



Guide and Standards for Municipal Plan Approval

Introduction

Vermont law states that municipalities *may* choose to *adopt* a municipal plan, although they are under no statutory requirement to do so. Likewise, communities are under no obligation to have their plan *approved* by the Regional Planning Commission. While a duly adopted plan can be used to guide development and serve as evidence in Act 250 and Section 248 hearings, only municipalities with approved plans are eligible for Municipal Planning Grants. In addition, State agencies proposing projects must consider approved local plans before proceeding. Regardless of whether a locally adopted plan is approved, however, it is still in effect.

Required Elements and Goals

A community choosing to adopt a municipal plan must, at a minimum, include the required elements listed in Vermont’s Municipal Planning Statute (Title 24, Chapter 117). A community must also follow specific adoption procedures. This guide, however, focuses on preparing a plan that would meet the statutory requirements relating to the required elements.

A community choosing to have its municipal plan approved by the Regional Planning Commission must include the required elements noted above *and* address each of Chapter 117’s planning goals.

The Regional Planning Commission’s Role

“A regional planning commission shall review and approve plans of its member communities when approval is requested and warranted.”
T.24, Ch. 117, §4382

In order for a town plan to be approved by the RPC, it must meet four basic criteria:

1. The plan must be consistent with the goals established in §4382 of Title 24.
2. The plan must be compatible with its Regional Plan;
3. The plan must be compatible with approved plans of other municipalities in the Region; and,
4. The plan must contain each of the required elements listed under §4382.

Terms

Adopted Plan: A municipal plan, having followed the proper legislatively-defined procedures and including the required elements set out in Title 24, Chapter 117, §4382 of the Vermont Statutes, that has been legally adopted by the local legislative body or voters.

Approved Plan: A municipal plan, adopted by the municipality, that thoughtfully addresses each of the required elements *and* which has addressed each of the Act’s planning goals as described in Title 24, Chapter 117, §4382 of the Vermont Statutes Annotated. Approval is determined only upon request by the municipality.

Confirmed Community: Twice in each five year time period, the Regional Planning Commission must hold a public hearing and vote to confirm the planning processes of member communities. All communities with approved town plans, a legitimate open planning process (as determined by the RPC), and that have contributed to local and regional planning activities are eligible for confirmation.

In theory, a municipal plan up for approval should have already met the latter three criteria because an adopted plan must, by law, include each of the required elements and must be compatible with both the Regional Plan and those of its adjacent municipalities.



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A Brief History of the RPC & Plan Approvals

The RPC's were first given the role of evaluating municipal plans in 1989 with the passage of the Act 200 amendments to Chapter 117. This same Act provided funds and incentives for municipalities to plan. The result was an increase in the number of new or updated plans appearing throughout the State, especially in smaller communities.

CVRPC worked to encourage municipalities throughout the Region to adopt some type of plan. Some of the municipalities chose to have the Commission assist them in the preparation of their plans, while some wrote and adopted their own. Adopted municipal plans were approved by the Commission.

Since that time, CVRPC is adhering more closely to the standards by which plans being submitted for approval are evaluated. Plan ele-

“Land use planning within a region can only be as good as that of its component parts. As such, assisting its member municipalities is a critical and integral part of CVRPC’s work.”

ments that would have passed in 1992 *may* no longer be accepted by the Commission today. The next round of plans should

meet the Chapter 117 requirements even more effectively and consistently. Communities should understand that a simple re-adoption of their old plans may not be approved. It is CVRPC's policy to look closely at the progress a municipality makes from one plan submission to the next.

It is not the Commission's intention to have every community in the Region follow a standard template. There is no single style for writing an acceptable plan. It is for this reason that the criteria discussed on the following pages are not a simple checklist

Elements Required For Adoption (T.24, Ch. 117, §4382)

1. A **statement of the objectives**, policies and programs of the municipality to guide future development of land, public services and facilities. and to protect the environment.
2. A **land use plan & map** and statement of present and prospective land uses, including the location, amount, intensity, character, and proposed development timing of each use.
3. A **transportation plan & map** and statement of present and prospective facilities by type and character.
4. A **utility and facility plan & map**, and statement of present and prospective community facilities and public utilities. The plan must include recommendations to meet future needs of facilities and services, with indications of priority, costs, and financing methods.
5. A **statement of policies on the preservation** of rare and irreplace-

- able natural areas, scenic and historic features and resources.
6. An **educational facilities plan & map** including a statement of present and projected uses and the local public school system.
7. A **recommended program** for the implementation of the objectives contained in the municipal plan.
8. A **statement indicating** how the plan relates to development trends and plans for adjacent municipalities, areas, and the Region,
9. An **energy plan**, including an analysis of energy resources, needs, scarcities, costs, and problems within the municipality, as well as statements of policy on: the conservation of energy, the development of renewable energy resources, and on patterns and densities of land use likely to result in conservation of energy.
10. A **housing element** that shall include a recommended program

- for addressing low and moderate income persons' housing needs.
11. An **economic development element** that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.
12. (A) A **flood resilience plan** that identifies flood hazard and fluvial erosion hazard areas and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property.

Note: "Where appropriate, municipal plans shall be based upon inventories, studies, and analyses of current trends."



General Standards

A municipal plan, to be approved, must provide evidence that each of the Chapter 117 planning goals has been considered and each of the required elements has been adequately addressed.

The section below describes the three basic criteria by which each part of a municipal plan will be measured. It is designed to allow municipalities to be flexible in their approach to creating a municipal plan.

The pages that follow provide a guideline of how to fulfill both pieces of the Chapter 117 planning requirements, writing the required elements and addressing the planning goals, at a level that would create a municipal plan that could be approved under the Statute.

CVRPC's Evaluation Standard

The Regional Planning Commission will look for plan elements that have:

1. Included a good description of the current situation;
2. Considered how facilities and services in the municipality may be affected by future changes (e.g. population); and
3. Included thoughtful and 'appropriate' goals and programs for each identified issue.

Pieces that are often overlooked

- Detailed descriptions
- Inventories
- Reachable goals and policies

Appropriateness

The goals, objectives, and policies prepared for a municipal plan should be in line with the size of the community.

Therefore, while small, rural municipalities in the Region are required and encouraged to address the same *issues* as the larger communities, the scope may be different.

A municipality of 1,500 residents is not expected to say that it will finance 100 units of affordable housing to help its residents. It is expected, however, to include programs appro-



priate to its size and scope, such as designating where housing should go per the CVRPC Regional Housing Distribution Plan.

The same is true with transportation, recreation, facilities, utilities, etc. The ideal municipal plan for a small community in Vermont would have conscientious goals that are in line with the Chapter 117 goals, objectives that are clear and attainable,

and policies that would allow the municipality, with its limited budget and personnel, to meet those goals and objectives.

The Central Vermont Regional Planning Commission

The Central Vermont Regional Planning Commission is a non-profit organization funded primarily by the State of Vermont and member communities in Washington and Orange Counties.

The Commission is governed by a board of Commissioners comprised of one representative from each municipality in the Region, each having one vote.

The Commission's mission is to assist communities throughout the Region in their planning efforts and to further regional cooperation and planning.

The Commission has a dual role of serving as a reviewing body (as in the case of plan approvals) and providing technical services to help municipalities prepare and update municipal plans, zoning and subdivision bylaws, and assist with other planning efforts.

Services at the Commission include regional and town planning, transportation planning, Brownfields, hazard mitigation, food systems planning, Broadband, watershed corridor planning, low impact development planning, and GIS mapping.

For more information regarding services available to communities in the Region, please contact CVRPC at:

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Sample Data for Inclusion

An important part of a municipal plan, and one that is often overlooked, is clear and comprehensive inventories, studies, and analyses of current trends.

Including a quantitative analysis of current trends in the municipality does not require a substantial investment of money or time. It does, however, add a great deal of legitimacy to the analysis, goals, objectives, and policies associated with a municipal plan element.

This data can either be in text or map form. In some cases, it can be far more effective to present information on a map (a wetlands inventory, for example) than by trying to explain it in writing. However, both are acceptable forms of presenting information.

Below is a brief inventory of the data sources available to communities.

Note: The majority of this information can be obtained from the municipal office, the internet, CVRPC, or UVM's Center for Rural Studies.

1. U.S. Decennial Census: (1990, 2000, and 2010 data is available on the internet at www.census.gov; 1970 and 1980 data is available from CVRPC.)

The U.S. Census Bureau is generally accepted as the primary source for demographic data for all villages, towns, cities, regions, and states. CVRPC has Census data profiles for every municipality and the Region as a whole. Information available through the U.S. Census includes:

- Population counts
- Age, Gender, and Ethnic Distributions
- Household Counts and Distributions
- Income Distributions and Poverty Status
- Employment by Occupations and Industries
- Numbers and types of housing units
- Housing unit characteristics (e.g. heating fuel)
- Travel patterns

2. State employment and community data (The Vermont Department of Labor is accessible through www.labor.vermont.gov.)

Information available through DOL includes:

- Tax rates for all towns in the State
- Unemployment rates
- Tax revenues
- Estimated income and population

3. Geographic Information Systems (GIS) data (Available through the Vermont Center for Geographical Information or CVRPC.)

The State of Vermont has an array of digital data that can be used for creating maps for every municipality in the Region. Information available through GIS data includes:

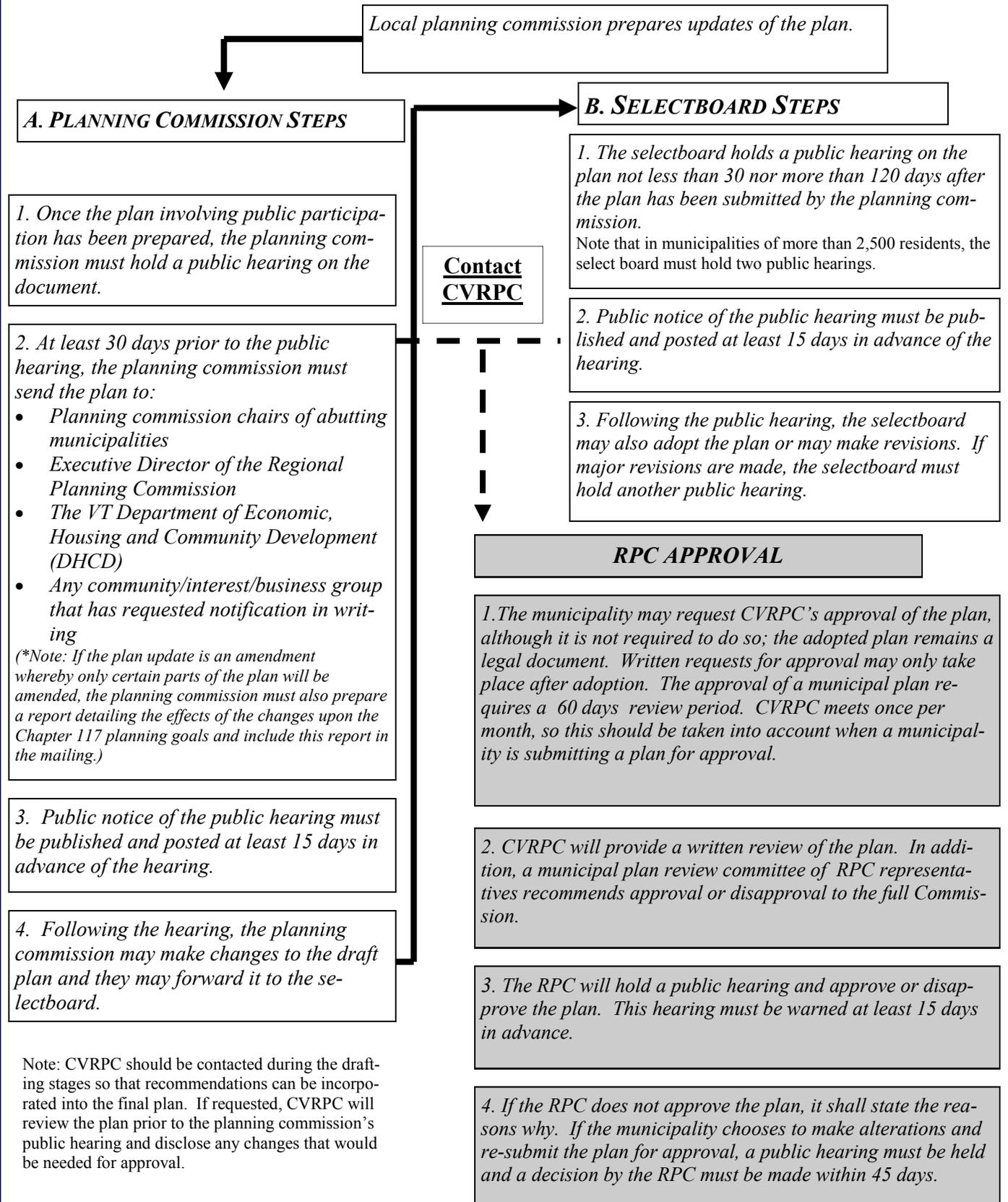
- Road, building, and municipal facilities
- Water resources, including wetlands, rivers, and lakes
- Land resources, including elevations and soils
- Natural resources

4. Local data and inventories (Available through the municipal office or other local organizations.)

- Fire and police activity and operations
- Municipal facilities and properties (water, sewer, other facilities)
- Recreational programs and library hours

Municipal Plan Preparation and Review Timeline

Below is a streamlined overview of the municipal plan adoption process, as required by Chapter 117. The municipal plan approval process is also listed with a recommended timeline. Please refer to the Vermont Statutes or the Municipal Guide for Land Use Regulation for details concerning the adoption process.



Specific Standards for the Required Elements

This section sets out specific evaluation standards for each of the required elements of a municipal plan (page 2). While considering these minimum standards, it is important to keep the three primary criteria (page 3) in mind. **Note: any of the elements may be combined into a single section of the plan.**

1. The statement of objectives, policies and programs should:

- Include statements and policies that are tailored to the needs of the individual community and relate to the text of each plan section.
- Include programs that are realistic and attainable.

2. The land use plan & map should:

- Describe proposed land use areas in the community and define their present and proposed uses and character.
- Present each land use area and demonstrate why the area is best suited for those uses.

3. The transportation plan and map should:

- Include an inventory of existing roads and other facilities, a discussion of the problems being faced by residents and businesses, and a set of possible solutions that the community can work toward.

4. The utility and facility plan & map should:

- Describe the present and desirable location, character, and capacity of the following public facilities (as appropriate to the size of the community):
 1. Parks, playgrounds, and recreation areas
 2. Cultural and health
 3. Religious institutions, community centers
 4. Governmental and civic buildings
 5. Public water and sewer
 6. Police, fire, and emergency services
 7. Solid waste transfer
 8. Telecommunications
- Describe how changes in population will affect the need for services.

5. The statement on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources should:

- Include a list of the rare and irreplaceable areas and features within the community.
- Include policies that will take steps to ensure the preservation of the identified features and resources.

6. The education facilities plan & map should:

(The State's Planning Manual suggests that this element be written in conjunction with the municipality's school board. *While working closely with the school board is not required, it is encouraged.*)

- Discuss the ability of the school system to meet the needs of children and adults with specific reference to attendance trends, school facilities, capacity, and future needs.

7. The recommended program for the implementation of the objectives should:

- Discuss how the municipality and/or planning commission expects to address some or all of the objectives

listed in the plan.

- The element need not make specific reference to each objective, but should demonstrate that the community has considered the goals, objectives, policies, and programs it has listed in the plan.

8. The statement of how the plan relates to development trends and plans for adjacent municipalities and the Region should:

- Show evidence that the municipality has examined and considered the trends and municipal plans of adjacent municipalities.
- Demonstrate that the plan is in conformance with the Regional Plan.

9. The energy plan should:

- Discuss how future development in the municipality can support energy efficiency - both in terms of individual buildings and general land use patterns.
- Include a set of goals and objectives that support energy efficiency in general and also present specific objectives on which the municipality can have an effect.

10. The housing element should include:

- An inventory of the existing housing stock.
- A comparison between the existing housing stock and recent population trends (increases in numbers, drop in average household size, etc.).
- A measurement of the ability of the municipality's residents to reasonably afford safe, fair housing.
- An analysis of future needs in the community.
- A set of goals and policies that support affordable housing and include provisions for the community to assist in its development and meet the projected housing needs.

11. The economic development element should include:

- A description of present conditions.
- The location, type, and scale of desired economic development.
- A set of goals and objectives that identify policies, projects, and programs necessary to foster economic growth.

12. (A) A flood resilience plan that:

(i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and

(ii) recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

(B) A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

THE STATEWIDE PLANNING GOALS

(T.24, Ch. 117, §4302)

Below are the planning goals that municipalities should address in their plans. Due to the nature of the General Goals, they are not evaluated by CVRPC. However, they are important and should be considered during the planning process.

GENERAL GOALS

1. To establish a coordinated, comprehensive planning process and policy framework to guide decisions;
2. To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact;
3. To consider the use of resources and the consequences of growth and development for the Region and the State, as well as the community in which it takes place;
4. To encourage and assist municipalities to work creatively together to develop and implement plans.

SPECIFIC GOALS

- I. To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside:
 - A. Intensive residential development should be encouraged primarily in areas related to community centers; strip development along highways should be discouraged;
 - B. Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both;
 - C. Public investments should reinforce the general character and planned growth patterns of the area;
2. To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes;
3. To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters;
4. To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers;
5. To identify, protect, and preserve important natural and historic features of the Vermont landscape, including:
 - A. Significant natural and fragile areas;
 - B. Outstanding water resources, including lakes, rivers, aquifers, shorelands, and wetlands;
 - C. Significant scenic roads, waterways, and views;
 - D. Important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas;
6. To maintain and improve the quality of air, water, wildlife and land resources;
7. To encourage the efficient use of energy and the development of renewable energy resources;
8. To maintain and enhance recreational opportunities for Vermont residents and visitors;
 - A. Growth should not significantly diminish the value and availability of outdoor recreational opportunities;
 - B. Public access to non-commercial outdoor recreational opportunities should be identified, provided, and protected where appropriate;
9. To encourage and strengthen agricultural and forest practices:
 - A. Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density;
 - B. The manufacture and marketing of value-added agricultural and forest products should be encouraged;
 - C. The use of locally-grown food products should be encouraged;
 - D. Sound forest and agricultural practices should be encouraged;
 - E. Public investment should be planned so as to minimize development pressure on agricultural and forest land;
10. To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area;
11. To ensure the availability of safe and affordable housing for all Vermonters:
 - A. Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate incomes;
 - B. New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities;
 - C. Sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings;
 - D. Accessory apartments within or attached to single family residences which provide affordable housing should be allowed;
12. To plan for, finance, and provide an efficient system of public facilities and services to meet future needs:
 - A. Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage, and solid waste disposal;
 - B. The rate of growth should not exceed the ability of the community and the area to provide facilities and services.
13. To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including financing, infrastructure, and work force.
14. To encourage flood resilient communities:
 - A. New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.
 - B. The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.
 - C. Flood emergency preparedness and response planning should be encouraged.