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POSITION STATEMENT ON GROWTH CENTER AND OPPORTUNITY ZONE LEGISLATION

As adopted by the Chittenden County Regional Planning Commission on November 28, 2005

Change in Chittenden County during the past thirty-five years is characterized by a number of fundamental elements that must be considered in any legislative debate on amendments in state statute concerning the development of growth centers or opportunity zones. The elements include the following.

First, a majority of the municipalities in the county subject to intensive and extensive development have firmly expressed their commitment to sound planning through the investment of local resources and the professionalization of their planning departments. Of the nineteen municipalities in the county, twelve have professional planning staff. The remaining seven small rural (and in some cases tiny) towns, similar to communities in other parts of Vermont, all have active planning commissions and regionally approved municipal plans. *Professional planning staff* enables the municipalities to complete planning studies and comprehensive plans that are sophisticated, technically sound and further Vermont's statutory planning goals. Moreover, local planning is routinely characterized by a very high degree of public participation. Through their plans the county's municipalities have clearly expressed, well-considered, visions for their future. Some have chosen to build high-density cities; some have chosen to preserve their rural, agricultural heritage. All of the municipalities in the Chittenden Region have expressed in their plans the way in which they propose to focus future development into specific locations within their borders. In some cases, they focus on existing villages of varying size, in some cases they focus on urban neighborhoods, and in others they propose to create entirely new village centers or growth centers characterized by high density and multiple use development.

If Vermonters truly support the state planning policy the Legislature set forth in 1988 that states:

"To ... assure that decisions shall be made at the most local level possible commensurate with their impact." [24 VSA 4302(b)(2)],

then, it is essential to enable implementation of these local plans through well articulated and effectively coordinated state policies and permitting processes.

Second, Chittenden County is the region of Vermont that market forces have identified as the place for the most significant portion of Vermont's economic development. This is a fact that must be acknowledged and understood. Chittenden County returns far more tax revenues to the State of Vermont than any of the other thirteen counties (in 2004 Chittenden alone contributed 33% of the state's income tax revenue, 28% of our Rooms & Meals Tax, and 23% of our Sales Tax).

MISSION

To serve Chittenden County and its communities through an effective regional planning process characterized by communication, facilitation, education, collaboration, and technical assistance.

Third, the future prosperity of this region, and its contribution to the state as a whole, depends on the ability to provide adequate housing and opportunities for new employment, in areas targeted for future growth. Private and public sector studies completed in the past five years describing the County's future housing and employment needs have found a significant short-fall in the number of rental and owner occupied units currently on the market, and forecast a continuing shortfall through 2025.

Finally, it is essential to understand that certain state planning goals and permitting policies are increasingly inconsistent with the reality of what is happening on the ground in Northwestern Vermont, and moreover that such reality is unlike that of the rest of the state. It is no longer useful to view development trends in Northwestern Vermont on the county level. In fact there are six counties (Addison, Chittenden, Franklin, Grand Isle, Lamoille and Washington) that are functioning together as a housing market, as an employment market, and as a unit for delivery of diverse services such as health care and higher education. The significance of this trend is the very real need to adjust the focus of our collective thinking about development patterns. It is unrealistic to believe that municipalities such as Burlington, Winooski, South Burlington, Essex or Essex Junction are appropriate places to demand implementation of the state planning goal that would require them *"to plan so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside"*, in the same way we would expect it in other municipalities. It would be far more appropriate, and contribute far more effectively to implementation of state planning goals, to enable such urban and urbanizing communities to serve as the focal point for future development, thus enabling communities such as Williston, Charlotte, Westford and Huntington and other communities in Addison, Franklin, Grand Isle and Lamoille Counties to truly retain their rural character.

The Chittenden County Regional Planning Commission therefore supports the following principles:

1. Local and regional planning decisions about the designation of high density, multiple use, municipal core growth centers or Opportunity Zones should be reviewed and formally approved by an agency of state government, such as the Agency of Commerce, by the Natural Resources Board, or by some other state-wide planning organization, following a public comment period, consistent with a set of statutory standards such as higher density and zoning for multiple uses; however, the yardstick for multiple or mixed uses should not require the planned presence of all uses. Industrial or commercial uses that generate high traffic volumes or noise should not be required or expected as elements in a "mixed use" configuration.
2. The process employed to review and approve a municipally planned growth center or Opportunity Zone should be as simple and predictable as possible, as an incentive to good local planning. The entity charged with such review responsibilities should provide adequate guidance documents describing program requirements and benefits and should offer training opportunities to inform municipal officials about the program.

3. State and municipal government should offer meaningful incentives such as different permitting procedures, which would allow for speedier administrative processing, tax credits, tax increment financing districts, grants and loans to attract future development into such state-approved Opportunity Zones.
4. Pre-permitting procedures within approved Opportunity Zones should not eliminate review for impact on natural resources, but should acknowledge that unless there is a clearly stated overarching state priority, that local planning decisions should be respected. One practical way in which this could be done would be to place the burden of proof for an undue adverse impact on a natural resource not on the permit applicant, but on the agency or a non-government organization (NGO) responsible for the resource's protection or management.
5. A growth center policy and/or program must include provisions that support development of growth centers or Opportunity Zones for land uses that are typically not compatible with other uses. Such incompatible uses include many types of manufacturing, power generation, and warehousing that are accompanied by heavy truck or rail traffic, noise, size or visual presence that neighboring residential, retail or service uses would find objectionable. Incentives of the type described in #3 above should be available to these uses to focus their location into well-planned concentrated areas.