

# PLANNING COMMISSION REPORT

## ON PROPOSED BYLAW AMENDMENTS

In accordance with 24 V.S.A. §4441, the Town of Warren Planning Commission (PC) has prepared and approved this written report on [date] prior to warning and holding a public hearing on proposed amendments to the Town of Warren Land Use and Development Regulations (LUDRs).

### Brief Explanation of the Proposed Amendments

The LUDRs in their current form were initially adopted in 2001. The town has made a series of minor amendments to the LUDRs over the past 20 years. The 2019 Warren Town Plan recognized that it was time for a comprehensive review and amendment of the LUDRs. The Town Plan identified a need to realign the LUDRs with the town's planning policies and to address inconsistencies resulting from the many changes that have been made to state statute and programs over the past two decades. There was also a commitment from the PC to improving the clarity of the LUDRs and the town's development review and permitting processes.

To achieve those aims, the PC has restructured and reorganized the LUDRs. While it appears that the document has been re-written in its entirety, much of the content of the current LUDRs has been carried forward into the proposed LUDRs with little substantive change. There are a discrete number of substantive policy and procedural changes that are critical to aligning the LUDRs with the goals and objectives of the Town Plan and to conforming with statute, which are described in more detail below:

1. The list of exemptions (structures and activities that do not need a permit) has been expanded and clarified (Section 1101).
2. The process for allowing for multiple uses or buildings on a lot has been simplified (Section 2006).
3. The dimensional standards in the village districts have been modified so that the town would be eligible to seek a state Neighborhood Development Area designation in the future in support of housing creation in the village (Sections 2101-03).
4. A requirement to designate building envelopes that specify where buildings will be placed on a parcel has been added to the Rural and Resource Protection districts to guide development away from significant agricultural and natural resources (Section 2105-06).
5. In those districts intended to accommodate businesses, more businesses and other non-residential uses will be permitted rather than conditional. This will simplify the development review process for those uses, reducing the time and cost of permitting (Section 2112).
6. The town's policy for development on Class 4 roads has been clarified and further development will not be allowed without upgrading the road (Section 3002).
7. More specific requirements for erosion prevention and sediment control (Section 3012) and stormwater (Section 3022) have been added. Currently these are standards that the Development Review Board (DRB) can require, but the proposed regulations establish specific triggers related the amount of disturbance or impervious surface being created to determine whether applicants will need to meet the standards.
8. The steep slope provisions (Section 3020) have been updated with a better definition of what constitutes a steep slope and additional criteria for reviewing development on steep slopes.
9. Chapter 310 adds more detailed site design and performance standards for landscaping, parking, outdoor lighting, signs and other aspects of proposed multi-unit or nonresidential development. The current LUDRs

address all these elements but have general standards to be applied by the DRB. The proposed standards make it clear what the community wants and make it easier for applicants to propose projects that meet community expectations.

10. The proposed LUDRs seek to support both housing quality and affordability with provisions for multi-unit housing, worker housing, accessory dwelling units and rooming and boarding houses (Section 3202-05).
11. Standards for short-term rental (Airbnb) have been added (Section 3211).
12. New language is proposed to require the resort to provide an updated master plan prior to any further significant development of their property (Section 3215).
13. Updates have been made to the subdivision standards (Chapter 330) to clarify and strengthen protection of natural and agricultural resources. Major subdivisions in the Rural and Resource Protection districts would be required to be planned unit developments (PUDs). Building envelopes would be established on all new lots larger than 2 acres to specify what land within a larger parcel can be developed. Building envelopes have to be sited to minimize resource impacts and fragmentation.
14. The PUD provisions have been updated and expanded (Chapter 340). The current LUDRs have a general approach to PUDs. The proposed LUDRs establish specific types of PUDs, each with a particular intent and function.
15. Conservation PUDs (Section 3401) are encouraged for residential development in a rural setting. Homes would be clustered and at least 60% of the lot would be set aside as protected open space. There are clear criteria for selecting the land with the highest resource value to be within the protected open space. This development approach would be required for larger subdivisions in the Rural and Resource Protection districts.
16. Neighborhood PUDs (Section 3402) are encouraged for creating compact, walkable residential neighborhoods. They include a density bonus for affordable housing.
17. The current Meadowland Overlay district has been replaced with a new approach to achieving the same outcome. Rather than referring to these lands as “meadowlands”, they will now be referred to as “historic agricultural soils”. This is a more accurate reflection of both the original intent of their designation and the land’s current condition. The historic agricultural soils will be one of the natural and agricultural resources to be protected when building envelopes are designated on new lots and when set aside lands are established for conservation PUDs.
18. The authority of the Administrative Officer (AO) to review minor projects, boundary adjustments, sketch plans and small modifications to approved development (Section 4204, 4308 and others) has been expanded. The intent is to streamline the permitting process and avoid unnecessary delays and expense.
19. A major change in approach is separating site plan and conditional use approval (Sections 4304 and 4305). The current LUDRs have both approval processes but they are always linked. Under the proposed regulations some uses that now need both site plan and conditional use approval will only need site plan. This simplifies the development review process and increases the predictability of approval decisions significantly. The process is streamlined even further for minor projects, which can be approved by the AO without the need for a public hearing in front of the DRB.
20. There is new waiver language (Section 4404) that makes it easier for the DRB to offer a little bit of flexibility in the application of dimensional standards and other specific requirements of the regulations.
21. The zoning districts and map have been replaced in their entirety. This affects nearly all property in town, although the extent to which zoning district standards are proposed to change varies depending on the

district. The differences between the current and proposed standards are relatively minor in the village and general business districts, and are more substantial in the rural and resort districts. The changes to the zoning districts were guided by clear and specific strategies laid out in the 2019 Town Plan and include:

- The land area included in the higher density resort districts is proposed to expand, more accurately reflecting the existing built form and intensity of land use on the mountain. It will also accommodate future residential growth and support the ongoing transition to the establishment of a vibrant, four-season recreation destination.
- The current Forest Reserve district would be replaced with a larger Resource Protection district that includes not only public forests and high elevation lands, but other important natural resource features like floodplains, wetlands and wildlife habitat. It also includes landholdings that have been conserved by their owners and therefore will not be further developed in the future. Residential development is discouraged while conservation, recreation and farming or forestry uses are encouraged.
- Land currently zoned Rural Residential has been split into two districts – Residential and Rural. The proposed Residential district carries forward the one-acre residential density possible under the current LUDRs for small subdivisions in the Rural Residential district. The proposed Rural district aligns with the lower density of development (one house per five acres) currently required for large subdivisions in the Rural Residential district.

The PC has sought public comment on the proposed LUDRs over a six-month period. It received and considered about 250 written comments. Community members have had an opportunity to offer verbal comments at more than a dozen public and PC meetings. The draft LUDRs proposed for public hearing incorporates the PC's response to that community feedback.

### **Statement of Purpose**

The purpose of the proposed amendments is to further the goals and objectives of the 2019 Warren Town Plan. The amended LUDRs include a purpose statement in Section 1003, which enumerates a set of 15 guiding principles. The overarching principle of the Town Plan and the LUDRs is to guide development into the growth centers designated in the Warren Town Plan and away from outlying rural lands.

### **Municipal Plan Goals and Policies**

The Warren PC commenced the process of amending the LUDRs with an audit that recommended regulatory approaches to effectively implement the goals and policies of the 2019 Town Plan. The proposed amendments to the LUDRs include many of the recommendations from the audit as summarized below:

- Farmland Conservation. The draft LUDRs eliminate the sliding scale density of the current Rural Residential district and reduce the allowable density to better support preservation of farmland and rural character. The draft LUDRs eliminate the incremental small subdivision loophole that allowed many house lots to be created in the Rural Residential district without having to meet open space and resource protection standards. The draft LUDRs establish a new minimum open space standards for clustered developments. The draft LUDRs eliminate density bonuses in the Rural district.
- Natural Resource Protection. The draft LUDRs clearly define the natural resources to be protected and significantly expand the amount of land within the zoning district primarily intended for natural resource protection (proposed Resource Protection district). The draft LUDRs would not allow further development on lands accessed from Class 4 roads, which will discourage further fragmentation and disturbance in remote areas of town.

- Stormwater Management and Erosion Control. Stormwater provisions in the draft LUDRs would apply to all development not just subdivisions (as in current LUDRs). Erosion control provisions in the draft LUDRs would apply to all development not just steep slopes (as in current LUDRs).
- Site Plan and Performance Standards. The draft LUDRs separate site plan and conditional use approval. They include a comprehensive set of clear and specific site plan standards. Parking requirements have been reduced to reflect contemporary best practices. Sign standards have been brought into conformance with recent case law.
- Subdivision and Density. The draft LUDRs require major subdivisions in the Rural and Resource Protection districts to be conservation PUDs. The draft LUDRs establish clear criteria guiding the size and location of building envelopes on larger lots.
- Commercial Uses. The draft LUDRs allow some commercial uses in certain districts as permitted uses (eliminating conditional use approval currently required for all commercial uses in all parts of town). The draft LUDRs both accommodate a four-season resort and provide the community with the tools needed to manage growth and change on the mountain.
- Housing. The draft LUDRs align with recently revised state requirements for accessory and small-scale multi-unit housing. The residential areas on the mountain and around the village have been expanded to provide opportunity for new housing in those designated growth areas.
- Zoning Map. The current Forest Reserve district was replaced with a more expansive Resource Protection district. The current Rural Residential district was split into two districts.

### **Municipal Plan Future Land Use**

The Town Plan states, “it is hoped that this plan will serve as a blue print for future zoning changes.” The PC has done exactly that through its process of starting with an audit based on town plan policies and then implementing the policy recommendations made in the Town Plan and in the audit. The proposed amendment is compatible with the future land uses and densities set forth in the 2019 Warren Town Plan as described below:

- The Town Plan encourages creation of a third village zoning district that would accommodate commercial and higher-density residential development. The draft LUDRs include a Village Mixed Use district that is consistent with town plan policies.
- The Town Plan recognizes Sugarbush Village and the Lincoln Peak Base Area as Warren’s primary growth center. It calls for housing creation, including affordable and workforce housing, and the full utilization of the existing wastewater systems to facilities development. The draft LUDRs expand the resort districts and increase the allowable residential density consistent with Town Plan policies. The Town Plan also raises concern about large-scale development at high elevations. The draft LUDRs provide a new regulatory mechanism for addressing community concerns through a required master plan process for the resort.
- The Town Plan calls for consideration of mechanisms to discourage development in the Forest Reserve district. The draft LUDRs implement several such mechanisms including more robust standards for access and driveways that will limit opportunity for new roads and driveways in remote areas of town. The Town Plan calls for greater protection of wildlife habitat. The draft LUDRs further this policy through a significant expansion of the Resource Protection district (replacing the smaller Forest Reserve district). The Town Plan expresses concern about erosion and stormwater runoff resulting from clearing and development of steep slopes. The draft LUDRs include more robust standards for erosion control and stormwater management, and continue the town’s approach to carefully review development on steep slopes.

### **Planned Community Facilities**

The proposed amendments do not directly implement any specific proposals for planned community facilities. The draft LUDRs continue to implement a community vision and set of land use policies that have remained consistent for decades. Growth will be directed to designated centers in the village and on the mountain. Outlying development will fit into the landscape and seek to preserve rural character. Further fragmentation and development of high elevation, remote and environmentally sensitive lands will be discouraged.

Given that there is no substantive change in direction, the draft LUDRs are not anticipated to create new or different demand for community facilities than the current LUDRs. Since the last major amendment to the LUDRs 20 years ago, there has been expansion of both public and private infrastructure to serve development. Warren Village is now served by a community wastewater system with capacity for growth. Development on the mountain is served by expanded and upgraded private water and wastewater infrastructure. The community is better positioned now than it was in earlier decades to accommodate the densities of development allowed through the LUDRs within its growth centers.

### **The Warren Planning Commission**

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