

FAQ on the proposed new Warren Land Use and Development Regulations

By the Warren Planning Commission

On Monday July 25, 2022 at 7:00 pm, the Warren Planning Commission will be holding a Public Hearing at the Warren Town Hall to update the public on the revisions of the Warren Land Use and Development Regulations [“LUDRs”; also known as “Zoning Bylaws”] since the March 14th hearing. This is an invitation to join us at that Hearing, as well as an effort to clarify some points of confusion.

For a comprehensive explanation of the updated LUDRs, please see the Planning Commission Report on Bylaw Amendments at: <http://planning.warrenvt.org/>

This same website also contains an up-to-date version of the [Warren Land Use and Development Regulations](#) and the proposed [Zoning Map](#), as well as a [List of all comments and questions submitted to PC along with answers and adjustments made to LUDRs](#)

Based on numerous comments received from Warren residents at the March 14th public hearing, the Warren Planning Commission (“PC”) combed through the LUDRs again to identify and remove sections of the LUDRs that PC members agreed were unnecessary or onerous. A list of changes made following that hearing is also available at the same website.

FAQ

The members of the Planning Commission would like to take this opportunity to answer some frequently ask questions about the proposed LUDRs:

Question: Why is the Planning Commission proposing updated zoning regulations now?

Answer: The LUDRs in their current form were adopted back in 2001. The 2019 Warren Town Plan recognized that it was time for a comprehensive update of the zoning regulations to address the many changes that have been made to state laws, regulations, and programs over the past two decades, and to realign the LUDRs with the town’s planning policies. There was also a commitment from the PC to improve the clarity of the LUDRs and the town’s development review and permitting processes.

Question: Why haven’t I heard about this update until now?

Answer: We don’t know! We tried to make the process as public as possible. The PC has been working on the proposed LUDRs for approximately three years in a very public process (two warned public meetings a month) that included participation by the DRB, the Conservation Commission, Friends of the Mad River, the Housing Coalition, etc., and many interested Warren residents. In addition, the PC held two publicized meetings to provide information about the proposed LUDRS on May 26, 2021, and June 14, 2021, as well as a well-attended public hearing to receive comments on March 14, 2022. We received and considered nearly 250 comments from Warren residents over the past year. Our meetings were on MRVTV and the LUDRs update has been discussed in the Valley Reporter. Of course, Covid-19 didn’t help our outreach efforts any.

Question: Were the proposed LUDRs drafted by consultants with little input from PC members and Warren residents?

Answer: Since the PC is made up of volunteers, not professional zoning experts, the PC hired a consultant to assist us. Drafting LUDRs is very technical and specialized work. The consultant is the same consultant who did a great job in helping us revise the Town Plan in 2019. However, the Warren PC members spent three years meeting in the evening twice a month and put in countless hours of time and effort on the proposed LUDRs. Special attention was paid when members of the public raised concerns. The result is a document that is a compromise and reflects a consensus among Warren PC members, with input both from the consultants and from Warren residents.

Question: Are the proposed LUDRs an effort to (completely) remake Warren?

Answer: The proposed LUDRs are very similar to the current LUDRs in terms of content. The new LUDRs improve on the old regs by making them clearer and more user-friendly, as well as update the regs to reflect current land uses, changes in state law, etc. However, they are not a major change to the way land in Warren is currently regulated. The key principles underlying our existing LUDRs – such as encouraging development in designated growth areas, encouraging development of affordable housing, preserving the natural resources and existing rural character of Warren -- remain unchanged. For a comprehensive explanation, please see the **Planning Commission Report on Bylaw Amendments** at: <http://planning.warrenvt.org/>

Question: Will the proposed LUDRs increase conflict and strife among neighbors?

Answer: If neighbors get along well now under current zoning regulations, nothing in the proposed LUDRs will change that. If they don’t get along now, unfortunately the same answer still applies. Zoning regulation has little to do with neighbors getting along – that is more a question of personality, responsible behavior and tolerance. Sadly, we can’t fix those things with zoning regulations.

Question: What if the LUDRS aren’t perfect? Are we are stuck with them forever?

Answer: Actually, it’s true that the LUDRs aren’t perfect. We educated ourselves, consulted with experts, and listened to a lot of public comment along the way to make these the best we could. However, we agree that we have not created perfection. We understand that some parts of the proposed LUDRs may need to be improved or changed in the future, and we will do so. We are confident that we have created a high-quality product that will work for Warren, but LUDRs always are a living document, not set in stone. So “no,” we are not stuck with them forever. If issues are identified, we will consider making corrections.

Question: Will the proposed LUDRs prevent landowners from developing their property?

Answer: Landowners can still develop their property! The proposed LUDRs aim to help streamline the development process by decreasing ambiguity in the LUDRs. They are not designed to take away development rights in land suitable for development. The existing LUDRs already provide standards and requirements for development in Warren. The new LUDRs do not change this.

Question: Will the new LUDRs increase my property taxes?

Answer: The new LUDRs will not impact either the property tax rate or the assessed value of homes, and therefore will not increase property taxes. If your property taxes increase, it will not be due to the LUDRs.

Question: Will the new LUDRs make housing in Warren less affordable?

Answer: The new LUDRs will not impact the affordability of single-family housing. But they aim to make affordable housing more available in other ways, such as provisions for multi-unit housing, worker housing, accessory dwelling units and rooming and boarding houses. The cost of housing is driven primarily by the limited supply and high demand for housing in Warren, as well as other factors like interest rates, and the very high cost of new construction.

Question: Why do the proposed LUDRs ignore the affordable housing crisis?

Answer: They don't. In fact, it's the opposite. Given the very high price of new home construction, the Warren PC has identified construction of multi-unit dwellings (e.g., duplexes or triplexes) as the most promising tool to address housing affordability. Under the new LUDRs, multi-unit dwellings are a permitted use in all zoning districts except for the natural Resource Protection District. Current zoning is much less favorable for this kind of development. Overall, the proposed LUDRs seek to support both housing quality and affordability with provisions for alternative types of housing.

Question: By dividing the current Rural Residential District into two districts – the Rural District and the Residential District – and by increasing the minimum lot size in the new Rural District from one acre to five acres, aren't the proposed LUDRs anti-affordable housing?

Answer: After careful consideration, including much public comment, the PC concluded that a one-acre minimum lot size in the Rural District is simply not the solution to the affordable housing crisis in Warren. This is due to the high cost of new home construction, but we also considered the risk of losing the rural character of Warren and causing excessive harm to our natural landscape and eco-systems. Moreover, development of single-family homes on one-acre parcels in the Rural District is neither the development pattern we currently see in Warren nor want to encourage. This scale of development is appropriate for and allowed in the Residential District. However, under the proposed LUDRs, multi-unit housing and other alternative forms of housing are permitted uses in the Rural District. Also, pre-existing lots in the rural area that are less than five acres can still be developed so long as they are validly subdivided of record.

Question: By increasing minimum acreage to five acres in the proposed Rural District, aren't the new LUDRs very burdensome to landowners who want to subdivide their land?

Answer: Land currently zoned Rural Residential under existing LUDRs has been split into two districts in the proposed LUDRs – Residential and Rural. The five-acre minimum lot size zoning in the proposed Rural District represents a balance between the desire to preserve the current rural character of the district (note: if preserving rural character was the sole aim, a minimum lot size of greater than ten acres would be appropriate), and a recognition of the rights of landowners to develop their land, as well as the need for balancing housing needs and environmental concerns. In addition, the five-acre minimum lot size matches the way land is currently developed in the Rural District, where median lot size is 5.4 acres and average lot size is nearly 14 acres.

The current one-acre zoning in the Rural Residential District is not in character either with existing development in the proposed Rural District, or with the Town's goal of guiding development to growth centers and away from outlying rural areas. There is much more to say on this topic, but we don't believe that the best or most profitable way to develop in the Rural District is by dividing a large parcel into many one-acre lots (given steep slopes, wetlands, need for septic systems, etc., this is usually not realistic anyway), or even that affordable housing can be constructed at present this way. However, under the proposed LUDRs, multi-unit housing and other alternative forms of housing are permitted uses in the Rural District. Also, pre-existing lots in the rural area that are less than five acres can still be developed so long as they are validly subdivided of record.

We hope this information answers important concerns. See you on Monday July 25, 2022 at 7:00 pm at the Warren Town Hall. For more information, contact planning@warrenvt.org or Ruth Robbins, Zoning Administrator & Planning Coordinator 802-496-5291