



# Lamoille County Planning Commission

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## MEMORANDUM

To: Selectboard and Trustee Chairs of the following municipalities:

Belvidere	Hyde Park Town	Morristown
Cambridge Town	Hyde Park Village	Morrisville
Cambridge Village	Jeffersonville	Stowe
Eden	Johnson Town	Waterville
Elmore	Johnson Village	Wolcott

Executive Directors of the following Regional Planning Commissions:

Central Vermont Regional Planning Commission	Chittenden County Regional Planning Commission
Northeastern Vermont Development Association	Northwest Regional Planning Commission

Commissioner Katie Buckley, Department of Housing and Community Development

From: Seth Jensen, Principal Planner

Date: August 11, 2015

Cc: Tasha Wallis, LCPC Executive Director  
Faith Ingulsrud, VTDHCD Planning Coordinator  
LCPC Board of Directors,  
Chairs – local Planning Commissions

RE: Proposed Amendment to the *Lamoille County Regional Plan 2015 – 2023*

Pursuant to 24 VSA §4348, Lamoille County Planning Commission requests general and specific comments on the enclosed draft amendment to *Lamoille County Regional Plan 2015 – 2023*. The first public hearing for amendment of the *Plan* will be held at the monthly meeting of LCPC's Board of Directors on **Tuesday, May 23, 2017 at 6:35 pm** at the LCPC Office, 52 Portland Street, 2nd Floor, Morrisville. A second public hearing will be scheduled and publicly noticed at a later date.

The amendment will revise the Regional Plan's definition of "substantial regional impact" in accordance with the duties of regional planning commissions outlined in 24 VSA §4345a (17). In addition to the complete text of the proposed amendment, enclosed with this memo you will find an overview of the purpose and role of "substantial regional impact" found in Vermont State Statute, an overview of the timeline and process for amending the Regional Plan's definition of "substantial regional impact," and a side-by-side table comparing the existing and proposed "substantial regional impact" thresholds and the rationale for the proposed amendments.

Please contact Seth at (802) 888-4548 or [seth@lcpcvt.org](mailto:seth@lcpcvt.org) if you have any questions or would like to discuss any of the content of the amendment.

# Notice of Public Hearing

The Lamoille County Planning Commission hereby provides a Public Hearing Notice for the purpose of amending the Lamoille County Regional Plan 2015 – 2023 per 24 VSA §4348. The amendment will revise the Regional Plan’s definition of “substantial regional impact” in accordance with the duties of regional planning commissions outlined in 24 VSA §4345a (17)

The public hearing has been scheduled for:

**LOCATION:** LCPC Office, 52 Portland Street, 2nd Floor, Morrisville  
**TIME:** Tuesday, May 23, 2017 at 6:35 pm

.....

A second public hearing will be held for the purpose of amending the Regional Plan at a later date which will be publicly noticed. Final adoption of the amendment of the Regional Plan 2015 – 2023 will be determined by a vote of the Board of Directors of the Lamoille County Planning Commission at a publicly noticed meeting at a later date.

The initial hearing is an opportunity to solicit the participation of local citizens and organizations. More information is available by stopping in at LCPC’s offices, 52 Portland Street, 2<sup>nd</sup> Floor, Morrisville, or by contacting Seth Jensen, Principal Planner, at 888-4548 or [seth@lpcvt.org](mailto:seth@lpcvt.org).

A copy of the proposed Amendment to the Regional Plan can be found online at [www.lpcvt.org](http://www.lpcvt.org) or at your local municipal office.



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## Overview of Substantial Regional Impact (SRI)

Substantial Regional Impact (SRI) relates primarily to Act 250 and Section 248 Public Service Board proceedings. Before the Act 250 District Commission may grant an Act 250 permit for a proposed development, the District Commission must find that the development is **“in conformance with any duly adopted local or regional plan or capital program.”** [10 VSA 6086(a)(10) – “Criteria 10”] Similarly, 30 V.S.A. 248(b)(1) stipulates that Vermont’s Public Service Board (PSB) may not issue a certificate of public good for a proposed utility facility unless the PSB finds that the facility “will not unduly interfere with the orderly development of the region **with due consideration having been given to the recommendations of the municipal and regional planning commissions.**”

In these proceedings, State Statute [24 VSA 4348 (h)] requires that “the provisions of the regional plan shall be given effect to the extent that they are not in conflict with the provisions of a duly adopted municipal plan.... to the extent that such a conflict exists, the regional plan shall be given effect if it is demonstrated that the project under consideration in the proceedings would have a **substantial regional impact.**”

In other words, all applications must conform (Act 250) or give due consideration to (PSB) to **both the local and regional plan.** If the local and regional plans are in conflict, the local plan is given more weight for applications where there is no Substantial Regional Impact. The regional plan is given more weight for applications where there is a Substantial Regional Impact.

Three key points to remember include:

- There is no statewide definition for Substantial Regional Impact. Rather, Statute [24 VSA 4345a (17)] requires each regional planning commission to define “substantial regional impact” in its regional plan.
- The Regional Plan’s definition of Substantial Regional Impact is NOT used to determine whether a proposed development is or is not in conformance with the Regional Plan.
- Substantial Regional Impact is NOT a threshold for the Regional Planning Commission (RPC) providing comments related to an Act 250 or Section 248 application. While LCPC has used SRI as a threshold for providing comments on Act 250 applications, this is not prescribed by Statute. In fact, Statute [24 VSA 4345a (13) & (14)] requires the RPC to appear before the Act250 District Commission and the Public Service Board to aid them in making determinations regarding conformance with the Regional Plan **regardless** of whether there is a Substantial Regional Impact.

## 2016 SRI Update

The SRI Criteria currently found in the Lamoille County Plan were developed in 1991. During the review of the 2015-2023 Lamoille County Regional Plan, several communities expressed a desire to update these Criteria to reflect changes that have occurred over the last 25 years. The Board felt that the SRI criteria warranted focuses attention, and agreed to review and revise the criteria as an amendment to the Regional Plan.

Following adoption of the Regional Plan, the LCPC Board of Directors created an Advisory Committee to *“Conduct a review of the Substantial Regional Impact criteria and update as necessary to meet the purpose of VT State statute, municipalities, and regional interests.”* This Advisory Committee consisted of representatives from diverse geographic areas and sectors of the Lamoille County Region. Members of the Advisory Committee were appointed by LCPC’s Board of Directors, and included:

- Mark Delany (Chair), Chief Planning and Development Officer, Smugglers’ Notch Resort
- Tom Jackman, Director of Planning, Town of Stowe
- Linda Martin, Wolcott Town Clerk
- Dick Goff, LCPC Plan and Project Review Committee and resident of the Town of Cambridge
- Caleb Magoon, LCPC Regional Plan Committee and local business owner
- Maxfield English, Wolcott Planning Commission and Development Review Board
- Todd Thomas, Morristown Planning Director, Zoning Administrator & Health Officer  
(resigned November 2, 2016)
- Graham Mink, area developer and resident of the Town of Stowe

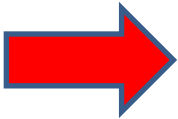
The Advisory Committee met five times over summer and fall 2016. It reviewed the current SRI criteria, criteria from other regions, and new criteria suggested by Committee members and other stakeholders. On November 28, 2016, the Advisory Committee unanimously approved proposed revised SRI Criteria for consideration by the LCPC Board of Directors

To improve readability, the proposed SRI criteria are now organized by related section of the Regional Plan (Economic Development, Housing, Transportation, etc.). Many of the current criteria have been revised, and others have been replaced by new, more relevant criteria. In some cases, the criteria have also been revised to better connect with local planning efforts. Some criteria are now also “tiered” -- particularly those related to Economic Development and Land Use -- to reflect the diversity of the region and that some impacts that may be significant in some areas of the County may be minor in others. This change was in direct response to comments received during the 2015 Regional Plan adoption process.

## SRI Amendment Timeline and Process

Per statute [24 VSA 4345a (17)] the definition of Substantial Regional Impact must be part of the Regional Plan. Therefore, an amendment to the 2015 Lamoille County Regional Plan is needed in order to revise the Criteria. The amendment process will follow the timeline outlined below:

- The SRI Advisory Committee will review the current SRI Criteria found in the Regional Plan and recommend revisions as needed. This process is now complete
- The SRI Advisory Committee's recommendations will be reviewed by the LCPC Plan and Project Review Committee (PPR) and Regional Plan Committee. These Committees may accept the recommendations as is, make revisions, or return the recommendations to the Advisory Committee for additional work.
- The LCPC Executive Committee will review the recommendations and revise as needed.
- Draft presented to full LCPC Board of Directors for review and revision.
- A draft of the proposed SRI Criteria will be made available for public comment.
- The LCPC Board of Directors will review and adopt the revised SRI Criteria as an amendment to the Regional Plan via the process outlined in 24 VSA §4348. This requires:
  - At least two public hearings by the Board of Directors.
  - At least 30 days prior to the first hearing, submission of the draft via certified mail to each municipality within the Region, all abutting RPCs, the Department of Housing and Community Development, and other interest groups that have requested a copy of the amendment in writing.
  - The Board of Directors may make revisions to the proposal not less than 30 days prior to the final hearing. If changes are made less than 30 days prior to the final hearing, an additional hearing must be held.
  - Following the final hearing, the Board of Directors will vote on the proposed amendment. Sixty percent of Board members representing municipalities must vote in the affirmative for the amendment to be considered adopted.
- Once the Board of Directors votes to adopt the amendment, the amendment is formally adopted unless, within 35 days, at least 50 percent of municipal legislative bodies in the region formally vote to veto the amendment. *Note that statute specifically uses the phrase, "all municipalities in the region." This includes all municipalities within Lamoille County, even those that may not be actively engaging with the Regional Planning Commission, unless those municipalities are formally assigned to another contiguous region by the Agency of Commerce and Community Development.*



## State Statutes Dealing with Substantial Regional Impact

### 24 VSA 4348. Adoption and amendment of regional plan

- ...(h) In proceedings under 10 V.S.A. chapter 151, 10 V.S.A. chapter 159, and 30 V.S.A. § 248, in which the provisions of a regional plan or a municipal plan are relevant to the determination of any issue in those proceedings:
- (1) the provisions of the regional plan shall be given effect to the extent that they are not in conflict with the provisions of a duly adopted municipal plan;
  - (2) to the extent that such a conflict exists, the regional plan shall be given effect if it is demonstrated that the project under consideration in the proceedings would have a **substantial regional impact**.

### 24 VSA 4345a. Duties of regional planning commissions

A regional planning commission created under this chapter shall:

- (13) Appear before district environmental commissions to aid them in making a determination as to the conformance of developments and subdivisions with the criteria of 10 V.S.A. § 6086.
- (14) Appear before the public service board to aid the board in making determinations under 30 V.S.A. § 248.
- ...(17) As part of its regional plan, define a **substantial regional impact**, as the term may be used with respect to its region. This definition shall be given due consideration, where relevant, in state regulatory proceedings.
- (18) If a municipality requests the assistance of the regional planning commission in coordinating the way that its plan addresses projects of **substantial regional impact** with the way those projects are addressed by its neighbors' planning efforts, the regional planning commission shall convene an ad hoc working group to address the issue. The working group shall be composed of representatives of all municipalities likely to be affected by the plan in question, regardless of whether or not they belong to the same region. With the assistance of a facilitator provided by the regional planning commission, the ad hoc working group will attempt to develop a proposed consensus with respect to projects of substantial regional impact. If a proposed consensus is developed, the results of the consensus will be reported to the planning commissions and legislative bodies represented.

### 10 VSA§ 6086. Issuance of permit; conditions and criteria (Act250)

- (a) Before granting a permit, the District Commission shall find that the subdivision or development:
  - (10) Is in conformance with any duly adopted local or regional plan or capital program under 24 V.S.A. chapter 117.

### 30 VSA § 248b. Certificate of public good

- (b) Before the Public Service Board issues a certificate of public good as required under subsection (a) of this section, it shall find that the purchase, investment, or construction:
  - (1) with respect to an in-state facility, will not unduly interfere with the orderly development of the region with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained in the plan of any affected municipality.

# TEXT OF PROPOSED AMENDMENT TO THE 2015-2023 LAMOILLE COUNTY REGIONAL PLAN

## ~~Regulatory Uses of the Regional Plan~~ Public Service Board (Section 248 Hearings)

The Vermont Public Service Board is a quasi-judicial body empowered to review and issue a Certificate of Public Good for all new electrical, gas transmission, generation, and telecommunications facilities (30 VSA 248). Under the requirements of this statute, the Board is required to find that a proposed project:

- Will not interfere with the orderly development of the region;
- Is needed to meet present and future demand; and
- Will not have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, and the public health and safety.

30 V.S.A. 248(b)(1) stipulates that Vermont's Public Service Board (PSB) may not issue a certificate of public good for a proposed utility facility unless the PSB finds that the facility "will not unduly interfere with the orderly development of the region with **due consideration having been given to the recommendations of the municipal and regional planning commissions.**" LCPC participates in PSB proceedings and determines conformance with the Regional Plan is in accordance with the "Lamoille County Planning Commission's Role in Act 250 and State Permitting" Policy, as most recently amended by the Board of Directors.

~~In fulfillment of the findings, the Board is required to give due consideration to both municipal and regional planning commissions and their related plans.~~

~~It will be the policy of LCPC to participate in all hearings of the Public Service Board under this section. LCPC will work closely with local planning commissions to ensure that local and regional concerns have been adequately addressed. LCPC's standards for reviewing energy and telecommunications projects are found in the Energy Chapter (page 93) and Telecommunications Chapter (page 124).~~

## Vermont's Land Use and Development Law, Act 250

Vermont's Land Use and Development Law (VSA Title 10, Chapter 151), commonly known as Act 250, was established in 1970 as part of a statewide planning and development control effort in response to rapid growth across the state. Act 250 reviews and issues permits to applicable residential, commercial, industrial developments, and public facilities. Permit decisions are based on the applicant's demonstration that the proposed project meets 10 specific criteria outlined in Statute. Under Criteria 10, Before the Act 250 District Commission may grant an Act 250 permit for a proposed development, the District Commission must find that the development is "in conformance with any duly adopted local or regional plan or capital program." [10 VSA 6086(a)(10) – "Criteria 10"] ~~will not seriously impact any of a set of criteria that include water and air quality, agricultural soils, wildlife, municipal services, and local and regional development plans.~~

Under state law, Regional Planning Commissions are a statutory party to review projects within the region, and in some cases outside the region. LCPC participates in Act 250 proceedings and determines conformance with the Regional Plan is in accordance with the "Lamoille County Planning Commission's Role in Act 250 and State Permitting" Policy, as most recently amended by the Board of Directors. LCPC reviews all Act 250 applications in the region, and participates and provides comments on those applications that have a substantial regional impact. A regional impact has traditionally been interpreted as an impact that has the potential to cross municipal boundaries.

## LCPC's What is Substantial Regional Impact

Substantial Regional Impact (SRI) relates primarily to Act 250 and Section 248 Public Service Board proceedings. In both Act 250 and Section 248, all applications must conform (Act 250) or give due consideration to (Section 248) **to both the local and regional plan.** In these proceedings, State Statute [24 VSA 4348 (h)] requires that “the provisions of the regional plan shall be given effect to the extent that they are not in conflict with the provisions of a duly adopted municipal plan.... to the extent that such a conflict exists, the regional plan shall be given effect if it is demonstrated that the project under consideration in the proceedings would have **a substantial regional impact.**”

There are several key points to remember regarding substantial regional impact:

- There is **no statewide definition for Substantial Regional Impact.** Rather, Statute [24 VSA 4345a (17)] requires each regional planning commission to define “substantial regional impact” in its regional plan.
- The Regional Plan’s definition of Substantial Regional Impact is NOT used to determine whether a proposed development is or is not in conformance with the Regional Plan. **A substantial regional impact can be positive or negative.** As such, the definition below does not identify development projects that are “bad” or should be opposed, but characterize those projects that may influence more than one community and/or the Region as a whole.
- Substantial Regional Impact is NOT a threshold for the Regional Planning Commission (RPC) providing comments related to an Act 250 or Section 248 application. In fact, **Statute requires the RPC to appear before the Act 250 District Commission and the Public Service Board** to aid them in making determinations regarding conformance with the Regional Plan regardless of whether there is a Substantial Regional Impact [24 VSA 4345a (13) & (14)].

## Lamoille County Substantial Regional Impact Definition and Thresholds

For the purposes of this plan and for all purposes defined by Statute, Lamoille County Planning Commission establishes the following thresholds as the definition of substantial regional impact in Lamoille County. To the degree possible, these thresholds or organ ize

### Economic Development

- Location of a new employer or expansion and/or relocation of an existing employer which is estimated to create the following number of new jobs within five years of any and all final permit approvals:
  - 50 jobs in a Town with a population of 2,500 or more (inclusive of Villages).
  - 30 jobs in a Town with a population less than 2,500 (inclusive of Villages).

(Note, for purposes of this criteria, the number of new jobs shall be measured based on total number of individuals employed, not full-time-equivalents)

### Housing

- Removal or demolition of 10 or more units of housing that is affordable to a household earning up to 120% of the host community’s median household income.

### Transportation

- A development that would substantially affect capacity or safety of the transportation network, as measured by one or more of the following:

1. Results in (a) 75 or more new daily trips, or (b) total new daily trips equal to or greater than 5% of the Average Annual Daily Traffic of the roads immediately servicing the project, whichever is less (Note: number of trips will be based on a traffic study, and/or the most recent ITE Trip Generation Manual if no such traffic study is available)
2. Contributes to a reduction in the peak hour Level of Service (LOS) below LOS D, unless a municipal plan approved in accordance with 24 VSA 4350(b) indicates that LOS F and/or E is acceptable to maintain desired development patterns and/or bike/pedestrian access. (Note: LOS will be based on a traffic study, or available VTrans data if no such traffic study is available).
3. Creates or exacerbates documented safety issues, including but not limited to high crash locations and corridors, and corridors or segments scheduled for systemic local road safety program improvements. (Note: Related documentation and reports are available through Vtrans and/or the Lamoille County Planning Commission)
4. Has the potential to adversely impact local roads in another town. Potential adverse impacts include, but are not limited to heavy vehicles, temporary construction traffic, noise, air quality, roadway conditions, and/or bicycle and pedestrian safety.
5. Has the potential to exacerbate a transportation related concern raised by the legislative body of another municipality or identified in the Plan of another municipality in accordance with 24 VSA 4382(8).

### **Energy/Telecommunications**

- A development that would necessitate a capacity upgrade on sub-transmission networks (34.5kV or greater) or the bulk transmission system (115kV or greater), or any other substantive capital improvement.

### **Land Use**

- Residential Development that creates:
  - 50 or more housing units in a Center or Enterprise Area, or
  - 20 or more housing units in the Rural/Working Lands, Working Lands/Forest, or Working lands/Floodplain area(s).
- Commercial, Industrial or other Non-Residential Development that creates:
  - 50,000 square feet gross floor area or more in a Center or Enterprise Area, or
  - 20,000 square feet gross floor area or more in the Rural/Working Lands, Working Lands/Forest, or Working lands/Floodplain Area(s)
- Expansion/creation of a public water supply or public sewer/wastewater system outside of a Center or Enterprise Area.
- A development located in a part of the region (other than a Center or Enterprise Area) which does not presently contain development of similar type and scale and has the potential to have impacts beyond the Town in which it is located.
- A development lying within two or more municipalities

### **Water Resources, Flood Resiliency, and Working Lands**

- A development that has the potential to adversely impact the following wildlife travel corridors identified in the Regional Plan, or other wildlife travel corridors identified in a municipal plan or by the Vermont Department of Fish and Wildlife:
  - Willow Crossing Area on Route 15 near the Cambridge/Johnson Town Line
  - Route 118 in Eden and Belvidere
  - Route 12 in Elmore
  - Area of Route 100 north of North Hyde Park Village at the Eden Town Line
  - Shutesville Hill area on Route 100 near the Stowe/Waterbury Town Line.

- A development that has the potential to adversely impact the following ridgelines identified in the Regional Plan, or other ridgelines identified in a municipal plan:
  - Mount Elmore
  - The Worcester Range
  - Mount Mansfield and
  - The Sterling Range
  - the Woodbury Range
  - Butternut Mountain
  - Belvidere Mountain
- A development in which off-site mitigation associated with the project, such as the acquisition of development rights or similar vehicles, may directly result in the reduction of the value of property (ies) on the grand list of a municipality other than the host municipality.
- Any development within a 100-year floodplain or river corridor, based on the most recent FEMA FIRM maps, VTANR River Corridor Maps, or site specific study.

#### **Public Safety, Education, Culture and Community, and other Public Facilities and Services**

- A development that has the potential to adversely impact the community services of a neighboring municipality.
- A development generating demands which has the potential to adversely affect public safety services (police, fire, EMS, etc) provided by two or more municipalities, including the host municipality, and/or which may require those entities to make major investments in personnel, equipment, vehicles, dispatch/communications, or other capital infrastructure.
- A development generating student numbers that may adversely affect school capacities in one or more neighboring communities and/or union schools.

Before the Act 250-District Commission may grant an Act 250 permit for a proposed development, the District Commission must find that the development is **“in conformance with any duly adopted local or regional plan or capital program.”** [10 VSA §6086(a)(10) — “Criterion 10”]. Through the Vermont statutes, each regional planning commission is required to define the term “Substantial Regional Impact” in its regional plan. In doing so, the Legislature recognized the fact that development impacts, both positive and negative in a community, do not necessarily stay in that community. This was the underlying principle in establishing the regional planning process in the late 1960’s. The Legislature also understood that, while contrary to the general purpose and goals of the statute, there will be times when the relevant goals and policies of a municipal plan and a regional plan will be in conflict, and situations will arise where the good of the greater community should take precedence. What may be best for the region as a whole may not be favored by an individual community.

The Legislature also recognized that there will be differences in the scale of, and impact from, development proposals between regions of the state. Just as the regions are very different, so is the type, character and scale of the developments they attract. Generally, any development project has the potential of creating a regional impact in any number of areas. However, the degree to which this impact becomes substantial is often difficult to estimate. Each project is different, as are the impacts they may create, depending on the type and character of the proposal, and its specific location.

The statute requires the consideration of substantial regional impact in state regulatory proceedings, specifically Act 250, solid waste, and Public Service Board (Section 248) hearings. In the past, District Environmental Commissions under Act 250 were faced with making the determination which plan, or portion of a regional or local plan, should be given effect. Today the law is reasonably clear.

Where the provisions of a regional and municipal plan are relevant in these proceedings, the law states:

- the provisions of the regional plan shall be given effect to the extent that they are not in conflict with the provisions of a duly adopted municipal plan; and
- to the extent that such a conflict exists, the regional plan shall be given effect if it is demonstrated that the project under consideration in the proceedings would have a substantial regional impact. (24 VSA §4348(h))

Development can have positive as well as negative impacts. Continued growth and development is essential to the long-term viability of our communities as well as the conservation of valuable natural resources. Thus, a substantial regional impact can be positive. The definition is not to identify development projects that are bad and should be opposed, but rather the purpose is an attempt to characterize those projects that may influence more than one community, and to ensure that the interests of those communities are addressed in the review process.

#### ***LCPC's Substantial Regional Impact Threshold***

Through this plan, Lamoille County Planning Commission establishes the following definition of substantial regional impact in Lamoille County:

A substantial regional impact in Lamoille County is one involving a development proposal having a sustained influence beyond the boundaries of the municipality and/or region in which it has been proposed, and is of such size, character and scale that it:

1. May change the existing settlement pattern in the region by:
  - a. shifting activity from an existing area of development to a major new area of development
  - b. locating in a new part of the region which does not presently contain development of that type or scale
2. May significantly affect existing capacity of regional public facilities and/or require their expansion, extension or relocation by:
  - a. Generating peak hour traffic equal to or greater than 5% of the peak hour capacity of the transportation network serving the project site.
  - b. Contributing to a reduction in the peak hour Level of Service (LOS) from D to E or from E to F.
  - c. Increasing the annual volume of solid waste entering a regional solid waste management facility by equal to or greater than 5%.
  - d. Involving or requiring the extension or expansion of a major regional route or state highway.
  - e. Having energy demands equal to or greater than 5% of the capacity of the electrical trunk lines serving the project site.
  - f. Generating additional enrollment equal to or greater than 1% of the capacity of any regional educational facility serving the project.
3. May create additional demands on the region's economy, or a major sector thereof by:
  - a. Increasing the cost or availability of affordable housing in the municipalities immediate to the project.
  - b. Generating new employment equal to or greater than 1/4 of 1% (.25%) of the region's existing employment as measured by the Dept. of Employment and Training.
  - c. Generating a new sector of economic activity in the region.

d. ~~May impact regionally significant natural and cultural features including, but not limited to: wildlife habitat, gravel resources, hydrogeological resources, fragile and natural areas, water supply watersheds and wellhead protection areas, agricultural and forest resources, scenic resources, and historic and archeological resources.~~

4. ~~May significantly impact important regional services including, but not limited to: public safety, public transportation services, central business districts and village centers, education, health care, and recreational.~~

5. ~~Exceeds the following development standards:~~

a. ~~a residential development where the proposed number of housing units is equal to or greater than 1/4 of 1% (0.25%) of the region's total housing units according to the most recent U.S. Census.~~

b. ~~commercial or industrial development involving 10,000 square feet or more of gross floor area is proposed or 20 or more employees will be employed.~~

~~While any one, or combination of, the above criteria may characterize a development proposal having a substantial regional impact, discretion should be left to the LCPC Board in making the final determination.~~

Proposed Thresholds	Existing Thresholds	Comments/Rational
<b>Economic Development</b> <ul style="list-style-type: none"><li>Location of a new employer or expansion and/or relocation of an existing employer which is estimated to create the following number of new jobs within five years of any and all final permit approvals:<ul style="list-style-type: none"><li>50 jobs in a Town with a population of 2,500 or more (inclusive of Villages).</li><li>30 jobs in a Town with a population less than 2,500 (inclusive of Villages).</li></ul><i>(Note, for purposes of this criteria, number of new jobs shall be measured based on total number of individuals employed, not full-time-equivalents)</i></li></ul>	<p>May create additional demands on the region's economy, or a major sector thereof by generating a new sector of economic activity in the region.</p> <p>generating new employment equal to or greater than 1/4 of 1% (.0025%) of the region's existing employment as measured by the Dept. of Employment and Training.</p> <p>generating a new sector of economic activity in the region.</p> <p>Commercial or industrial development involving 10,000 square feet or more of gross floor area is proposed or 20 or more employees will be employed.</p>	<p>Note that the thresholds are not a value judgement on whether an impact is positive or negative, simply that an project will have impacts beyond the host community. A new major employer would likely have positive economic benefits, as well as potential impacts on regional infrastructure.</p> <p>The Proposed Threshold is “tiered” to reflect that impacts vary greatly depending on the size of the community in which an employer may be located. Town population of 2,500 was selected due to the fact that it is the existing Statutory definition of a “rural Town.”</p>
<b>Housing</b> <ul style="list-style-type: none"><li>Removal or demolition of 10 or more units of housing that is affordable to a household earning up to 120% of the host community’s median household income.</li></ul>	<p>May create additional demands on the region's economy, or a major sector thereof by increasing the cost or availability of affordable housing in the municipalities immediate to the project.</p>	<p>The Existing Threshold was difficult to interpret. The Proposed Threshold is designed to focus on removal or displacement of existing housing only. “Housing that is affordable to a household earning up to 120% of the host community’s median household income” is the definition of “workforce housing” found in the Regional Plan.</p>
<b>Transportation</b> <ul style="list-style-type: none"><li>A development that would substantially affect capacity or safety of the transportation network, as measured by one or more of the following:<ol style="list-style-type: none"><li>Results in (a) 75 or more new daily trips, or (b) total new daily trips equal to or greater than 5% of the Average Annual Daily Traffic of the roads immediately servicing the project, whichever is less <i>(Note: number of trips will be based on a traffic study, and/or the most recent ITE Trip Generation Manual if no such traffic study is available)</i></li><li>Contributes to a reduction in the peak hour Level of Service (LOS) below LOS D, unless a municipal plan approved in accordance with 24 VSA 4350(b) indicates that LOS F and/or E is acceptable to maintain desired development patterns and/or bike/ped access. <i>(Note: LOS will be based on a traffic study, or available VTrans data if no such traffic study is available).</i></li><li>Creates or exacerbates documented safety issues, including but not limited to high crash locations and corridors, and corridors or segments scheduled for systemic local road safety program improvements. <i>(Note: Related documentation and reports are available through Vtrans and/or the Lamoille County Planning Commission)</i></li><li>Has the potential to adversely impact local roads in another town. Potential adverse impacts include, but are not limited to heavy vehicles, temporary construction traffic, noise, air quality, roadway conditions, and/or bicycle and pedestrian safety.</li><li>Has the potential to exacerbate a transportation related concern raised by the legislative body of another municipality or identified in the Plan of another municipality in accordance with 24 VSA 4382(8).</li></ol></li></ul>	<p>May significantly affect existing capacity of regional public facilities and/or require their expansion, extension or relocation by:</p> <p>generating peak hour traffic equal to or greater than 5% of the peak hour capacity of the transportation network serving the project site.</p> <p>contributing to a reduction in the peak hour Level of Service (LOS) from D to E or from E to F.</p> <p>involving or requiring the extension or expansion of a major regional route or state highway.</p> <p>May significantly impact important regional services including, but not limited to: public safety, public transportation services, central business districts and village centers, education, health care, and recreational.</p>	<ol style="list-style-type: none"><li>This Threshold is designed to address total new daily trips. 75 daily trips is the amount of trip generation that necessitates a traffic study under Vtrans Guidelines. The second threshold of “% of the Average Annual Daily Traffic.” Was added to reflect that lower volumes may still have a Regional Impact on more rural roads.</li><li>The Existing Threshold is based entirely on Level of Service. Strengths role of local plans and enables LCPC to consider local desires vetted through the Plan approval process. LOS measures only one aspect of the network (delay experienced by automobiles), sometimes at the expense of other community goals. To address this, the Proposed Threshold also strengthens role of local plans and enables LCPC to consider local desires vetted through the Plan approval process.</li><li>References recognized road safety programs.</li><li>In some cases, a project may rely on the local roads in another Town. For example, a subdivision or gravel pit near a town-line could be accessed via road in the neighboring Town. The Proposed Threshold ensures these impacts can be addressed.</li><li>The Proposed Threshold provides communities with a mechanism to address cross municipal transportation concerns documented through the Municipal Planning Process or act of the Municipal Legislative Body</li></ol>
<b>Energy/Telecommunications</b> <ul style="list-style-type: none"><li>A development that would necessitate a capacity upgrade on sub-transmission networks (34.5kV or greater) or the bulk transmission system (115kV or greater), or any other substantive capital improvement.</li></ul>	<p>May significantly affect existing capacity of regional public facilities and/or require their expansion, extension or relocation by having energy demands equal to or greater than 5% of the capacity of the electrical trunk lines serving the project site.</p>	<p>The Existing Threshold required information that may not be readily available. The Proposed Threshold was developed in consultation with Jeff Wright from the Vermont Electric Coop, and is designed to focus on major capital improvements.</p>

<p><b>Land Use</b></p> <ul style="list-style-type: none"><li>Residential Development that creates:<ul style="list-style-type: none"><li>50 or more housing units in a Center or Enterprise Area, or</li><li>20 or more housing units in the Rural/Working Lands, Working Lands/Forest, or Working lands/Floodplain area(s).</li></ul></li><li>Commercial, Industrial or other Non-Residential Development that creates:<ul style="list-style-type: none"><li>50,000 square feet gross floor area or more in a Center or Enterprise Area, or</li><li>20,000 square feet gross floor area or more in the Rural/Working Lands, Working Lands/Forest, or Working lands/Floodplain Area(s)</li></ul></li><li>Expansion/creation of a public water supply or public sewer/wastewater system outside of a Center or Enterprise Area.</li><li>A development located in a part of the region (other than a Center or Enterprise Area) which does not presently contain development of similar type and scale and has the potential to have impacts beyond the Town in which it is located.</li><li>A development lying within two or more municipalities</li></ul>	<p>Exceeds the following development standards:</p> <ul style="list-style-type: none"><li>a. a residential development where the proposed number of housing units is equal to or greater than 1/4 of 1% (0.0025%) of the region's total housing units according to the most recent U.S. Census.</li><li>b. commercial or industrial development involving 10,000 square feet or more of gross floor area is proposed or 20 or more employees will be employed.</li></ul> <p>May change the existing settlement pattern in the region by:</p> <ul style="list-style-type: none"><li>c. shifting activity from an existing area of development to a major new area of development</li><li>d. locating in a new part of the region which does not presently contain development of that type or scale</li></ul> <p>May significantly impact important regional services including, but not limited to: public safety, public transportation services, central business districts and village centers, education, health care, and recreational.</p>	<p><b>Residential Development:</b> The Existing Threshold of 1/4 of 1% (0.0025%) equals about 30 units. The Proposed Threshold has been tiered based on the Regional Plan Future Land Use Map to recognize that impacts vary depending on setting. Center and Enterprise Areas are generally those areas identified in Local Plans for more intensive development.</p> <p><b>Commercial, Industrial or other Non-Residential Development:</b> The existing 10,000 square foot threshold is very low, and resulted in small projects triggering SRI unnecessarily. The Proposed Threshold has been tiered based on the Regional Plan Future Land Use Map to recognize that impacts vary depending on setting.</p> <p><b>Expansion/creation of a public water or wastewater:</b> The Regional Plan is structured to endorse expansions serving Center and Enterprise Areas and contains guidance regarding expansion outside of Center/Enterprise Areas to ensure potential impacts are addressed. The final two Proposed Thresholds address projects and impacts in other communities.</p>
<p><b>Water Resources, Flood Resiliency, and Working Lands</b></p> <ul style="list-style-type: none"><li>A development that has the potential to adversely impact the following wildlife travel corridors identified in the Regional Plan, or other wildlife travel corridors identified in a municipal plan or by the Vermont Department of Fish and Wildlife:<ul style="list-style-type: none"><li>Willow Crossing Area on Route 15 near the Cambridge/Johnson Town Line</li><li>Route 118 in Eden and Belvidere</li><li>Route 12 in Elmore</li><li>Area of Route 100 north of North Hyde Park Village at the Eden Town Line</li><li>Shutesville Hill area on Route 100 near the Stowe/Waterbury Town Line.</li></ul></li><li>A development that has the potential to adversely impact the following ridgelines identified in the Regional Plan, or other ridgelines identified in a municipal plan:<ul style="list-style-type: none"><li>Mount Elmore</li><li>The Worcester Range</li><li>Mount Mansfield and</li><li>The Sterling Range</li><li>the Woodbury Range</li><li>Butternut Mountain</li><li>Belvidere Mountain</li></ul></li><li>A development in which off-site mitigation associated with the project, such as the acquisition of development rights or similar vehicles, may directly result in the reduction of the value of property (ies) on the grand list of a municipality other than the host municipality.</li><li>Any development within a 100-year floodplain or river corridor, based on the most recent FEMA FIRM maps, VTANR River Corridor Maps, or site specific study.</li></ul>	<p>May impact regionally significant natural and cultural features including, but not limited to: wildlife habitat, gravel resources, hydrogeological resources, fragile and natural areas, water supply watersheds and wellhead protection areas, agricultural and forest resources, scenic resources, and historic and archeological resources.</p>	<p>The Existing Threshold is extremely broad and interpretive.</p> <p><b>Wildlife Corridors:</b> References corridors specifically denoted as “Regionally Significant” in the Regional Plan.</p> <p><b>Ridgelines:</b> References ridgelines specifically denoted as “Regionally Significant” in the Regional Plan.</p> <p><b>Offsite Mitigation:</b> Intended to address situations in which land is taken of the tax roles in one Town to mitigate impacts in another, as occurred in Eden due to the Lowell Wind project. The word “directly” was chosen to ensure it excludes finical payment of mitigation fees, as the programs that utilize those funds usually require input from the host community prior to a purchase.</p> <p><b>Floodplain/River Corridors:</b> The Advisory Committee initially attempted to “quantify” the Proposed Threshold based on total amount of fill or area impacted. However, this proved impossible due to variations in size of various watersheds. Note that the Regional Plan does not prohibit development in these areas, but does state that “<i>development in these areas must be carefully designed to minimize risks to life and property, and to ensure that floodwaters are not displaced onto upstream or downstream properties.</i>”</p>

<p><b>Public Safety, Education, Culture and Community, and other Public Facilities and Services</b></p> <ul style="list-style-type: none"><li>• A development that has the potential to adversely impact the community services of a neighboring municipality.</li><li>• A development generating demands which has the potential to adversely affect public safety services (police, fire, EMS, etc) provided by two or more municipalities, including the host municipality, and/or which may require those entities to make major investments in personnel, equipment, vehicles, dispatch/communications, or other capital infrastructure.</li><li>• A development generating student numbers that may adversely affect school capacities in one or more neighboring communities and/or union schools.</li></ul>	<p>May significantly impact important regional services including, but not limited to: public safety, public transportation services, central business districts and village centers, education, health care, and recreational.</p> <p>May significantly affect existing capacity of regional public facilities and/or require their expansion, extension or relocation by:</p> <ul style="list-style-type: none"><li>• increasing the annual volume of solid waste entering a regional solid waste management facility by equal to or greater than 5%.</li><li>• generating additional enrollment equal to or greater than 1% of the capacity of any regional educational facility serving the project.</li></ul>	<p>The Existing Threshold is extremely broad and interpretive. The Proposed Threshold is structured to focus on adverse impacts to community services in another municipality</p> <p><b>Emergency Services:</b> Other than roads, emergency services such as fire and rescue are often one of the major community services provided by or through the municipality. The Proposed Thresholds focus on projects that may require a major investment.</p> <p><b>Schools:</b> The Proposed Threshold is intended to be less data intense Less data intense than the Existing Threshold, and to be measurable based on commonly available data.</p> <p><b>Solid Waste:</b> Note that there is no longer a specific Threshold related to Solid Waste. Solid Waste is now much more heavily regulated than it was when the Existing Thresholds were developed in 1991.</p>
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