

**Natural Resources Board
Act 250 Necessary Updates
Steering Committee Meeting**

**September 21st 2:00 – 5:00pm
Online Zoom Meeting**

- Making progress and a way to go. There are multiple studies going on and we try to not engage in group thinking. At the same time now that we are a few months away from drafting and circulating recommendations we have checked in with the different studies. Interesting how parallel they are. Want to be clear that facilitation team is not pushing any specific approach or recommendation on group, at same time we are directed to look at location based jurisdiction and seems to be agreement on improving Act 250 on that front. Currently with some exceptions, kind of a one size fits all approach, rules that apply to whole state. The question for us is can we come up with some recommendations for a more tailored approach to local differences. Whether you call it tier 1A or 1B, wouldn't get hung up on name, question is should we be treating areas with different characteristics differently. VAPDA is looking at some very similar areas as we are such as growth areas, village centers, hamlets, rural areas, and natural resource areas. We are not trying to force any way of thinking upon us, but making sure questions are raised.
- We've been talking about growth centers (1A) may be agreement to have complete exemption; tier 1b villages with infrastructure zoning, etc. discussion on whether to exempt residential development or streamline the process; 2a villages without infrastructure 2b open undeveloped land; tier 3 natural resources areas and potential areas we want to exempt, would need to be phased in over time; hope today is to talk about Tier 1 and 2 and see where we all agree and see the areas where we still need to further discuss and refine.
- Emphasize we will be discussing these sequentially, some might be feeling I'm not necessarily in favor of, but I can live with it if some of the other things I do favor make it in. The notion is we'll be asking if you are OK with something and recognize there is no final deal until everything is wrapped up.
 - o Assuming that other issues are solved to your satisfaction is this proposal something you can live with? If not, how can we change it to be something you can live with?
- Build from town up; town working with RPCs to make boundaries for designated areas; and state board would make the approval.

Growth Areas/Centers aka planned growth areas aka Tier 1A aka whatever we end up calling it.

- Planning group has estimated there are roughly 23 of these that would currently meet the characteristics, could be a larger number down the road.
- Would be a complete exemption from Act 250 for commercial, residential, industrial development.
- Boundaries would encompass current commercial, residential, industrial, and then also include areas outside current boundaries, and keeping in mind growth out of flood plains.
 - o Requirements that would need to be met to qualify would be a pretty high bar; robust planning, various elements that have a nexus to act 250 criteria; good zoning.

- Is everyone on board that they could be agreeable to that notion? Provisional approval of concept and details need to be worked out moving forward.
 - o Conceptually on board with this; need accountability from towns and RPCs and a way to keep politics out of it;
- Intending this as a temperature check; we are not finalizing the pieces right now. Had a brief conversation on this where we talked about some potential criteria for Tier 1
- Kind of concerned that all these studies are happening and worried that the outcomes will vary in a way that leads to another charge from the legislature for a study next summer.

Tier 1B aka Village areas with infrastructure, zoning, subdivision bylaws

- Discussion so far has included jurisdiction for commercial/industrial in this area; but open question about whether there should be an exemption for all residential development or a streamlined process.
 - o Fine with keeping Act 250 for commercial/industrial but have exemption for residential development.
 - o Like the concept and direction, but with splitting these into two kinds creates discrepancy between large and small towns. Would like to see something where any town regardless of its size can get to the same level of exemption or streamlining if they can demonstrate the same ability to go through planning and zoning. Want Victory to have some opportunity as Burlington if they can get there.
 - o Knowing what else is necessary to be a community center (mostly historic) would be in favor of relaxing/exempting for commercial development.
 - Should just be development. It's more about what the town zoning is like, same test we would apply to Tier 1A areas.
 - o There is some difference, some reason why towns wouldn't be able to get full tier 1 exempt, but for towns that have infrastructure zoning, subdivision, we want to reward that and recognize that and where we want growth to be. Maybe housing could be fully exempt, but not sure.
- The capacity of towns, staff, and their experience will be reflected in local zoning and bylaws. Things are different in small towns. Ideally, you have to have the process too of reviewing the adequacy of local regulations. RPC system is supported by the state.
- Idea that a municipality could graduate from tier 1B to tier 1A.
- One thing we've talked about is that there are good opportunities in these areas where residential and commercial are mixed in a mixed use development. And village areas to become flood resilient can put commercial on lower floor and residential on top.
- If we did have 1A and 1B, 1B could have potential exemption for residential and mixed use. Mixed use is an important part for vibrant downtowns and flood resiliency.
- If only residential were exempted or component of mixed use, for towns with 1B status would that then result in all these small towns becoming predominantly residential and have commercial surrounding.
 - o Historically these communities commercial, residential worked in lock step, evolving together. If I was in real estate I wouldn't build a coffee shop, I'd build a lot of housing, that's where the market is and all that's being talked about at the state level. IF we want to build walkable community centers then we also need commercial development with

- job opportunities and with residential development. Should consider allowing commercial the same relaxations/exemptions as residential so communities can develop with truly mixed use.
- Could you envision something like a circle around a core downtown area where there's a commercial exemption and then a broader circle that would have residential/mixed use exemption?
 - Might be talking about the actual center of the community; we shouldn't limit the exemptions/relaxations to residential only.
 - Like NDA, maybe a bigger area since it might be expanded.
 - Are there people who think that smaller towns should not have the same level of exemptions from act 250?
 - What's the limit to 1B?
- The vision is that the town would be working with RPC to draw boundary, approved by state board.
 - If you are talking about exempting residential and commercial in 1B then what's the difference between 1A and 1B; maybe should just have a 1 with the high bar for towns to be eligible for the exemption. When we look at lot and unit and how that would work, maybe that would help inform how 1A/1B would work. Don't support another umbrella of act 250 exemption. Challenges with capacity of small rural areas. Agree that every town should have the same opportunity, but there needs to be a high bar to meet to get full act 250 exemption, shouldn't make it a jigsaw puzzle.
 - From a planning perspective want to encourage strong mixed use in any size town. Regarding exempting residential only or all, would lean towards all. A lot of villages we want to develop don't have water/sewer, some towns don't even have zoning, so it's a relatively high bar already. Will provide a pathway to any community that wants to develop infrastructure to get the full exemption to get it through politically.
 - Regulatory relief has to be a high bar and a lot of the villages won't make it. So, if you have one category for all and you meet the threshold.
 - Feels like having one standard could be the right approach; counter balance to that is focusing targeted resources for smaller communities to take advantage of that benefit even if they don't capacity
 - Is momentum shift to just having one Tier 1 with high bar to reach exemption? 20 something municipalities that would qualify now, would be complete commercial, residential, industrial exemption. Tier2A villages with infrastructure where we want to encourage the downtown development by drawing circle around core downtown area where could be preferential treatment versus outside that area
 - Sort of hearing this in this group. There is a virtue in allowing as much residential development as possible right now. So drawing a designated area and within that residential will be promoted as expediently as possible given basic standards. Commercial/industrial in communities without a lot of capacity involves issues of traffic and other impacts, there's a lot involved, so mixed use isn't just having a Starbucks under apartments, it involves other uses.

- Would counter, residential development has much higher impact than commercial development, in terms of municipal services required, impact on neighborhood, education facilities, residential has a big impact.

BREAK!

- Brainstorming and looking at villages with infrastructure and zoning, how to incentivize vibrant and compact downtowns including commercial and residential. One concept is thinking about density, if we want to reduce sprawl, we should be tighter on lots but increase unit threshold for compact settlement in downtowns.
 - Don't agree that it's only lots that would be the jurisdictional factor that would affect sprawl. What would happen with a high unit threshold? People would go outside designated areas and put a big multi-unit on prime ag area.
 - Villages with infrastructure would have super high units allowed to encourage compact settlement but lots would be smaller because we don't want sprawl outside those areas.
 - Area outside the village would still be subject to current standard.
 - Could incentivize smaller lots and more compact multi family units with higher jurisdictional thresholds in designated areas, as get farther away have stricter jurisdictional thresholds.
- Want to define where stakeholder goal posts are, give feedback, and then have conversations; really want to see things on paper.
- Have talked about having a meeting in person and we are scheduled to meet in two weeks, could skip the 5th and meet in person on the 12th. Provide a text in advance of that meeting for the steering committee to respond to and bring those thoughts/feedback to the in person meeting on the 12th.
- We are going to propose some level of detail recognizing there might not be consensus on it and there are recommendations to catalyze the conversation. To make sure that we are on target, want to go over where we area/what facilitators have heard.
 - Tier 1 – growth centers, general agreement on exemptions
 - Villages with infrastructure – interest in incentivizing compact development, maybe based on density (increasing units lots) control sprawl. Ex. 20unit density
 - Villages w/o infrastructures - lower trigger lots/units ex. 10 unit density
 - Open land – would be lowest trigger ex. 5 unit.
 - Want to see if anyone says, “no you are missing it and way off.”
 - But as a general approach is this on target?
- Tier 3 is a little trickier because we don't have detailed mapping created for this resource yet. Road rule is something that can be implemented right away. Heard some strong arguments for it and some concerns, so that would be included in the draft and could be tweaked.
 - Have to be pretty conceptual about but could lay out process for towns to protect NR areas and jurisdictional thresholds.
 - As we move into these areas can see a conflict between local control and meeting objectives of natural resources protection.
 - Good question – if a town is reluctant to designate tier 3 but RPC wants to designate tier 3, how do we handle that.

- Have some discomfort with towns being responsible for natural resource identification and mapping; some of the natural resources (example - watersheds) go through multiple towns and across multiple RPCs; would want ANR involved
- For NR wouldn't want RPC to be sole arbiter on that, we are too close to local control nexus, it's not a useful concept for protecting NR that go beyond town boundaries, shouldn't be a political decision.
 - Would want science to be the first step with definitions and standards etc. with guidance from ANR then local/RPC would work into plans.
- Whatever the process is could be lands that we hope to have conserved at some point, but not currently. Its land owned by private owners, so they need an opportunity to be at the table and voice their concerns and speak up as the private land owners
- ANR role – not sure. What are we talking about when talking about mapping, Environmental Justice mapping undergoing, not sure how it intersects. What I'm looking for is someone else's vision; this is NRBs report, and we are looking to react to a vision of where we are headed. Just started conservation conversation with other partners and there's a mapping component but not sure where the money will come from that. These conversations aren't happening in a silo, so it's complicated.
- Will take time to get to this tier 3 area. Have heard that maps for tier 3 resources (haven't honed in on resources) regional planners going through land use mapping now, it's being done and making progress. Within future land use mapping process RPCs look at state mapping data and identify areas for growth and critical resources. Could be starting point for what are these critical resources. Also, shouldn't be RPCs making the decision. If we are going to have a tier 3 should be a parallel process to designation of tier 1
 - Who's the entity to propose the boundaries?
 - Seems to make sense that if RPCs are doing future land use mapping work that it should start at RPC level, but not end there.
 - Town, env groups, landowners providing info to RPCs and then they submit the app/proposal to the state board?
 - That's a rational thought but would want to chew on this
 - Want to make sure all RPCs are following identical process across the state. It's a land use planning exercise
- When talking about mapping, is it an informative tool or is it a tool that people are using to support or defend a position? Are we talking a visual?
 - Just in the same way maps would be created for tier 1 boundaries, there could be maps created with specific boundaries that the coordinator can consult where there would be auto jurisdiction or lower jurisdiction trigger. A due process where there would be opportunity to folks to be involved with a proposal that would be approved; a clear line that says this is a wildlife corridor, high quality water, so developers would know, you can build there but will need to go through act 250
- Don't want to lose track of tier 3 conversation being amorphous; covers a lot of the state. Given the nature of those resources act 250 may not be the right tool to achieve the goal of protecting those resources; sort of unconvinced that we should be thinking

about act 250 jurisdiction in these areas versus looking at expanded permit programs or specific natural resources we are trying to protect (flood ways, etc.). Like the concept of high quality waters, but maybe there are permits that would get at what we are trying to protect versus applying all the act 250 criteria. Forest block is the biggest in scope and the one struggling in this framework. Can see act 250 having a role, but trying to protect...mapping may be great, but there might be better ways to protect these resources outside of act 250.

- One possibility is to say if there are no other protections created by the state to protect a, b, c, here's how act 250 could do it. We all agree we want to reduce duplication. Sometimes act 250 is the best tool and sometimes there are better tools.
- Whatever is done with act 250 at this point should complement other enhanced protection, guidance, or promotion of land in Vermont. It's not either/or. Whatever is done now needs to be integrated with other actions.
- Conceptually envision that there would be some work using the science and refine the most important ecological sensitive habitat connectivity areas and if you were doing a development in those areas, yes it would trigger jurisdiction and a new standard for review. An enhanced criteria and could be rule making around that.
- The common theme is that maps are the gold standard and important for all the areas that we are talking about from tier 1 to tier 3.
- Not trying to impose a framework or structure but seems to be agreement that we want to create a smart tailored approach to act 250. So, we can take the feedback we've gotten today and begin drafting and then we would reconvene in person on October 12th.