



**South Burlington Planning Commission  
Proposed Land Development Regulations  
Amendment & Adoption Report  
Planning Commission Public Hearing Tuesday, January 10, 2022, 7:00 PM**

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 Tuesday, January 10, 2022 at 7:00 pm, in person and via electronic platform, to consider the following amendments to the South Burlington Land Development Regulations:

- A. LDR-22-09: Updates to Article 12 Environmental Standards, including, but not limited to:
- 1) Modification of the Class II wetlands buffer boundary in some residential areas
  - 2) Streamline administrative permitting process
  - 3) Remove permitted, human-made steep slopes from regulation as steep slopes

**Brief Description and Findings Concerning the Proposed Amendments**

The proposed amendments have been considered by the Planning Commission for their consistency with the text, goals, and objectives of the City of South Burlington's Comprehensive Plan, adopted February 1, 2016. For each of the amendments, 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.*
- (3) *Carries out, as applicable, any specific proposals for any planned community facilities."*

LDR-22-09: Updates to Article 12 Environmental Standards, including, but not limited to:

- 1) Modification of the Class II wetlands buffer boundary in some residential areas
- 2) Streamline administrative permitting process
- 3) Remove permitted, human-made steep slopes from regulation as steep slopes

*Brief explanation of the proposed amendment:*

This amendment applies a modified buffer from Class II wetlands for lots existing as of November 10, 2021 that were approved for single-family and/or two-family dwellings. In effect, this applies the same standard as before the most recent update to the environmental standards in the LDRs to relatively small, residential properties. It recognizes that many residential neighborhoods in South Burlington were designed and constructed taking the previous 50-foot buffer into account and aligns with expectations of homeowners.

Administratively, it clarifies when Site Plan review is required, when administrative Site Plan Review is required, and when zoning permit review is required. It clarifies conflict between Article 13 and Article 12 regarding when administrative Site Plan review is available for stormwater management projects. It also requires administrative Site Plan review for certain wetland impacts in the City Center Form Based Code district.

This amendment also excludes permitted human-made slopes from the definitions of Steep Slopes and Very Steep Slopes and allows the DRB or Administrative Officer to waive review under Steep Slopes standards if the area of steep slopes are determined to be de minimis. It also exempts Environmental Restoration Projects, Shoreline Restoration Projects, and retaining walls in certain districts from steep slope review.

Findings Concerning the Proposed Amendments

- (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.*

These amendments are technical updates that correct issues that have become apparent after the adoption of new regulations in 2021. Generally, they correct unanticipated inconsistencies and administrative issues.

In addition, exempting Environmental Restoration Projects and Shoreline Restoration Projects from steep slopes review advances the environmental protection goals in our Comprehensive Plan.

Comprehensive Plan Goals, Objectives & Strategies:

- Goal: Green & Clean. Emphasizing sustainability for long-term vitality of a clean and green South Burlington.
- Sub-Goal. Keep unique features, and maintain or enhance the quality of life of existing neighborhoods.

- Objective 3. Foster the creation and retention of a housing stock that is balanced in size and target income level, is representative of the needs of households of central Chittenden County, and maintains an efficient use of land for use by future generations.
- Objective 9. Be a good partner with business in helping them locate in South Burlington or continue to grow here.
- Strategy 6. Promote the preservation of existing housing stock in residential neighborhoods, particularly the supply of affordable and moderately-priced homes.

*(2) Is compatible with the proposed future land uses and densities of the municipal plan.*

The proposed amendments do not affect future land uses and densities in the municipal plan.

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

This proposed amendment does not relate directly to any planned community facilities.