July 1, 2026, making 800' single driveway or road or combination of 2000' of driveways or roads jurisdictional for Act 250. Rulemaking enabled. Sec. 19, 20
- Adds a **Tier 3** to include "critical natural resources" to be defined by LURB rulemaking. Rules to ensure that no municipality or region is disproportionately impacted by Tier 3. Sec. 21, 22

TAXES/FUNDING

- **Property transfer tax** changes: 0.5% on first $200,000 (was $100,000); 1.25% above $200,000; and 3.4% on second homes. Exemptions for government-assisted financed homes and transfers of mobile homes and of abandoned homes if used as primary residence. Sec. 73
- **Clean water surcharge** on property transfer tax increased from 0.2 to 0.22% with exemption of first $200,000 on primary home or $250,000 if using government-assisted financing. Sec. 74
- **Clean water surcharge** on property transfer tax changed from 0.2 to 0.04% with exemption of first $200,000 on primary home or $250,000 if using government-assisted financing. Funding to be provided to VHCB. Sec. 75 *(conflicting language with above and deleting clean water funding?)*
- **Tax Department portion** of property transfer tax decreased from 2 to 1.5%. Sec. 75a
- **Municipal and Regional Planning Fund** portion of property transfer tax decreased from 17% to 13%. **General Fund** portion increased from 33 to 37% ($32,954,775). **Vermont Housing and Conservation Trust Fund** to receive additional $6,106,335. Sec. 76, 77, 78
- **Property tax exemptions** for three years of increases in value for new construction or rehab of homes in flood-impacted communities or abandoned homes. Sec. 80, 81, 82, 83, 83a
- **Designation program** updated as Community Investment Program including expanded board members to make decisions about tax credits and downtown transportation investments. Sec. 66
    - Existing designations to remain in place until December 31, 2026.
    - New designation program has two designations: Downtowns and Village Centers, and Designated Neighborhoods. These areas to be defined by Regional Plans.
    - New steps added to the designation program with related requirements and benefits.
    - Clarifications made to the definition of qualified flood mitigation project. Sec. 69
    - Increased amount of combined tax credit benefits from $50,000 to $100.000. Sec. 71
- **Vermont Rental Housing Improvement Program** clarifications and adds new provisions allowing up to $70,000 for rental home accessibility improvements and a loan option. Sec. 86
- **Resident Services Program** added in AHS in coordination with VHCB. Sec. 88
- **Middle-Income Homeownership Development Program** may exceed 35% of cost. Sec. 89
- **First Generation Homebuyer Program** funded with $1,000,000 to VHFA. Sec. 90
- **Land Access and Opportunity Board** granted $1,000,000. Sec. 91
- **Rental Housing Stabilization Services** granted $400,000. Sec. 94
- **Tenant Representation Pilot Program** granted $1,025,000. Sec. 95
- **Rent Arrears Assistance Fund** granted $2,500,000. Sec. 96
- **Manufactured Home Improvement and Repair Program** granted $1,000,000. Sec. 106, 107
- **Natural Resources Board** provided $1,300,000. Sec. 113b

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STUDIES/REPORTS

- LURB to report on how Act 250 could better support **wood product manufacturers** by December 15, 2024. Sec. 35
- DHCD and others to report on **affordable housing development regulatory incentives** by December 15, 2024. Sec. 37
- DHCD to report on feasibility of a **land bank program for housing** by December 15, 2024. Sec. 111
- VAPDA to prepare **RPC study** on opportunities for RPCs to better serve municipalities and the State by December 31, 2024. Sec. 50
- AOT to report on **transit and transportation support through Act 250** by 12/15/25. Sec. 37a
- DHCD to recommend how to best provide **State agency support to municipalities seeking designations** by December 31, 2025. Sec. 67
- **State and Regional Housing Targets** to have annual reporting by DHCD and RPCs. Sec. 93
- Department of Taxes to report on **Landlord Certificate** data and provide info to VEM. Sec. 98, 99
- LURB to study where and **how Act 250 appeals should by handled** by January 15, 2026. Sec 11a
- LURB to report how **Act 250 jurisdiction should apply in Tier 2 areas** by February 15, 2026. Sec. 34
- LURB to report on **new Tier jurisdiction framework** by February 1, 2029. Sec. 36
- Added two years to **environmental justice** reports and rulemaking. Sec. 39, 40, 41, 42, 43
- State Treasurer to report on ways for tenant rent payments to be reported to credit agencies. By December 15, 2024. Sec. 112
- Landlord-Tenant Law study to modernize laws and eviction processes by December 15, 2024. Sec. 113

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