



RUTLAND REGIONAL PLANNING COMMISSION

REPORT OF THE COMMISSION ON ACT 250

THE NEXT 50 YEARS



RUTLAND REGIONAL PLANNING COMMISSION

DEVELOPMENT PATTERNS

NATURAL RESOURCES

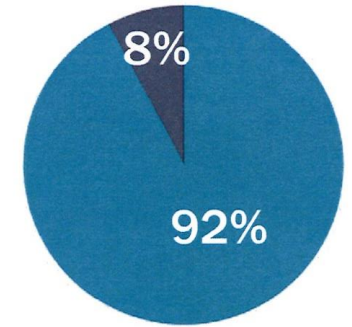
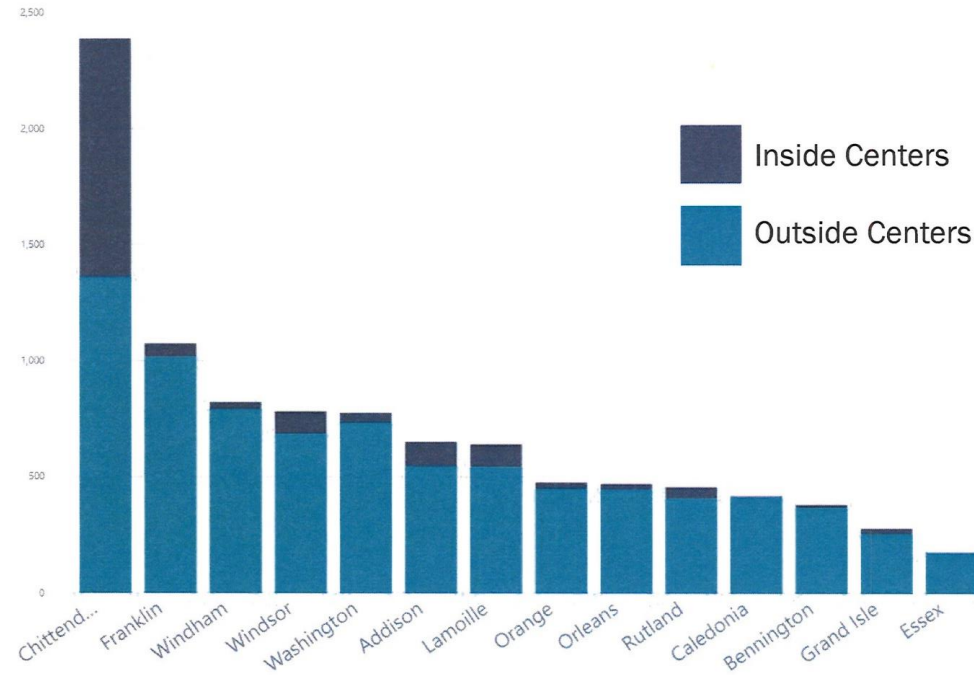
EARTH EXTRACTION

JURISDICTION /PERMITTING

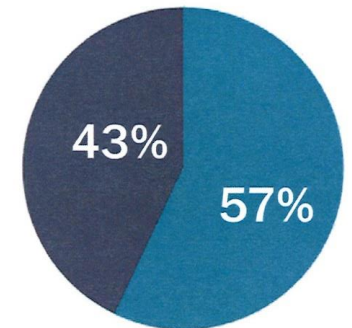
TRANSPORTATION

- Vermont's population grew from approximately 447,000 in 1970 to 627,000 in 2016.
- From 1970 to 2017: Vermont's ranking among U.S. states for per capita annual income rose from 33 to 19.

County Differences 2008-2018



Outside Chittenden County



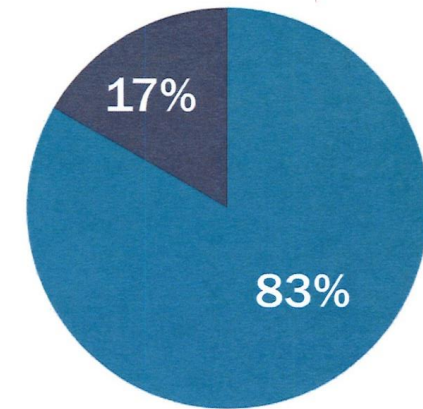
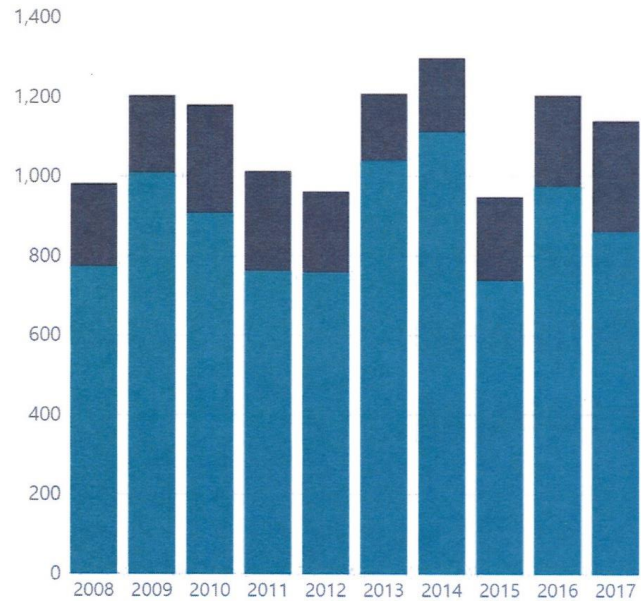
Chittenden County

Source data : E911



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New Residential Structures 2008-2018



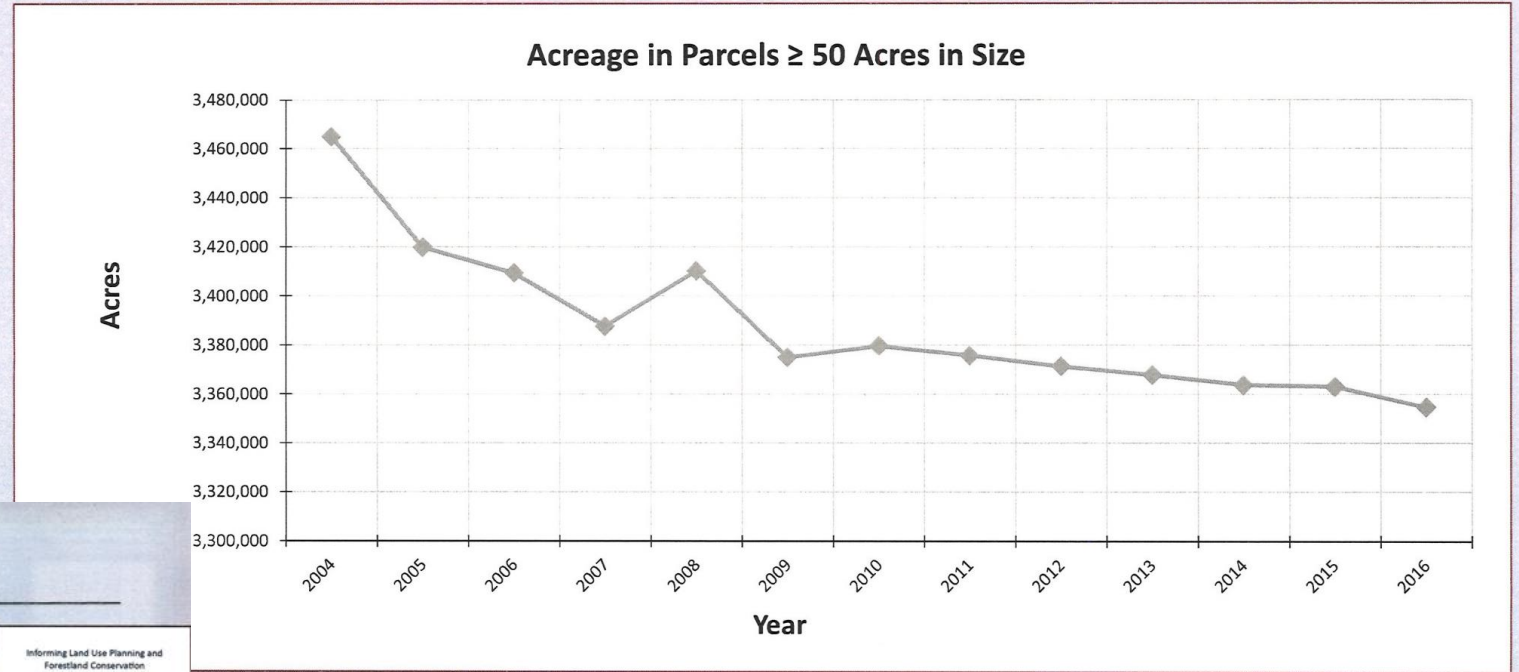
Inside Centers
Outside Centers

Source data: E911.



Acres in Parcels \geq 50 Acres in Size

Between 2004 and 2016, the amount of land in parcels 50 acres or larger declined by about 110,300 acres, or roughly 8,485 acres per year.



Background on VNRC Research

Phase 1 (2010) Statewide parcelization trends, 2003-2009.



Phase 2 (2014) Subdivisions in 22 case study towns

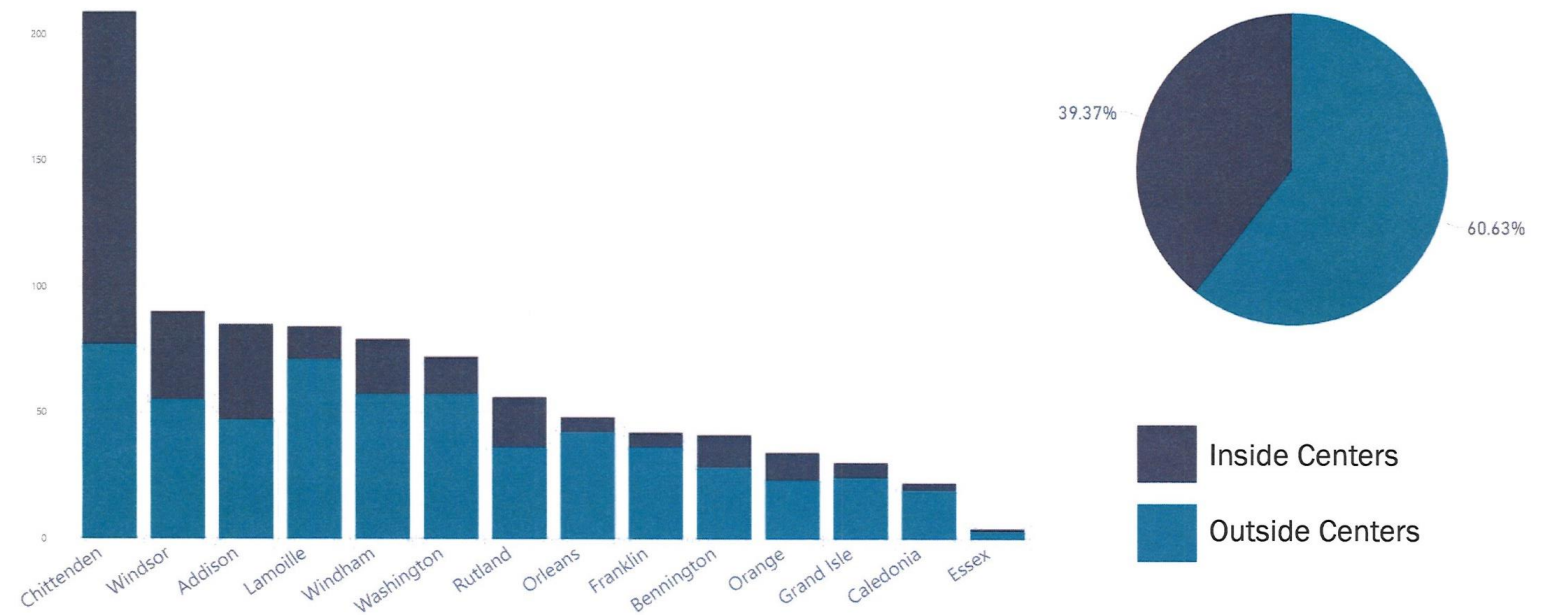
Phase 3 (2018) Parcelization trends, 2004-2016 (state, regional planning commission, county, & town levels)

Funded by Northeastern States Research Cooperative (NSRC), a partnership of Northern Forest states (New Hampshire, Vermont, Maine, and New York) in coordination with the USDA Forest Service



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Commercial Structures 2008-2018



Source data : E911



- Mixed use property on 0.12 acres in a downtown district had \$154,820 per acre property tax value while the same value for box stores on 65.8 acres outside an urban center was \$4,310 per acre
- The total annual cost to a Vermont town to provide services to a household is \$1,416 in a downtown as opposed to \$3,462 in rural and suburban areas.
- An acre of impervious surface inside the centers supports 12 individuals and 10.67 jobs, while an acre of impervious surface outside the centers supports five individuals and 2.23 jobs



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Mixed Use



.12 acres
16 apartments+
\$749,200 Tax
Value

\$154,820
Property tax/acre

My House



.09 acres
1 house
\$170,000 Tax
Value

\$46,684
Property tax/acre

Box Stores

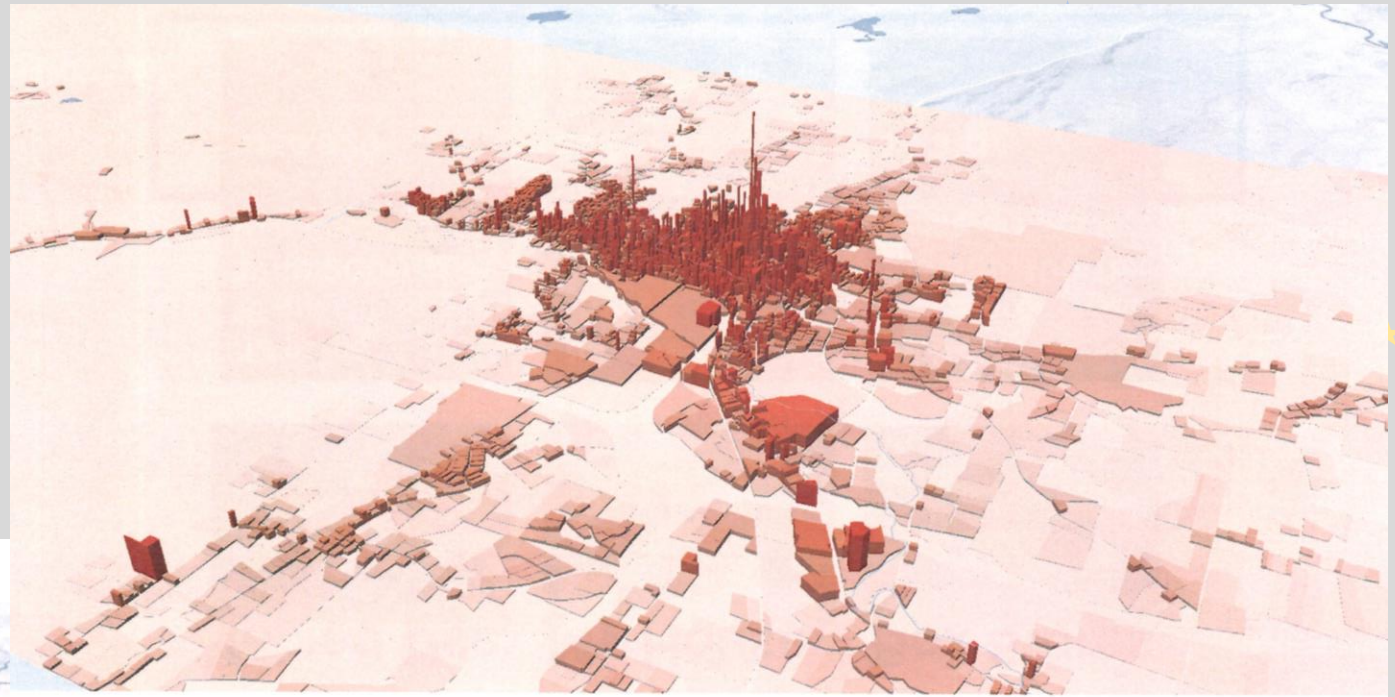


65.8 acres
Box Stores
\$13,665,400 Tax
Value

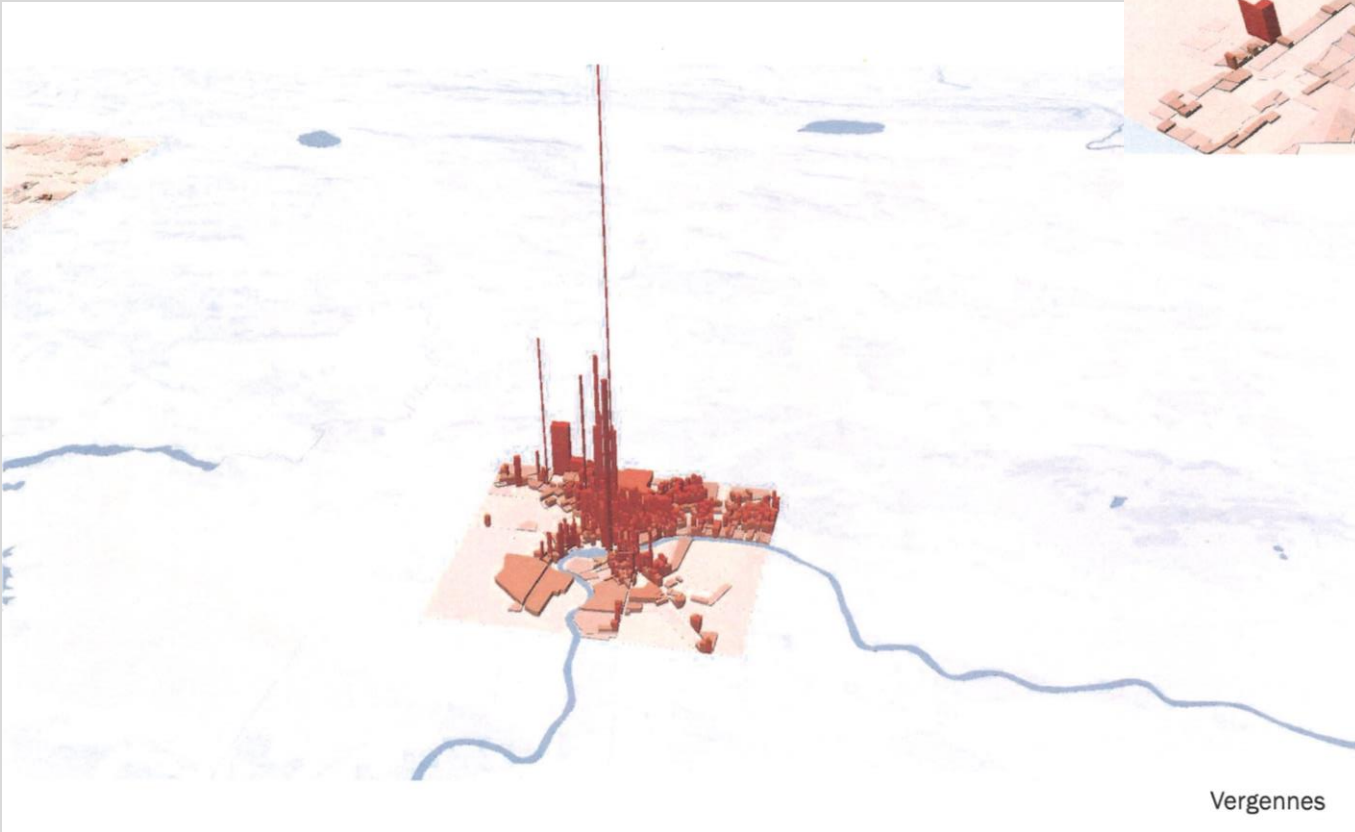
\$4,310
Property tax/acre



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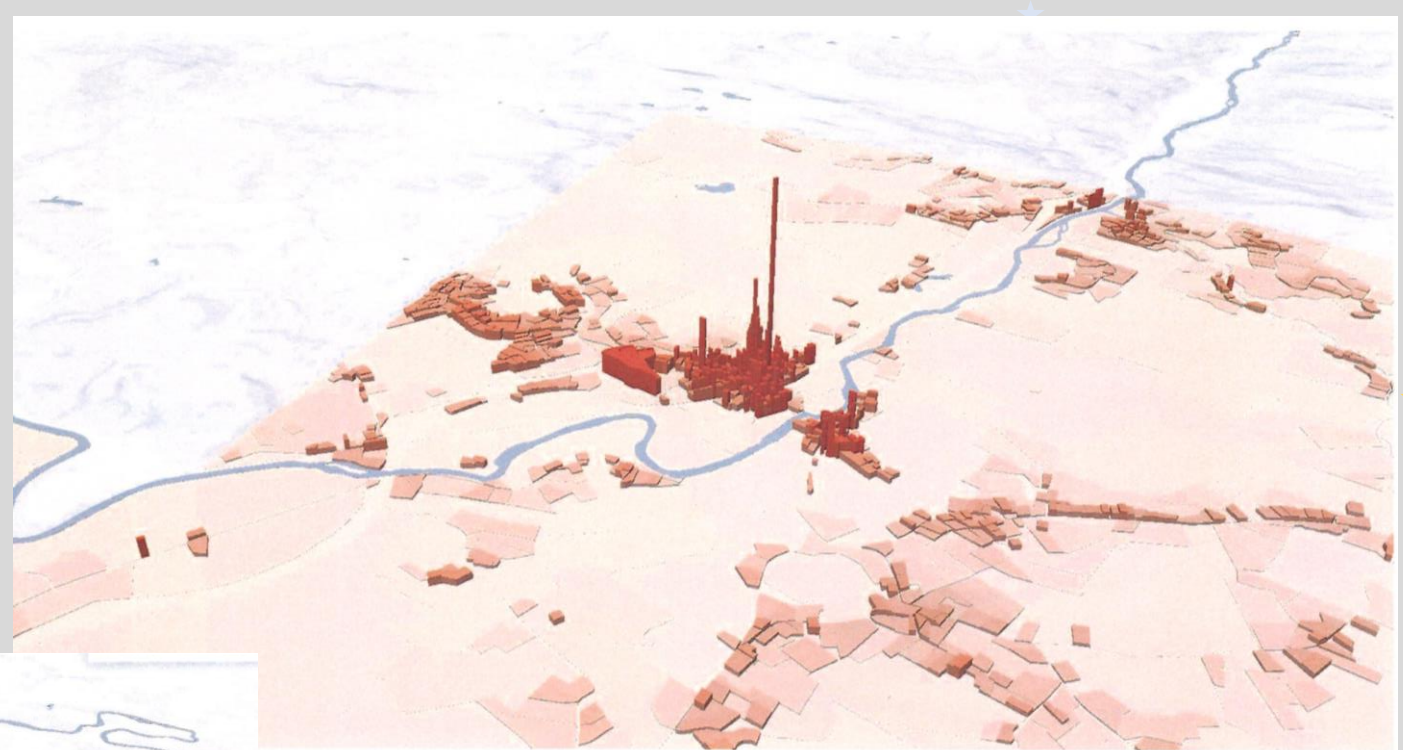
Bennington



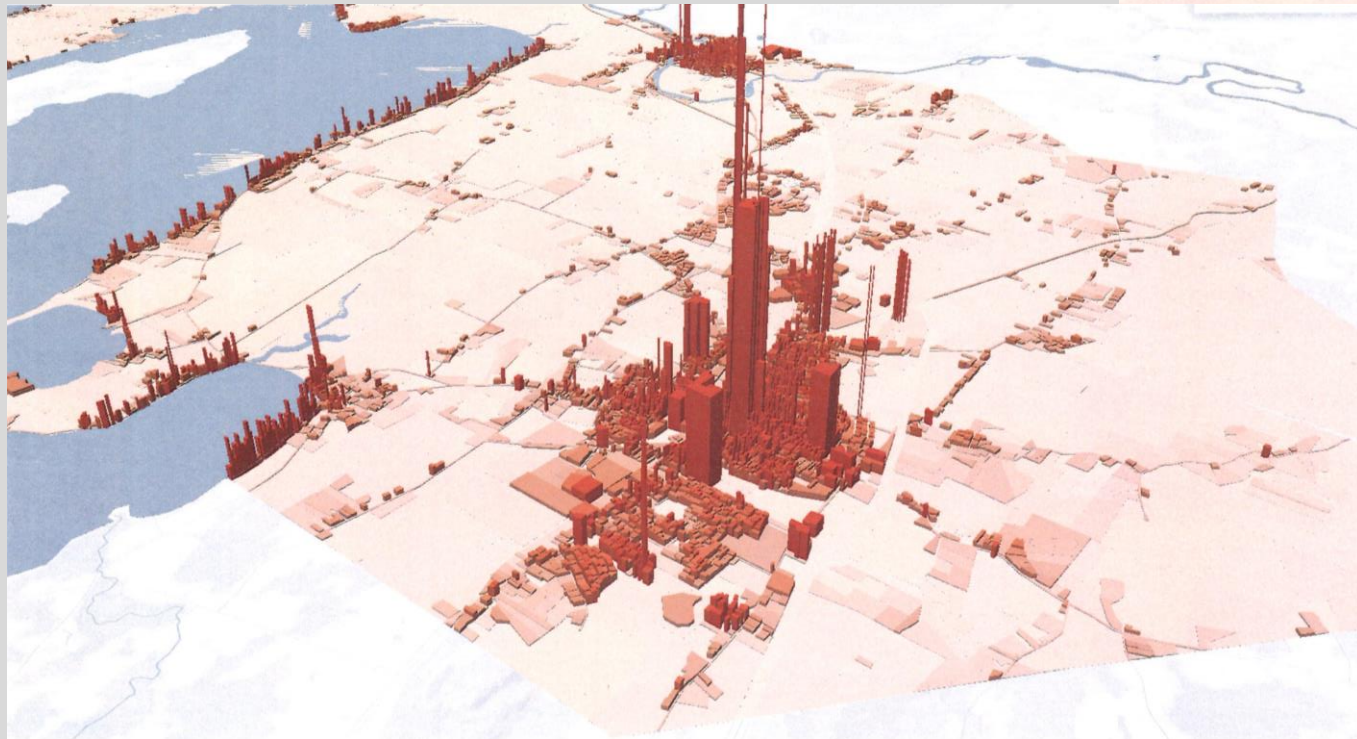
Vergennes



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Richmond



St. Albans



Readsboro



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DEVELOPMENT PATTERNS

- Requiring that regional plans be reviewed for consistency with the statutory goals for municipal and regional planning and that, to be used in Act 250, the regional plans must be approved as consistent with those goals.
- Amending the statute to require that municipal plans be consistent with those same statutory goals and that, to be used in Act 250, the plans must obtain approval from the regional planning commission as consistent with those goals.
- Amending the transportation criterion to: ...(b) better define when it is appropriate for Act 250 to require projects to incorporate transportation demand strategies and require connectivity to transit services other than single-occupancy vehicles.



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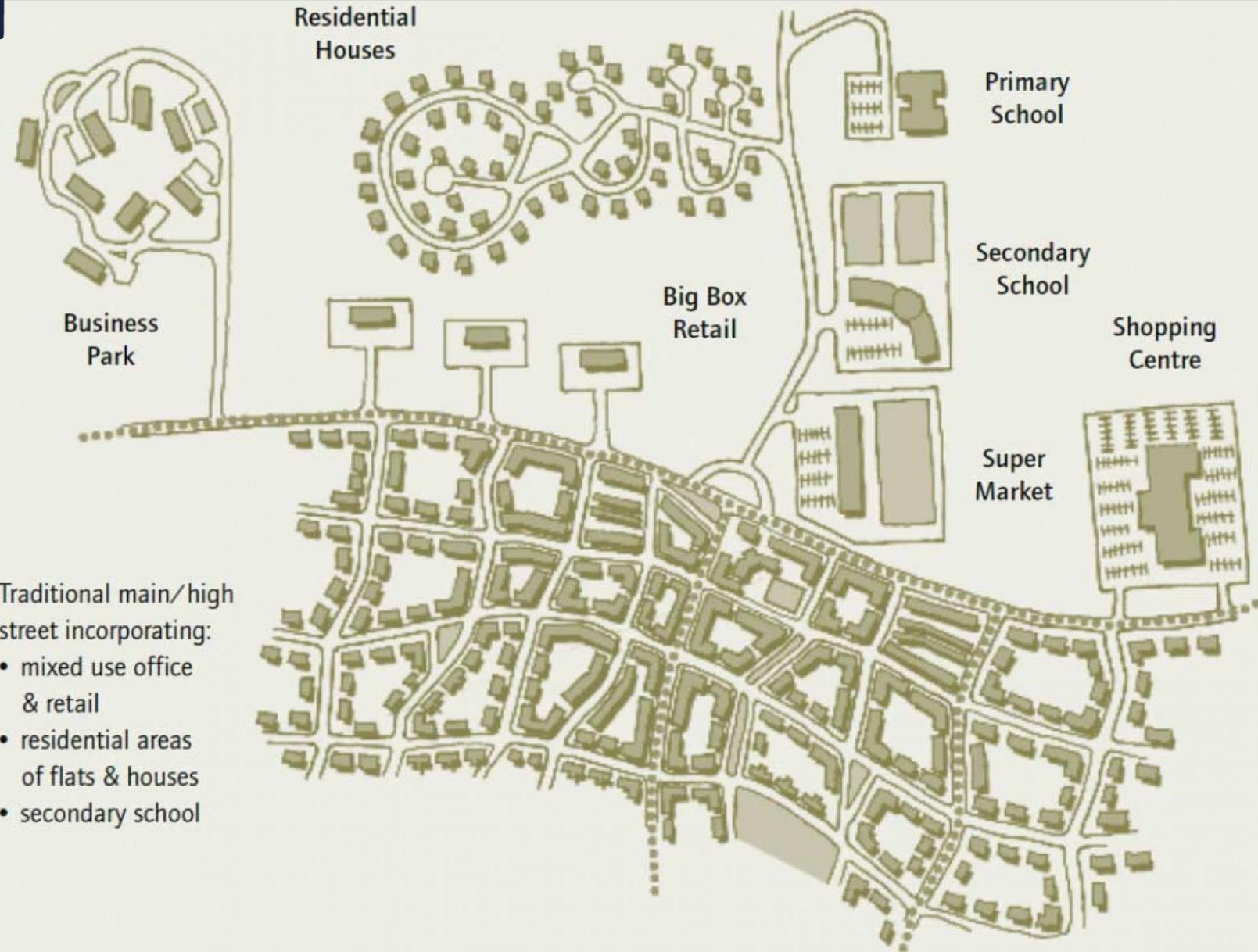
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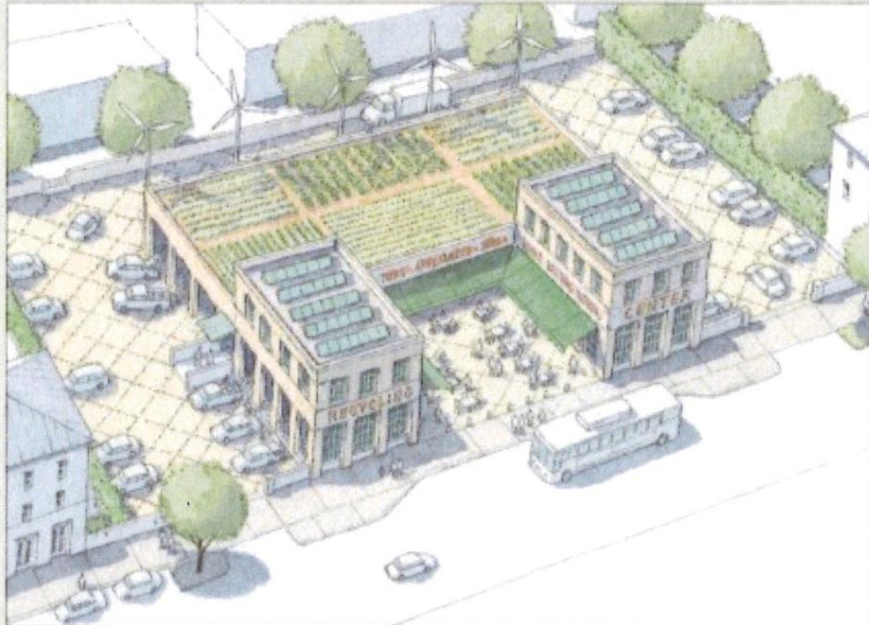
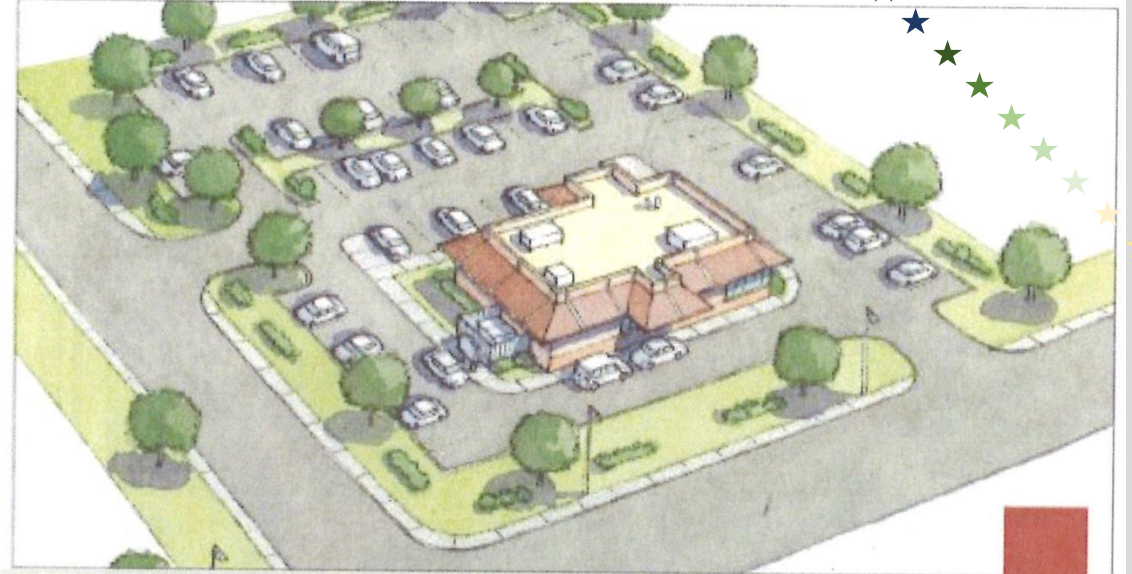


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Traditional main/high street incorporating:

- mixed use office & retail
- residential areas of flats & houses
- secondary school





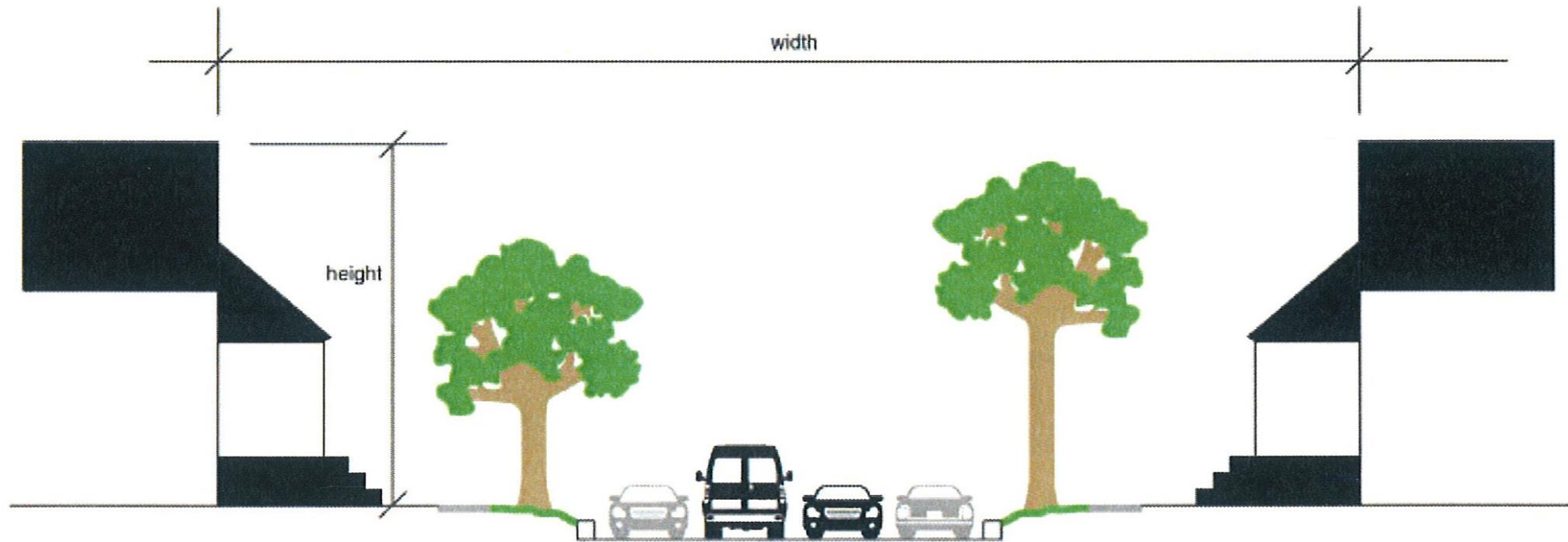
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The ratio of $\frac{\text{width}}{\text{height}}$ should not be less than ③ nor greater than ⑥ to maintain a strong sense of place within the public realm.





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- In 2002, 126 surface waters were listed as impaired under the Clean Water Act. In 2018, there are approximately 224 surface waters on ANR's lists of impaired waters prepared under that act.
- Vermont is experiencing a significant creation of small parcels. From 2004 to 2016, 8,645 new parcels between zero and 10 acres in size were created in the State.
- From 2004 to 2016, Vermont lost 147,684 acres or approximately 15 percent of its undeveloped woodland parcels, and 53,406 acres, or 9.3 percent, of its farmland parcels to public ownership or development.



NATURAL RESOURCES

- Updating Act 250's floodways criterion so that it applies to flood hazard areas and river corridors.
- Three criteria be amended to address climate change issues.
- Act 250's definitions of flood hazard area and river corridor be identical to those that govern the Agency of Natural Resource's (ANR) work and that the revised criterion specifically address fluvial erosion.
- Criteria be added to protect forest blocks and connecting habitat from fragmentation by adopting the changes contained in H.233 of 2017. 8(A) Burden of Proof on Applicant.
- Amending the statutes to require that the county-level Capability and Development Plan maps created in the 1970s be updated for reference in Act 250 review.



The NRB reported that District 1 has 110 tracts of land registered under the slate quarry exemption

EARTH EXTRACTION

- The establishment of baselines for pre-existing gravel pits and quarries.
- That the registered slate quarries be required to give notice of their operations to neighboring property owners.
- The exemption for slate quarries be repealed and phased out over a number of years.
- The provision that allows quarries to be held in reserve without being considered abandoned be repealed.

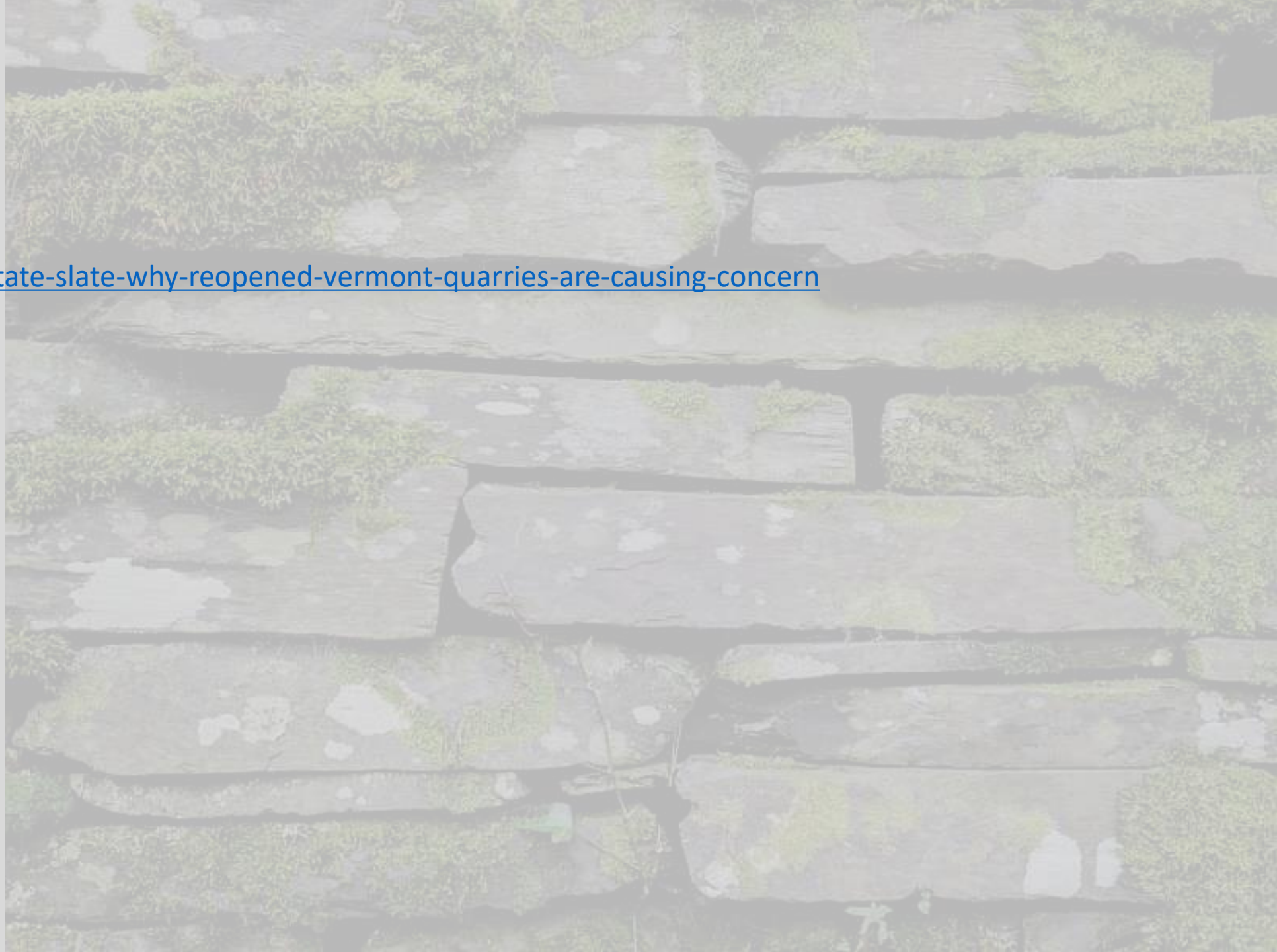


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<http://digital.vpr.net/post/state-slate-why-reopened-vermont-quarries-are-causing-concern>

The State Of Slate

[Vermont Edition](#)





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JURISDICTION

- Establishing a multitiered approach toward Act 250 jurisdiction over commercial and industrial development, subdivisions, and housing units.
- Extending Act 250 jurisdiction to cover projects in interstate interchange areas.
- The repeal of the exemption for farming, logging, and forestry below 2,500 feet when these occur in areas that have been designated as critical resource areas.
- *Encouraging development in the State's existing designated centers through the creation of an enhanced designation process that would remove Act 250 jurisdiction within the designated center provided the municipality can demonstrate that it has adopted municipal flood hazard planning and river corridor protections for the entire municipality, design review standards (including historic preservation), wildlife habitat protections, and coordinated capital investments.*



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A tier of “critical resource areas” means areas containing ecosystems, natural resources, and habitat that are priorities for protection. These areas would include river corridors, elevations above 2,000 feet, significant wetlands, and areas characterized by steep slopes and shallow soils.

A “rural and working lands” tier, consisting of lands that are neither critical resource areas nor existing settlements as currently defined in Act 250.

A tier for “existing settlements” as defined under current law, which includes not only existing compact centers, but also areas designated under the State designation program.



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PERMITTING

- The Natural Resources Board (NRB) or its successor work with the other State agencies to create a predictable timetable for the permitting process.
- Act 250 appeals be heard by an administrative board that also has the existing functions of the NRB and that the board also hear appeals of ANR permit decisions.
- ~~• *Recommending changes to support rural industrial park development with a simplified master plan process for obtaining construction approval and reduced fees when some impacts have already been reviewed.*~~



Interface with other permits and approvals.

“The Commission has received proposals to: (1) deny the ability to rebut presumptions created in Act 250 by other permits and approvals unless “new” evidence is presented or (2) make the existing presumptions conclusive or dispositive. The Commission disagrees with these proposals.

Negating or reducing Act 250’s supervisory authority is particularly troubling in light of the significant water quality issues that continue to vex the State. As discussed above, the number of Vermont waters that are impaired for one or more pollutants has increased substantially, and, despite conscientious and hard work by ANR staff, the State’s efforts to achieve and maintain water quality standards have not reversed that trend.

ANR permits and approvals related to water quality constitute a significant number of the permits and approvals used as rebuttable presumptions in Act 250. The ability of the District Commissions to question these permits should not be reduced at a time when it appears important for the District Commissions more vigorously to exercise their supervisory authority over the water quality impacts of projects within their jurisdiction”.



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