

## Rural Area Regulation Revisions

### **Objective #2 – Improving Design Standards**

#### **Selectboard Revisions to PC Proposal – 5/31/2013**

- Added text underlined (and in red if you have a color version)
- Deleted text under strikeouts

PC public hearing on 9/12/2012; PC vote to forward to Selectboard on 12/12/2012

Note: words in italics are for clarification and are not for inclusion in the regulations

#### **Subdivision Design Standards for Rural Areas**

*REVISION, Subdivision Regulations, revision to section 6.10.8 (Rural Area design standards).*

*The language below would replace/revise the subdivision design standards for rural areas in section 6.10.8 of the Subdivision Regulations. This new language is meant to improve the process by which subdivisions are laid out, and provide greater clarity and specificity. Several new definitions will also be added to article 9 (see below).*

#### **Conservation Subdivision Design:**

The Conservation Subdivision design process outlined below shall be followed for rural area subdivision and PUD proposals in the Agricultural and Rural Residential 2 zoning districts. This process is designed so that important resource areas are identified and considered first. The location and extent of the resource areas mentioned below shall be provided by the Town using public Geographic Information System (GIS) data or other available field-based data collection. A developer or other interested party to a development project may provide alternative resource delineation data (at their own expense) if compiled by a qualified professional – e.g., wetlands delineation expert, wildlife biologist or scientist, hydrological expert, licensed engineer, etc. Potential development areas are located second so as to protect important resources while taking advantage of natural landscape features, green spaces, and views to create well planned and desirable ~~home~~-**building** sites. Both the Applicant and the DRB shall follow these four steps (in order) when designing and evaluating projects:

1. **Identify primary and secondary resource areas.** Primary resource areas are extremely sensitive or generally unbuildable areas, including: wetlands and associated buffers pursuant to State of Vermont wetland rules/regulations (see wetland definition); flood hazard areas (FEMA special flood hazard area and fluvial erosion hazard area); steep slopes of 25% or greater; surface waters and setback area; rare, threatened & endangered species locations and significant natural communities identified by VT Department of Fish and Wildlife. Secondary resource areas include: moderately steep slopes between 15-25%, prime and statewide agricultural soils (including conditional classes), core wildlife habitat, wildlife corridors, deer wintering areas, important cultural features (e.g., historic structures, stone walls).
2. **Locate potential building sites.** Building sites and related development areas (e.g., roads, driveway, lawn, etc.) shall avoid primary resource areas and minimize impact on secondary resource areas. Limited impacts to primary resource areas for access (e.g., road or driveway) may be allowed, at the discretion of the Development Review Board, if no alternate development plan and no other means of access are practical. In such

cases, the access shall be designed to impact as little of the primary resource area as possible. Building sites should be located to enjoy views of, and where appropriate direct access to, resource areas and protected green/open spaces. Siting buildings (especially homes) this way will ~~enhance marketability and value by respecting~~ respect the natural elements unique to each parcel and ~~by providing~~ help retain the green infrastructure characteristic of rural Hinesburg.

3. **Locate necessary vehicular and pedestrian access to the building sites and nearby neighborhoods** – e.g., roads, driveways, paths, trails.
4. **Draw appropriate lot lines, and if necessary building envelopes, around each building site.** Lot sizes will vary based on the type of development as well as the nature and proposed use of the resource areas. Lot lines are marked with survey monuments. Building envelopes shall either be easily located from lot line survey monuments or demarcated with separate monumentation.

#### **Agricultural Area Standards:**

1. Residential uses and wells shall be sited so as to minimize conflicts with adjoining agricultural operations. Buffer zones a minimum of 200 feet from residences and residential wells to the lot lines of agricultural operations may be required unless a smaller setback can be demonstrated to have no adverse impact.
2. Subdivision survey plats and deed language for new lots shall include suitable “Right to Farm” language to warn future owners about nearby (present or future) agricultural operations.
3. Access shall be preserved to agricultural lands to help facilitate future farming.

#### **Forest Area Standards:**

1. Access shall be preserved to facilitate future forest management including timber harvesting equipment (skidders, log trucks, etc.) and suitable area for landing and processing logs.
2. Subdivision survey plats and deed language for new lots shall include suitable “Right to Forest Management” language to warn future owners about nearby (present or future) forest management operations.
3. Forest areas suitable for future forest management shall be kept largely intact. Retention of large tracts of forest (25 acres or more) in single ownerships is encouraged in order to make future management decisions less complicated, and to keep land eligible for tax abatement programs (e.g., Vermont Current Use program). When the subdivision of productive forest areas is unavoidable, development areas shall be located so as to retain adjacent, functional tracts of that productive forest to help keep the resource more intact, to retain biodiversity, and to better enable joint management by different landowners.

## General Standards:

1. Areas in agricultural and productive woodland use should be of a size that retains their eligibility for State and Town tax abatement programs ([e.g., Vermont Current Use program](#)) or otherwise enable effective agricultural production or forest management. [The Vermont Current Use program provides property tax relief to help landowners retain lands in agricultural and productive woodland use. Currently, this State program requires a minimum enrollment of 25 acres of undeveloped agricultural land or productive woodland, with 2 acres removed for any house site \(i.e., 27-acre minimum for eligible land that includes a house site\).](#)
2. Development areas (lots, building areas, yard space, etc.) shall be placed on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural and forestry uses, along with suitable access to these areas.
3. New structures shall be placed to enable new construction to be visually absorbed by natural landscape features, and to not protrude above ridgelines.
4. Impacts on the recreational use of public roads (especially gravel roads) shall be minimized.
5. It is a goal to enhance non-motorized transportation within Hinesburg as depicted on Town Plan Map 13: “Trail Network Vision: Existing Routes and Gaps”. Accordingly, developers are encouraged to locate new construction and related site improvements so as not to preclude trail or sidewalk connectivity along the identified “gaps,” or between existing public trails and dedicated trail easements. Developers are also encouraged to design projects that facilitate pedestrian access to the extent practical via trail and/or sidewalk connections between neighborhoods and as shown on the Trail Network Vision map.
6. After the aforementioned design standards are considered, projects should be sited and designed to take maximum advantage of solar gain – to ensure passive solar gain and to allow for the use of [active photovoltaics, thermal panels, and other solar technologies](#) now or in the future. [Solar access should be considered for uses/structures as well as for the subdivision as a whole to allow for solar installation areas when individual uses/structures can't be located to take maximum advantage of solar gain.](#)

## **Subdivision & Zoning Definitions Revisions**

*ADDITIONS/REVISIONS, Subdivision Regulations, Article 9*

*Same ADDITIONS/REVISIONS, Zoning Regulations, Article 10*

**Core Wildlife Habitat:** Significant forest and wetland areas that are removed from roads, house sites, and other similarly developed areas as shown on **map X of the Town Plan**. Specifically, a subset of the overall habitat blocks delineated by the VT Fish and Wildlife Department in their 2011 “Habitat Block and Connectivity Analysis” dataset:

1. Habitat blocks of 700 acres or more – these blocks comprise the largest and most

contiguous habitat areas.

2. Interior portions of smaller habitat blocks that are at least 100 meters from the edge of the habitat block (typically the edge of human disturbance).

Note – The extent of this core wildlife habitat shall be as described above and as conditions on the ground existed as of **xxxx, xxxx (date of adoption of regulations)**, such that incremental reductions in habitat blocks do not result in currently mapped habitat blocks losing the core designation - e.g., a large block becoming less than 700 acres, or the reduction interior area of a smaller block due to edge encroachment.

Rare, Threatened, or Endangered Species Habitat & Significant Natural Communities: Known locations for these habitats are documented via the Heritage Database that is maintained by the VT Fish and Wildlife Department. This database does not represent a complete town-wide inventory, so other undocumented occurrences are possible and should be considered if properly identified. These data are made available to municipalities for planning purposes, and are one of the many Geographic Information System (GIS) datasets utilized in Hinesburg’s development review process.

Wildlife Corridor: Stream/riparian, wetland, or forested areas that provide connections between patches of significant wildlife habitat types listed in sections 4.7 and 4.8 of the Town Plan – **see map X from the Town Plan**. Stream/riparian and wetland wildlife corridors are easily identified while upland forest corridors can range from highly constrained to more diffuse. The width and effectiveness of wildlife corridors vary widely, both being highly dependent on the wildlife species and habitat type in question. Smaller, unmapped wildlife corridors (particularly smaller stream/riparian corridors) should also be considered if their importance is substantiated by scientific study or field assessment by a qualified expert (e.g., VT Fish and Wildlife assessment, university research, etc.).

Wetland: For the purpose of these regulations, the definition of a wetland, as well as the types of wetlands actually regulated, shall be the same as the State of Vermont wetland rules and regulations. A wetland is an area that is inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation adapted for life in saturated soil conditions. Wetlands are delineated pursuant to protocols established by the Federal and State government, which focus on soil type, hydrology, and vegetation. Class 1 and 2 wetlands tend to be larger, more significant wetlands and are regulated by the State. Class 3 wetlands are smaller wetlands that may or may not be regulated by the State depending on their significance and proximity to other wetlands. Regulated class 3 wetlands are functionally intact enough to provide for wildlife habitat, water quality, or flood prevention. Vernal pools fall into this category. Unregulated class 3 wetlands do not serve these functions in a meaningful way, typically due to: small size, isolation from other wetlands and hydrological features, or past land use practices that have altered the hydrology of the area (e.g., agricultural drainage ditches, tiles, etc.).

Agricultural Soils: Soil types delineated and identified by the US Department of Agriculture’s Natural Resource Conservation Service (NRCS) as being the most suitable for crop production pursuant to a June 2006 report titled “Farmland Classification Systems for Vermont Soils”. Prime agricultural soils constitute the best of the best for crop production. Statewide

agricultural soils are also very well suited for crop production; however, some statewide soils have a conditional classification based on the ability to address certain constraints. Possible constraints include: steep slopes, severe wetness limitations, bedrock outcrops. If these conditions exist, the area in question does not qualify as a soil of statewide importance.

Deer Wintering Area: White-tailed deer in Vermont live near the northern limit of their range in eastern North America. To cope with Vermont's severe climatic conditions, deer have developed a survival mechanism that relies upon the use, access, and availability of winter habitat. These habitat areas are known as deer wintering areas, deer winter habitat or, more commonly, 'deer yards.' Deer winter habitat is mapped by the VT Fish and Wildlife Department and defined as areas of mature or maturing softwood cover, with aspects tending towards the south, southeast, southwest, or even westerly and easterly facing slopes. It is shown on Map 9 of the Town Plan.

Stream (revise existing definition): **Streams are** All water courses with a visible stream bed of exposed rock, gravel or other sediment, even if water is not present in the stream bed during seasonal dry periods. **For regulatory purposes, streams shall be identified as those shown as stream lines in the Vermont Hydrography Dataset (VHD) as published by the Vermont Center for Geographic Information (VCGI) in 2008, with occasional updates. If questions arise about inaccuracies or omissions in this dataset, the Zoning Administrator shall make the determination (appealable to the Development Review Board).**

### **Zoning Design Standards for Rural Areas**

*NEW, Zoning Regulations, Complements the Village Area Design Standards in section 5.22.*

*The language below would be added as a new section after the Village Area Design Standards. Unlike the Village Area Design Standards that apply to all development, these Rural Area Design Standards would be limited only to development requiring site plan review. In other words, it would not apply to the construction of single-family homes, duplexes, most home occupations, or typical accessory structures. It would apply to multi-family residential dwellings, commercial/industrial uses, larger home occupations and cottage industries, etc. This new language is meant to improve the process by which new construction projects are laid out, and provide greater clarity and specificity. This language is adapted from similar standards in the Subdivision Regulations.*

**PURPOSE/APPLICABILITY:** It is the intent of these standards to ensure that development areas are located so as to protect important resources while taking advantage of natural landscape features, green spaces, and views to create well planned and desirable projects. These design standards shall apply to projects requiring site plan review within the Agricultural and Rural Residential 2 zoning districts. They shall only apply to home occupations that require site plan review – i.e., larger home occupations or cottage industries discussed in section 5.2. Although required for only certain types of projects as noted above, landowners and applicants are encouraged to consider these design standards for all land development.

**Waiver Option:** The DRB may waive specific design review provisions where it determines there is good cause to do so, and only if the waiver does not have the effect of substantially impairing the overall purpose and intent of these standards. When deciding whether to grant a waiver, the DRB shall take into consideration the nature and degree of the exception requested, and the extent to which suitable mitigation is proposed via other design elements.

## Design Standards:

- 1. Resource Areas:** Building sites and related development areas (e.g., roads, driveway, lawn, etc.) shall avoid primary resource areas and minimize impact on secondary resource areas. Primary resource areas are extremely sensitive or generally unbuildable areas, including: wetlands and associated buffers pursuant to State of Vermont wetland rules/regulations (see wetland definition); flood hazard areas (FEMA special flood hazard area and fluvial erosion hazard area); steep slopes of 25% or greater; surface waters and setback area; rare, threatened & endangered species locations and significant natural communities identified by VT Department of Fish and Wildlife. Secondary resource areas include: moderately steep slopes between 15-25%, prime and statewide agricultural soils (including conditional classes), core wildlife habitat, wildlife corridors, deer wintering areas, important cultural features (e.g., historic structures, stone walls).
- 2. Agricultural & Forestry:** Development areas (structures, roads, driveway, lawn, etc.) shall be placed on the least fertile soils for agricultural uses, and in a manner which maximizes the usable area remaining for such agricultural and forestry uses and keeps such existing areas largely intact. Access shall be preserved to facilitate future farming and/or forest management including timber harvesting equipment (skidders, log trucks, etc.) and suitable area for landing and processing logs.
- 3. Visual Impact:** New structures shall be sited to enable new construction to be visually absorbed by natural landscape features and to not protrude above ridgelines.
- 4. Sidewalks & Trails:** It is a goal to enhance non-motorized transportation within Hinesburg as depicted on Town Plan Map 13: "Trail Network Vision: Existing Routes and Gaps". Accordingly, developers are encouraged to locate new construction and related site improvements so as not to preclude trail or sidewalk connectivity along the identified "gaps," or between existing public trails and dedicated trail easements. Developers are also encouraged to design projects that facilitate pedestrian access to the extent practical via trail and/or sidewalk connections between neighborhoods and as shown on the Trail Network Vision map.
- 5. Energy & Solar Aspect:** After the aforementioned design standards are considered, projects should be sited and designed to take maximum advantage of solar gain – to ensure passive solar gain and to allow for the use of [active photovoltaics, thermal panels, and other solar technologies](#) now or in the future. [Solar access should be considered for individual uses/structures as well as for the property as a whole to allow for solar installation areas when individual uses/structures can't be located to take maximum advantage of solar gain.](#)