

**CITY OF ESSEX JUNCTION  
PLANNING COMMISSION  
PUBLIC HEARING  
MINUTES OF MEETING  
November 9, 2023  
FINAL**

**MEMBERS PRESENT:** Phil Batalion, Chair; Patrick Scheld, Vice Chair; Diane Clemens; Scott McCormick; Elijah Massey.

**ADMINISTRATION:** Chris Yuen, Community Development Director; Jennifer Marbl, City Planner.

**OTHERS PRESENT:**

**1. CALL TO ORDER**

Phil Batalion called the meeting to order at 6:36 PM.

**2. AGENDA ADDITIONS/CHANGES**

Community Development Director Yuen said he would like to provide an update on the sign regulation enforcement campaign that is currently underway, specifically around content neutrality as laid out in the Land Development Code. This will be agenda item #5f.

**3. PUBLIC TO BE HEARD**

a. Comments from Public on Items Not on Agenda

**4. MINUTES**

a. October 5, 2023

**MOTION by PATRICK SCHELD, SECOND by SCOTT McCORMICK, to approve the minutes of October 5, 2023 as drafted. VOTING: unanimous (5-0); motion carries.**

**5. BUSINESS ITEMS**

a. Update on Rental Registry and Inspection Program

Community Development Director Yuen began by noting that the City Council took up and discussed the draft rental registry ordinance at its November 8, 2023 meeting. He said that the Council is interested in moving quickly on this item, though noting that the limiting factor is the bandwidth of the City Council itself. He noted that the initial public hearing on the draft ordinance will occur in January, and if there are amendments, they will need to hold a second public hearing in February. He said that in terms of implementation, they will need to procure software and hire staff, but he said that this could be up and running within this current fiscal year. He noted that in terms of public engagement, the Council is interested in outreach activities related to compliance, so staff will be reaching out to landlords and tenants to begin to educate them on this new program.

Commissioner McCormick noted items that Councilors brought during last night's discussion, which included looking into an incentive program for landlords who have minimal infractions and demonstrate good compliance, and also the idea of a housing trust fund. He also said he is in support of a simple fee structure (citing the flat fee of \$115 per unit), but noted that for some of the larger landlords with many units, this will not be an insignificant cost. He said that part of the communication to landlords should

include information on the benefits of this program for them. Commissioner Massey agreed, saying that the Commission and Council should be prepared to speak to potential concerns from landlords and renters about how this could lead to increased costs and potentially disincentivize the development of affordable housing. Commissioner Batalion suggested reducing the fee for affordable units. Community Development Director Yuen replied that this could be complicated to implement, given that there are multiple definitions of affordability at play, but alternatively suggested a reduced fee for non-profit housing providers.

Commissioner Massey asked how likely it is that the Council will pass this ordinance and the program will be implemented within this fiscal year. Community Development Director Yuen replied that barring any fatal flaws, it is likely that implementation could occur within months. He noted one area of potential concern, which pertains to the rental housing health code being passed to the fire marshal's role. He said that staff need to make sure that the City still has the jurisdiction to enforce this ordinance without a fire marshal, but said that this question should be resolved soon.

b. Discussion of Neighborhood Development Area expansion application

City Planner Marbl presented two options for extending the boundaries of the Neighborhood Development Area beyond their current location. She said that the first option would extend the boundary from its current location around the Village Center by  $\frac{1}{4}$  of a mile and generally follows the contours of the current NDA boundaries, with an additional corridor down Pearl Street. She said that the second option is based on zoning laws and which districts are zoned for development, with a more significant extension down Pearl Street.

Commissioner Scheld asked if the City has spoken to anyone from the Department of Housing and Urban Development about these boundaries, and City Planner Marbl replied that they are having a discussion with them next week. Commissioner Clemens asked if the City can have two NDAs. Community Development Director Yuen replied that it is an add-on designation that pairs with the City's Village Center designation, and they may need to pursue some combination of the two options presented. Commissioner Scheld noted that the State also likes to see the NDA be contiguous with the Village Center area. Commissioner Batalion asked about the benefits of the NDA designation. City Planner Marbl replied that there are reduced Act 250 regulations and more flexibility around those regulations within that designation, as well as priority consideration for State grants. Commissioner Batalion said that it may be more beneficial to seek an NDA for the option that captures the areas of the City with the most and densest development potential (such as that Pearl Street corridor).

Commissioners discussed the Downtown designation and whether seeking it to replace the Village Center designation would be beneficial to the City. Commissioner Scheld noted that the Downtown designation would require more work from staff to run downtown programs while not reaping many tangible additional benefits than the current Village Center designation. Community Development Director Yuen noted that the Downtown designation would also get the City a  $\frac{1}{2}$ -mile buffer instead of a  $\frac{1}{4}$ -mile buffer, allowing for more flexibility in regulations in a wider area. Commissioners were supportive of pursuing the expanded NDA for the Village Center.

c. Update on Vision and Strategic Action Plan

Community Development Director Yuen provided an update on the two community input events that occurred recently, noting that each event had about 50 attendees (though half of them were staff, board

members, and City Councilors). He noted that the focus on Thursday were around drivers of change in the City and how the City can adapt to them. He said that the Saturday event then took those drivers of change and asked for input on whether the City should adapt to them or try and preserve the status quo around them, and whether that should be driven by the City/government or should be developer-led. Commissioner McCormick noted concerns about very low participation in the survey that was fielded around the strategic visioning, as well as concerns about lack of diverse representation participating in the workshops and strategy sessions (for example, no students or high school teachers, no first responders). He spoke positively about some of the creative ideas that came out of the sessions.

d. Discussion on potential Act 47 Affordable Housing verification requirements

Community Development Director Yuen said that a number of developers are submitting applications that seek to utilize the density bonus (height bonus) allowances if certain affordable housing unit thresholds are met in a proposed development project, and that it behooves the City to have a good mechanism to verify that those affordable housing threshold requirements are being met. City Planner Marbl spoke about how Burlington verifies this, which is through requesting a copy of the lease from the landlord as well as proof of income, and then compares this to VHFA's affordability thresholds for Chittenden County. Community Development Director Yuen said that the City could pursue a similar path, and request leases and number of bedrooms for rental units (as a proxy for household size). He said that staff are still trying to work through options for verification, and will present something more definitive to the DRB in the coming months. Commissioner Batalion asked what the ongoing enforcement would be for inclusionary zoning. Community Development Director Yuen replied that it would be considered a zoning violation if the condition of approval is that they need to meet affordable housing requirements for 15 years. Commissioner Clemens said that the rental registry will help ensure that the covenants around affordability are being enforced. Commissioner Scheld suggested reaching out to VHCB and asking how they enforce their affordable housing thresholds, since they have affordability requirements in perpetuity.

e. Discussion of future Planning Commission initiatives

Commissioner McCormick noted that the Comprehensive Plan needs to be revised in the near future, and that the City is working on its strategic plan currently. Commissioner Clemens, who had experience with the prior revision of the Comprehensive Plan, spoke about that experience, and that it took about 18 months to engage with other boards and commissions and stakeholders to inform the content of each subsection of the Comprehensive Plan. She suggested putting together a timeline and back into the due date for the Comprehensive Plan, as well as an outline for the different sections of the plan and a public engagement plan. Commissioner Scheld asked whether it should be the role or an initiative of the Planning Commission to try and get more community events (such as a farmer's market or community block parties) up and running. Commissioner McCormick said that one initiative of the Planning Commission should be building up more community engagement. Community Development Director Yuen suggested relying on the expertise of the Chittenden County Regional Planning Commission (CCRPC) for helping support revisions for the Comprehensive Plan. He said that there are also other initiatives (such as the Transit Oriented Design district) that would inform updates to the Comprehensive Plan. Commissioner Batalion suggested reviewing the latest version of the Comprehensive Plan and think about potential revisions. Commissioner McCormick said that this good be a good topic for a joint meeting with the City Council. Commissioner Massey suggested, related to engagement, that it would be useful to inventory the spaces that the community uses to engage with each other already, as opportunities for community outreach.

f. Update on City's Sign Regulation Enforcement Campaign

Community Development Director Yuen said that it has been a goal of the City Council to increase enforcement activities, and one frequently-lodged complaint was around signage around the City and how it doesn't follow current regulations. He said that he and City Planner Marbl have been engaging with businesses to let them know what signage requirements are for the City and how they can bring their signage into compliance with those requirements. Community Development Director Yuen said that a complicating factor is the current LDC regulations around content neutrality for signs.

#### **6. COMMISSIONER UPDATES**

Commissioner McCormick said that the Capital Projects Committee met on Tuesday and had a discussion about how to use Local Option Tax funds, and that the current estimate of revenue from that is around \$1 million per year. He said that the Committee drafted a LOT fund policy, which outlines what that revenue can be used for. He noted that 25% of the LOT funds can be set aside for sidewalk maintenance, but that the remainder is for capital improvement projects.

Commissioner McCormick also spoke about a conference he attended in Montpelier that focused on climate change and funding opportunities for municipalities. Commissioner Clemens said she also attended this conference, but attended sessions related to data and wildlife, and noted that there were also numerous sessions on flooding and flood mitigation.

#### **7. STAFF UPDATES**

None.

#### **8. ADJOURNMENT**

**MOTION by SCOTT McCORMICK, SECOND by ELIJAH MASSEY, to adjourn the meeting.  
VOTING: unanimous (5-0); motion carries.**

The meeting was adjourned at 9:01 P.M.

*RScty: AACoonradt*