



Town of Hinesburg
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MEMORANDUM

TO: Selectboard & Town Administrator
FROM: Alex Weinhausen, Director of Planning & Zoning
DATE: April 30, 2013
RE: Rural Area Zoning Proposal – Additional Selectboard Questions for May 6 Meeting

Mike Bissonette forwarded me some questions about the Rural Area Zoning proposal on 4/22/13. Similar to my earlier March 29 memo (with Q&A from Tom Ayer, Phil Pouech, and Jon Trefry), I've listed these questions below, and attempted to provide some answers and/or background. As before, I've grouped these within the three regulation revision objectives.

Objective #2 – Improving Design Standards:

(MB) – Conservation subdivision step #2 on page 1 says, “Siting buildings (especially homes) this way will enhance marketability and value by respecting the natural elements unique to each parcel and by providing the green infrastructure characteristic of rural Hinesburg.” Is there data that supports this hypothesis?

The short answer is no. This statement paraphrases text from the literature that the Planning Commission and I utilized in researching the conservation subdivision design process. Specifically, it comes from page 149 of Randall Arendt's 1999 book – “Growing Greener. Putting Conservation into Local Plans and Ordinances.” The book is not simply academic, as it is based on real development patterns and experience in rural Pennsylvania. The Growing Greener concept and the conservation subdivision design process has been utilized in communities across the country, with variants used in other Vermont communities as well, including our next door neighbor – Town of Charlotte. Beyond planning literature and practice, conventional real estate wisdom also supports the notion that rural properties with access to green infrastructure (e.g., trails, working farmland, wildlife habitat, etc.) and related scenic views tend to be desirable because of the three most important factors in real estate – i.e., location, location, location.

(MB) – Are the proposed changes to the RR2 district the same as the AG district? If they are why do we have separate districts? Or how are the changes effect each district differently.

The development design changes described in the Objective #2 document would be applied in both the RR2 and the AG districts. The general conservation subdivision design process would work the same in both districts. However, you'll notice that page 2-3 lists standards for agricultural areas, forest areas, and general standards. These will apply in both districts since both areas contain both agricultural and forest resources. With that said, the RR2 district is primarily forested, so the forest area standards will be used more frequently there. Good question about why we have separate RR2 and AG districts! Most of the proposed changes (across all three objectives) will apply to both districts. This does beg the question of why keep these as separate districts. The distinction lies in the purpose statements (see

Objective #1 document) and in some of the existing allowed uses. Beyond that, the land itself (both physical attributes and land use) is clearly different between the eastern hill portion of town (RR2) and the western Champlain Valley portion of town (AG). The PC received feedback about eliminating some of the proposed uses in the RR2 district due to issues with maintenance of the hill roads (e.g., Texas Hill Rd, Hayden Hill Rd, Lincoln Hill Rd, etc.). They opted not to make this distinction in favor of tightly defined uses and a conditional use review process to vet whether a particular location (in either district) was suitable.

(MB) – Reading the Planning Commission minutes, there were several references to looking at being more sensitive to actual value to use to taxes. What is the future of that idea?

This is really a fiscal/taxation question, which is more the purview of the Selectboard, Listers, and the State of Vermont. At this point, I don't see any changes on the horizon beyond the system we have today. In other words, landowners of 25 acres or more (27+ acres if property has a house on it) have the option of enrolling agricultural, forest, and/or conservation lands in the State Current Use program. Probably one of Vermont's most utilized and most successful programs to preserve working landscapes, the Current Use program lowers tax burden by reducing the assessed value of enrolled property to a fixed amount determined by the State. In this way, all taxpayers help support working lands by making State and municipal taxes more sensitive to actual use value rather than fair market value.

Objective #3 – Defining Development Density:

(MB) – Were the take outs left in the formula or not? How does it affect the number of lots. We should know the number of potential lots available before the changes and the number after from an overall town viewpoint.

The takeouts were deleted from the development density formula. The Planning Commission decided to adjust the proposal based on feedback at their 9/12/2012 public hearing and follow up meetings, as well as subsequent analysis that looked at total build out with and without the takeout provision. Removing the takeout provision does increase the total/maximum build out by about 72 lots or dwelling units - from approximately 908 to 980 possible new dwelling units. See the chart below. The Planning Commission felt this was such a small overall difference that compromise on this controversial piece of the proposal was warranted.

Comparing the maximum build out of our current regulations to that of the proposal would be great. Unfortunately, it is very difficult because our current regulations don't define allowed development density. This is one of the reasons that the proposed changes are needed so badly. The Chittenden County Regional Planning Commission (CCRPC) has done various maximum/total build out projections over the years. Unfortunately, these inevitably are based on our existing minimum lot size requirements (2 acres in AG, 3 acres in RR2), which are mathematically expedient, but simply do NOT represent allowed development density. As a result, these modeling efforts end up showing ridiculously high build out numbers for the AG and RR2 districts. I've shown these maximum build out scenarios at public meetings, only to be rebuked later by residents accusing me of using scare tactics. A 2002 CCRPC modeling effort that attempted to factor in natural resource constraints and septic soil suitability showed a maximum build out of 1,782 new dwelling units in the AG and RR2 district. A simple arithmetic build out based on the minimum lot size showed a maximum build out of 6,625 new dwelling units in the AG and RR2 district. Remember that, right now, these two districts have approximately 700 total dwelling units.

The Planning Commission’s intent was to create a clear and objective way to calculate a reasonable development density. Their discussion over the last few years weighed and considered many factors to come up with the proposal before you. The proposed density is based on a look at the actual density of Hinesburg’s rural areas and existing rural neighborhoods. It is also based on an analysis of projects approved and denied by the DRB over the last 15 years, in order to calibrate the proposal to the reality of what we’ve been seeing. It is based on an assessment of other Chittenden County communities – what development densities are allowed in their most rural districts, especially for those towns most similar to Hinesburg. The proposal is also based on sampling actual parcels to see what the results of a maximum build out would look like.

