



southburlington
PLANNING & ZONING

**South Burlington Planning Commission
Proposed Land Development Regulations
Amendment & Adoption Report
Planning Commission Public Hearing *****, 2021**

In accordance with 24 V.S.A. §4441, the South Burlington Planning Commission has prepared the following report regarding the proposed amendments and adoption of the City's Land Development Regulations.

Outline of the Proposed Overall Amendments

The South Burlington Planning Commission will hold a public hearing on ***** 2021 at 7:00 pm, via GoToMeeting electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

LDR-20-01: Modifications to Environmental Protection Standards, including existing 100-year floodplain, river corridor, stream buffer, wetland & wetland buffer, and stormwater management standards; establishment of standards regarding 500-year (0.2%) floodplain, habitat block, habitat connector, steep slope, and very steep slope standards; establishment of criteria to evaluate undue adverse effect; and related amendments referencing the above-listed resources.

Brief Description of the Proposed Amendments

The proposed amendments include the following:

- Enhancement of standards and/or geographic area for protection of natural resources currently regulated by the City: notably 100-year floodplains, class I and II wetlands, streams, and river corridors
- Mapping and establishment of standards for newly-regulated natural resources: habitat blocks, habitat connectors, steep slopes, and 500-year floodplains
- Update of stormwater management and 100-year floodplain standards to current best practices and streamlining of review for public stormwater restoration projects
- Update of references to natural resources throughout the regulations to be directed to the Environmental Protection Standards of Articles 10 and 12
- Establishing thresholds and consistent standards of review applicable to limited allowances for impacts to regulated natural resources, including infrastructure
- Categorization of regulated natural resources into three tiers

Below is a table summarizing the proposed changes / additions to natural resource

Hazards	Section	Status	Summary of Proposed Changes	How boundary is established
100 year (1%) Floodplain	10.01	Existing	Updates for consistency with State guidelines, provision for historic structures	FEMA Flood Insurance Rate Maps
500-year (0.2%) Floodplain B2 Area	10.01	New	No new buildings in the 500-year floodplain; substantial renovations must meet floodproofing standards	State River Corridor Map or applicant measurement using LiDAR data
River Corridors and Surface Waters	10.07	Existing	Consolidates two overlapping sets of current standards: Stream Buffer and River Corridors. Geographic areas includes areas previously included under each, and uniform measurement from top of bank/slope for buffers. Allowable incursions into buffers are reduced.	State-mapped River Corridor Flood Insurance Rate Maps
Class I, II Wetlands, Buffers	12.03	Existing, Expanded	Buffer for Class II wetlands expanded from 50' to 100' in residential and conservation districts. Allowable incursions in areas outside City Center FBC limited to only certain infrastructure and exemptions. Updated standards within City Center FBC. <i>[Class I wetland buffers also expanded, none presently identified in South Burlington]</i>	On-site field delineation using City/State maps as indicator
Very Steep Slopes (25+%)	12.09	New	No new development except certain infrastructure and exemptions	Applicant measurement using LiDAR data
Level I Resources	Section	Status	Summary of Proposed Changes	
<i>Habitat Blocks</i>	12.05	New	No new development within City-mapped Habitat Blocks except certain allowances to exchange land certain infrastructure, parcels with >70% Hazards/Level 1, and exemptions	Boundary as shown on City Natural Resources Map
<i>Habitat Connectors</i>	12.06	New	Habitat connector function must be kept intact, mapped location may be modified with approval	Boundary as shown on City Natural Resources Map
Level II Resources	Section	Status	Summary of Proposed Changes	
500-year Floodplain B1 Zone	10.01	New	New development and substantial renovation must meet floodproofing standards	FEMA Flood Insurance Rate Maps where they exist or applicant measurement using LiDAR data
Class III Wetlands, Buffers	10.03	Existing	Wetlands under 300 s.f. are exempted. Updated standards for review of proposed impact	On-site field delineation
Steep Slopes (15 to 25%)	12.09	New	New development must demonstrate slope stabilization	Applicant measurement using LiDAR data
Intermittent Streams, Buffers	10.07, 12.08	Existing	Clearer definition. Specifically excludes human-created drainage systems. Updated standards for relocation	On-site field delineation

Categories of Natural Resources

Resources are grouped into three (3) categories: Hazards, Level I Resources, and Level II Resources.

- *Hazards* are resources for which impacts can have significant effects on safety of property or life. They are often regulated at the State or Federal level. They may be large or small in area. Very limited incursions into these resources, particularly for certain infrastructure, may be permitted following review.
- *Level I Resources* are locally-identified natural resources that are typically larger in area and cross multiple properties. The draft regulations allow for limited adjustment of boundaries in certain circumstances and limited incursions under specific circumstances. Credit may be provided for the conservation of these areas through density transfers in certain Planned Unit Development types.
- *Level II Resources* require specific review for any impact, but are not necessarily excluded from development parcels. They are typically smaller in area and/or can be mitigated through careful site design.

Background and Context of the Proposed Regulations

The proposed modifications to the Regulations draw on the research work of prior Planning Commission efforts, the 2016 Comprehensive Plan, and several studies undertaken by the community in recent years, including the 2015 Open Space Plan, the 2020 Habitat Block and Assessment and Ranking, and the 2020 Interim Zoning Open Space Committee Final Report, among others.

Standards and geographic boundaries established by these Regulations were developed based on mapping, research, and consultations with subject area experts. Habitat Blocks and Habitat Connectors included in the proposed Regulation used the 2020 Habitat Block Assessment and Ranking as their starting point. Geographic boundaries, thresholds, standards for allowed modifications or incursions were subsequently established.

These draft amendments are proposed to function as one of a collection of tools to support natural resource conservation and thoughtful development in the community in support of the Comprehensive Plan.

Findings Concerning the Proposed Amendments

The proposed amendments have been reviewed by the Planning Commission in the context of the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. The Commission has addressed the following as enumerated under 24 VSA 4441(c):

"...The report shall provide a brief explanation of the proposed bylaw, amendment, or repeal and shall include a statement of purpose as required for notice under section 4444 of this title, and shall include findings regarding how the proposal:

- (1) *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing.*
- (2) *Is compatible with the proposed future land uses and densities of the municipal plan.*

The 2016 Comprehensive Plan establishes four (4) principal Goals for the City:

Vision & Goals. Here and into the Future, South Burlington is...

Affordable & Community Strong *Creating a robust sense of place and opportunity for our residents and visitors.*

- *Be affordable, with housing for people of all incomes, lifestyles, and stages of life;*
- *Keep unique features, and maintain or enhance the quality of life of existing neighborhoods;*
- *Be a recognized leader in public education offerings and outcomes;*
- *Provide quality public safety, infrastructure, health, wellness, and recreation services;*
- *Ensure transparent and accessible government.*

Walkable. *Bicycle and pedestrian friendly with safe transportation infrastructure.*

- *Develop a safe and efficient transportation system that supports pedestrian, bicycle, and transit options while accommodating the automobile;*
- *Establish a city center with pedestrian-oriented design, mixed uses, and public buildings and civic spaces that act as a focal point to the community.*

Green & Clean. *Emphasizing sustainability for long-term viability of a clean and green South Burlington.*

- *Promote conservation of identified important natural areas, open spaces, aquatic resources, air quality, arable land and other agricultural resources, historic sites and structures, and recreational assets;*
- *Reduce energy consumption city-wide and increase renewable energy production where appropriate.*

Opportunity Oriented. *Being a supportive and engaged member of the larger regional and statewide community.*

- *Prioritize development that occurs within the community into the higher intensity areas identified within this Plan;*
- *Support a diverse and vibrant economy built on quality jobs, employment centers and a supportive educational and research system; support markets for local agricultural and food products.*

The 2016 Comprehensive Plan also includes the following objectives and strategies specific to ecological resources in the community:

Ecological Objectives

Objective 30. Proactively plan for a network of interconnected and contiguous open spaces to conserve and accommodate ecological resources, active and passive recreation land, civic spaces, scenic views and vistas, forests and productive farmland and primary agricultural soils.

Objective 31. Conserve, restore and enhance biological diversity within the City, through careful site planning and development that is designed to avoid adverse impacts to critical wildlife resources, and that incorporates significant natural areas, communities and wildlife habitats as conserved open space.

Ecological Strategies

Strategy 67. Substantially restrict new subdivision and development from primary resource conservation areas to include hazardous and environmentally sensitive areas identified, mapped and regulated by the City. Minimize the adverse impacts of new subdivision and development, including resource fragmentation and encroachment, within secondary resource conservation areas, to include those resources of state or local significance as indicated on available resource maps, identified in available inventories and studies, and confirmed through site investigation.

Strategy 68. Redefine open space in new developments such that usable, quality open space shall be required. Qualifying open space should include civic spaces, recreation, wildlife habitat, and usable agricultural lands.

Strategy 69. Retain healthy and high-quality existing trees, vegetation, and publicly owned natural areas and woodlands. Develop long-range management plans for each area to foster their continued health and use.

Strategy 70. Encourage public education about tree functions and tree disease inspection in urban areas through cooperation with the UVM Horticultural Farm and Vermont Department of Forest Parks, and Recreation, Urban and Community Forestry Program.

Strategy 71. Maintain the City's wildlife diversity, including making use of available planning and legal tools such as buffers, transfers of development rights, overlay zoning districts, conservation easements and other tools as appropriate.

Strategy 72. Work with adjoining municipalities and regional entities to enact complementary land use policies where wildlife habitat areas cross City boundaries.

Strategy 73. Maintain existing overall tree canopy. Set targets to increase overall tree canopy, with a focus on increasing tree canopy in urban areas and residential property parcels as identified in the Report on Existing and Potential Tree Canopy in the City of South Burlington (2014).

Strategy 74. Foster passive recreational use of natural areas and identify areas that may be appropriate for an "off-limits" designation due to their fragile nature.

And finally, the Comprehensive Plan establishes a series of five categories of Future Land Use, as depicted on Map 11, along with the following statement: *"Together, these broad categories are intended to encompass key issues and areas addressed in this Comprehensive Plan and provide an overall framework for implementation of the plan."*

- *Very low intensity, principally open space.*
- *Lower intensity, principally residential*
- *Medium intensity, residential to mixed use*
- *Medium to higher intensity, principally non-residential*
- *Medium to higher intensity, mixed use*

The proposed Regulations substantively and substantially advance the ecological goals and strategies enumerated in the 2016 Comprehensive Plan, and do so in the context of the overall Vision and Goals for the City and the designations within the Future Land Use Map.

The proposed regulations have been prepared following detailed evaluation of each individual resource as well as their collective and coordinated roles in support of the objectives and strategies above.

The specific resources included within the draft Environmental Protection Standards are not intended to be a precise replication of the individual resources as described or mapped in the Comprehensive Plan; South Burlington-specific study and analysis of these resources, consideration of best practices in resource conservation, and consideration of the geographic context of natural resources across the City were important factors in developing regulatory tools to implement these objectives and strategies.

The amendments have been considered for their impacts on the availability of safe and affordable housing. Establishing restrictions on certain land as priority areas for conservation of natural resources can affect the total land area available for the construction of new housing. The existing and proposed regulations mitigate the effects of this conservation, through several means:

- Existing regulations allow for the re-allocation of allowable housing density within a property through the use of Planned Unit Developments.
- The draft Regulations accommodate circumstances where certain natural resources – notably Habitat Blocks and Habitat Connectors - are present across the substantial majority of the land.
- The draft regulations provide for reduced standards, exemptions, or allowable modifications within areas designated as Medium to Higher Intensity in the Future Land Use Map
- Recent prior amendments to the Land Development Regulations have increased building height allowances along principal transportation corridors, established inclusionary zoning requirements, and reduced or eliminated minimum parking standards
- The proposed regulations are intended to provide greater clarity and certainty for all parties involved in land development

(3) *Carries out, as applicable, any specific proposals for any planned community facilities.*

The proposed amendments do not directly affect planned community facilities. Planned Community facilities are specifically addressed through reference to the Official Map.

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