



## BOARD OF COMMISSIONERS

April 9, 2019 at 6:30 pm

Please Note  
Change of Time!

Central VT Chamber of Commerce Conference Room, 963 Paine Turnpike North, Berlin

6:15 pm – Social and pizza

<u>Page</u>	<u>Time</u>	<u>AGENDA</u>
	6:30 <sup>1</sup>	<b>Adjustments to the Agenda</b> <b>Public Comments</b>
	6:35	<b>Essentials of Land Use Planning: A primer on regulating development in Vermont</b> <i>Clare Rock, Senior Planner</i> A brief history and discussion of the roles and responsibilities of land use planning in Vermont to set the stage for the Act 250 discussion.
2	7:05	<b>Act 250 Updates</b> (enclosed) <sup>2</sup> The Legislature is not expected to adopt changes to Act 250 this year. The current bill may be divided into smaller bills to assist the Legislature with developing consensus. Staff will present major issues under discussion in the Legislature. The Commission will focus on one or more issues with a goal of providing CVRPC input into Legislative discussions.
29	7:45	<b>Committee Rules of Procedure</b> (enclosed) <sup>2</sup> Review and adopt the Town Plan Review Committee Rules of Procedure.
	7:55	<b>Nominating Committee Report</b> , <i>Byron Atwood, Chair</i> Presentation of initial slate of candidates for Executive Committee.
32	8:00	<b>CVRPC Committees</b> , <i>Laura Hill-Eubanks</i> (enclosed) Brief discussion of committee duties in advance of appointments.
34	8:10	<b>Meeting Minutes – March 12, 2019</b> (enclosed) <sup>2</sup>
37	8:15	<b>Reports</b> (enclosed) Updates and questions on Staff, Executive Director, and Committee Reports.
	8:30	<b>Adjournment</b>

**Next Meeting: May 14, 2019**

<sup>1</sup> Times are approximate unless otherwise advertised.

<sup>2</sup> Anticipated action item.



## MEMO

Date: April 4, 2019  
To: Board of Commissioners  
From: Bonnie Waninger, Executive Director  
Re: Act 250 Discussion

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### ➔ ACTION REQUESTED:

- 1) **Develop Commission consensus on proposed Act 250 changes for:**
  - a. **transportation and energy criteria,**
  - b. **local and regional plan approval and use,**
  - c. **interstate interchange jurisdiction, and**
  - d. **enhanced designation jurisdiction.**
- 2) **Identify areas where Commission consensus does not exist and whether/how the proposal could be modified to achieve consensus.**

There are multiple Act 250 bills. For the Commission discussion, the bill being referenced is 19-0040, which is not actually a bill. Rather, it is an evolving draft of a potential bill to assist with developing consensus. Areas for which Legislative discussion is still occurring suggest areas where the Legislature may take action in 2019 or 2020.

The comprehensive scope of the recommended Act 250 changes precludes developing consensus on all items at one Commission meeting. Act 250 changes are not likely to move during the 2019 session. Staff is approaching the Commission discussion in consumable blocks based on available meeting time.

The items chosen for this Commission meeting are the “easier” areas of discussion. Staff recommends Commissioners review the enclosed excerpts from the Act 250 bill and H.197 (enhanced designation) and consider how proposed changes may affect development, conservation, and local and regional planning. Additional information related to the topics of discussion may be found in The Commission on Act 250 Report. The full report is available at <https://legislature.vermont.gov/assets/Legislative-Reports/Act250FinalReport-compressed.pdf>. It can be word-searched.

## Act 250

(dr req 19-0040 – draft 8.1)  
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This document is an excerpt from the current bill draft. It states the intent of the bill. Gray highlighted text is areas for discussion at the April Board meeting. Other provisions may be discussed in the future.

This bill proposes revisions to the State land use law known as Act 250, including:

- Proposing revisions to Act 250's Capability and Development Plan to address climate change and ecosystem protection.
- Amending Act 250 to include a purpose section that refers to that plan and the specific statutory goals for municipal and regional planning.
- Amending the criteria to address climate change, including requiring projects to avoid, minimize, or mitigate greenhouse gas emissions and to be designed to withstand and adapt to climate change.
- Reorganizing the air and water pollution criteria.
- Amending the transportation criteria and energy conservation criteria.
- Amending the criteria to address ecosystem protection through protecting forest blocks and connecting habitat. The bill also would increase the program's ability to protect ecosystems on ridgelines by reducing the elevation threshold from 2,500 to 2,000 feet.
- Requiring that, to be used in Act 250, local and regional plans must be approved as consistent with the statutory planning goals and clarifying that local and regional plan provisions apply to a project if they meet the same standard of specificity applicable to statutes.
- As part of a balancing of interests to support economic development in compact centers while promoting a rural countryside and protecting important natural resources, amending Act 250 jurisdiction to allow municipalities to ensure compliance with the Act 250 criteria in centers receiving an enhanced designation under 24 V.S.A. chapter 76A and increasing Act 250 jurisdiction in critical resource areas and at interstate interchanges. Because the designation under 24 V.S.A. chapter 76A would affect jurisdiction, the bill provides for appeal of designation decisions.

- Clarifying the definition of “commercial purpose” so that it is not necessary to determine whether monies received are essential to sustain a project.
- Requiring the Development Cabinet to meet regularly.
- Increasing the per diem rate for District Commissioners and the Board to \$100.
- Repealing the exemption for farming, logging, and forestry when those activities take place in critical resource areas.
- Replacing the Natural Resources Board (NRB) with a Vermont Environmental Review Board (the Board), which would hear appeals from the District Commissions and the Agency of Natural Resources in addition to the NRB’s current duties. The Environmental Division of the Superior 1 Court would continue to hear enforcement and local zoning appeals.
- Reaffirming the supervisory authority in environmental matters of the Board and District Commissions, in accordance with the original intent of Act 250 as determined by the Vermont Supreme Court.
- Revising and clarifying the statutory authority on the use of other permits to demonstrate compliance with the criteria, including ensuring the reliability of those other permits.



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1 (vi) The construction of improvements for commercial, industrial,  
2 or residential use at or above the elevation of ~~2,500~~ 2,000 feet or in a critical  
3 resource area below that elevation.

4 **Definitions**

\* \* \*

5 (xi) The construction of improvements for commercial or  
6 industrial purposes in an interchange area, unless it is within an existing  
7 settlement.

8 (xii) The construction of improvements for a road or roads,  
9 incidental to the sale or lease of land, to provide access to or within a tract of  
10 land of more than one acre owned or controlled by a person. For the purposes  
11 of determining jurisdiction, any parcel of land which will be provided access  
12 by the road is land involved in the construction of the road. This jurisdiction  
13 shall not apply unless the road is to provide access to more than five parcels or  
14 is to be more than 800 feet in length. For the purpose of determining the  
15 length of a road, the length of all other roads within the tract of land  
16 constructed within any continuous period of ten years commencing after July  
17 1, 2020 shall be included.

18 \* \* \*

19 (D) The word “development” does not include:

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1 ridgeline, and land characterized by slopes greater than 15 percent and shallow  
2 depth to bedrock.

3 (46) “Greenhouse gas” means carbon dioxide, methane, nitrous oxide,  
4 hydrofluorocarbons, perfluorocarbons, sulfur hexafluoride, and any other  
5 chemical or physical substance that is emitted into the air and that the  
6 Secretary of Natural Resources or District Commission reasonably anticipates  
7 to cause or contribute to climate change.

8 (47) “Interchange area” means the land within a 3,000-foot radius of an  
9 interstate interchange, except for land within an existing settlement. The  
10 radius shall be measured from the midpoint of the interconnecting roadways  
11 within the interchange.

12 (48) “Rural and working lands area” means an area that is not an  
13 existing settlement or a critical resource area.

14 (49) “Technical determination” means a decision that results from the  
15 application of scientific, engineering, or other similar expertise to the facts to  
16 determine whether activity for which a permit is requested meets the standards  
17 for issuing the permit under statute and rule. The term does not include an  
18 interpretation of a statute or rule.

19 (50) “Ridgeline” means a line marking or following a ridge, top of a hill,  
20 or ledged area, behind which is open space or horizon.

21 § 6001e COMMERCIAL COMPOSTING FACILITY; CIRCUMVENTION

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1 subdivision will not violate the rules of the Secretary of Natural Resources, as  
2 adopted under chapter 37 of this title, relating to significant wetlands.

3 ~~(2)~~(3) Water supply.

4 (A) Does have sufficient water available for the reasonably  
5 foreseeable needs of the subdivision or development.

6 ~~(3)~~(B) Will not cause an unreasonable burden on an existing water  
7 supply, if one is to be utilized.

8 **Issuance of Permits: Conditions and Criteria**

9 (5)(A) Transportation. Will not cause unreasonable congestion or  
10 unsafe conditions with respect to use of the highways; waterways; railways;  
11 airports and airways; bicycle, pedestrian, and other transit infrastructure; and  
12 other means of transportation existing or proposed.

13 (B) ~~As appropriate, will~~ Will incorporate transportation demand  
14 management strategies and provide safe use, access, and connections to  
15 adjacent lands and facilities and to existing and planned pedestrian, bicycle,  
16 and transit networks and services. ~~In determining appropriateness under this~~  
17 ~~subdivision (B) However, the District Commission shall consider whether may~~  
18 ~~decline to require~~ such a strategy, access, or connection ~~constitutes a measure~~  
19 ~~if it finds that a reasonable person would take~~ not undertake the measure given  
20 the type, scale, and transportation impacts of the proposed development or  
21 subdivision.



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~~85 of 1973 shall not be used as criteria in the consideration of applications by a District Commission.~~

\* \* \*

(F) Energy conservation and efficiency. A permit will be granted when it has been demonstrated by the applicant that, in addition to all other applicable criteria, the planning and design of the subdivision or development reflect the principles of energy conservation and energy efficiency, including reduction of greenhouse gas emissions from the use of energy, and incorporate the best available technology for efficient use or recovery of energy. An applicant seeking an affirmative finding under this criterion shall provide evidence, by certification, established through inspection, that the subdivision or development complies with the applicable building energy standards and stretch codes under 30 V.S.A. § 51 or 53. The Board shall adopt rules establishing an inspection process.

\* \* \*

(I) Interchange areas. A permit will be granted for a development or subdivision within an interchange area when it is demonstrated that, in addition to all other applicable criteria, the development or subdivision complies with the Vermont Interstate Interchange Planning and Design Guidelines applicable to the category of land use as identified for that area in the regional plan. As used in this subdivision (I), “Vermont Interstate Interchange Planning and

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1 Design Guidelines” refers to the guidelines by that name published by the  
2 Agency of Commerce and Community Development in 2004 or such update to  
3 those guidelines as the Commissioner of Housing and Community  
4 Development may subsequently publish, provided that the update is at least as  
5 protective of existing settlements, scenic beauty and aesthetics, farmland, and  
6 natural resources as the 2004 guidelines.

7 \* \* \*

8 (K) Development affecting public investments. A permit will be  
9 granted for the development or subdivision of lands adjacent to governmental  
10 and public utility facilities, services, and lands, including highways, airports,  
11 waste disposal facilities, office and maintenance buildings, fire and police  
12 stations, universities, schools, hospitals, prisons, jails, electric generating and  
13 transmission facilities, oil and gas pipe lines, parks, hiking trails, ~~and~~ forest,  
14 and game lands, lands conserved under chapter 155 of this title, and facilities  
15 or lands receiving benefits through the Vermont Housing and Conservation  
16 Board under chapter 15 of this title, the State Designation Program under 24  
17 V.S.A. chapter 76A, or the Vermont Downtown and Village Center Tax Credit  
18 Program under 32 V.S.A. chapter 151, subchapter 11J, when it is demonstrated  
19 that, in addition to all other applicable criteria, the development or subdivision  
20 will not unnecessarily or unreasonably endanger the public or quasi-public  
21 investment in the facility, service, or lands, or materially jeopardize or interfere

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1 with the function, efficiency, or safety of, or the public's use or enjoyment of  
2 or access to the facility, service, or lands.

3 \* \* \*

4 (10) Local and regional plans. Is in conformance with any duly adopted  
5 local or plan that has been approved under 24 V.S.A. § 4350, regional plan that  
6 has been approved by the Board under 24 V.S.A. § 4348, or capital program  
7 under 24 V.S.A. chapter 117 § 4430. In making this finding, if:

8 (A) A District Commission shall require conformance with the future  
9 land use maps contained in the local and regional plans and with the written  
10 provisions of those plans.

11 (B) A District Commission shall decline to apply a provision of a  
12 local or regional plan only if the Commission is persuaded that the provision  
13 does not afford a person of ordinary intelligence with a reasonable opportunity  
14 to understand what the provision directs, requires, or proscribes.

15 (C) If the District Commission finds applicable provisions of the  
16 town plan to be ambiguous, the District Commission, for interpretive purposes,  
17 shall consider bylaws, but only to the extent that they implement and are  
18 consistent with those provisions, and need not consider any other evidence.

19 \* \* \*

20 (c) Conditions. A permit may contain such requirements and conditions as  
21 are allowable proper exercise of the police power and which are appropriate



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**Denial of Application**

- 1 (b) A permit may not be denied solely for the reasons set forth in  
2 subdivisions 6086(a)(5), (6), and (7) of this title. ~~However, reasonable~~  
3 ~~Reasonable~~ conditions and requirements allowable in subsection 6086(c) of  
4 this title may be attached to alleviate the burdens created. ~~However, a permit~~  
5 ~~may be denied under subdivision 6086(a)(5) of this title if the permit is for~~  
6 ~~development in an interchange area that is not within an existing settlement.~~

7 \* \* \*

8 § 6088. BURDEN OF PROOF; PRODUCTION AND PERSUASION

- 9 (a) The initial burden of production, to produce sufficient evidence for a  
10 District Commission to make a factual determination, shall be on the applicant  
11 with respect to subdivisions 6086(a)(1) through (10) of this title.

- 12 (b) The burden of persuasion, to show that the application meets the  
13 relevant standard, shall be on the applicant with respect to subdivisions  
14 6086(a)(1), (2), (3), (4), (8)(A) through (C), (9), and (10) of this title.

- 15 (c) The burden shall be on any party opposing the ~~applicant~~ application  
16 with respect to subdivisions 6086(a)(5) through (8), (6), (7), and (8), not  
17 including (8)(A) through (8)(C) of this title to show an unreasonable or adverse  
18 effect that the application does not meet the relevant standard.

19 § 6089. APPEALS

- 20 (a) Appeals of any act or decision of a District Commission under this  
21 chapter or a district coordinator under subsection 6007(c) of this title shall be

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1                                   \* \* \* Enhanced Designation; Appeal \* \* \*

2           Sec. 5. 24 V.S.A. § 2793f is added to read:

3           § 2793f. ENHANCED DESIGNATION

4           (a) A municipality that has received or applies for designation of a  
5           downtown development district, village center, new town center, or growth  
6           center under this chapter may also apply for an enhanced designation pursuant  
7           to this section in order to allow the municipality, in lieu of the District  
8           Commissions under 10 V.S.A. chapter 151, to ensure that land development  
9           within the designated area complies with the criteria set forth in 10 V.S.A. §  
10          6086(a). As used in this section, “land development” has the same meaning as  
11          in section 4303 of this title.

12          (b) A municipality seeking an enhanced designation shall:

13               (1) demonstrate that its bylaws ensure that land development in the  
14               designated area complies with the criteria set forth in 10 V.S.A. § 6086(a);

15               (2) demonstrate that it has the capability to review land development for  
16               compliance with those criteria and to enforce its decisions;

17               (3) identify those areas within the municipality that constitute critical  
18               resource areas within the meaning of 10 V.S.A. § 6001; and

19               (4) satisfy such other requirements as the State Board shall adopt by  
20          rule.



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1       (c) The State Board shall adopt rules to implement this section and may  
2       grant or conditionally grant an application for enhanced designation if it meets  
3       the requirements of this section and the adopted rules.

4       Sec. 6. 24 V.S.A. § 2798 is amended to read:

5       § 2798. DESIGNATION DECISIONS; NONAPPEAL APPEAL

6       (a) ~~The A~~ person aggrieved by a designation ~~decisions~~ decision of the State  
7       Board under this chapter are not subject to appeal one or more of sections 2793  
8       through 2793f of this title may appeal to the Vermont Environmental Review  
9       Board established under 10 V.S.A. chapter 151 within 30 days of the decision.  
10      If the decision pertains to designation of a growth center under section 2793c  
11      of this title, the period for filing an appeal shall be tolled by the filing of a  
12      request for reconsideration under that section and shall commence to run in full  
13      on the State Board's issuance of a decision on that request.

14      (b) The Vermont Environmental Review Board shall conduct a de novo  
15      hearing on the decision under appeal and shall proceed in accordance with the  
16      contested case requirements of the Vermont Administrative Procedure Act.  
17      The Vermont Environmental Review Board shall issue a final decision within  
18      90 days of the filing of the appeal. The provisions of 10 V.S.A. § 6024  
19      regarding assistance to the Vermont Environmental Review Board from other  
20      departments and agencies of the State shall apply to appeals under this section.

21                   \* \* \* Regional and Municipal Planning \* \* \*

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1 Sec. 7. 24 V.S.A. § 4348(f) is amended to read:

2 (f) A regional plan or amendment shall be adopted by not less than a 60  
3 percent vote of the commissioners representing municipalities, in accordance  
4 with the bylaws of the regional planning commission, and immediately  
5 submitted to the legislative bodies of the municipalities that comprise the  
6 region.

7 (1) The plan or amendment shall be considered duly adopted ~~and shall~~  
8 ~~take effect~~ 35 days after the date of adoption, unless, within 35 days of the date  
9 of adoption, the regional planning commission receives certification from the  
10 legislative bodies of a majority of the municipalities in the region vetoing the  
11 proposed plan or amendment. In case of such a veto, the plan or amendment  
12 shall be deemed rejected.

13 (2) Upon adoption, the regional planning commission shall submit the  
14 plan or amendment to the Vermont Environmental Review Board established  
15 under 10 V.S.A. chapter 151, which shall approve the plan or amendment if it  
16 determines that the plan or amendment is consistent with the goals of section  
17 4302 of this title. The plan or amendment shall take effect on the issuance of  
18 such approval. The Board shall issue its decision within 30 days after  
19 receiving the plan or amendment.

20 Sec. 8. 24 V.S.A. § 4348a is amended to read:

21 § 4348a. ELEMENTS OF A REGIONAL PLAN

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1 management of those areas for wildlife habitat, water quality, timber

2 production, recreation, or other values or functions identified by the regional

3 planning commission.

*Please ignore this part.  
They were highlights in the  
draft bill for the Legislative Committee.*

4 (G) Indicates those areas that constitute critical resource areas as

5 defined in 10 V.S.A. § 6001.

6 \* \* \*

7 Sec. 9. 24 V.S.A. § 4382 is amended to read:

8 § 4382. THE PLAN FOR A MUNICIPALITY

9 (a) A plan for a municipality ~~may~~ shall be consistent with the goals

10 established in section 4302 of this title and compatible with approved plans of

11 other municipalities in the region and with the regional plan and shall include

12 the following:

13 \* \* \*

14 \* \* \* Appeals \* \* \*

15 Sec. 10. REPEAL

16 10 V.S.A. chapter 220 (consolidated environmental appeals) is repealed.

17 Sec. 11. 10 V.S.A. chapter 219 is added to read:

18 CHAPTER 219. STATE ENVIRONMENTAL PERMIT APPEALS

19 § 8401. PURPOSE

20 It is the purpose of this chapter to:



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## Enhanced Designation

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(7) “Floodway fringe” means an area which is outside a floodway and is flooded with an average frequency of once or more in each 100 years as determined by the Secretary of Natural Resources with full consideration given to upstream impoundments and flood control projects. “River corridor” has the same meaning as in section 752 of this title.

\* \* \*

(30) “Designated center” means a downtown development district, village center, new town center, growth center, Vermont neighborhood, or neighborhood development area designated under 24 V.S.A. chapter 76A.

\* \* \*

(38) “Enhanced designation” means the process by which a designated center demonstrates that the center has satisfied the requirements of 24 V.S.A. § 2799. The term shall also refer to the resulting status.

(39) “Forest-based enterprise” means an enterprise that aggregates forest products from forestry operations and adds value through processing or marketing in the forest products supply chain or directly to consumers through retail sales. “Forest-based enterprise” includes sawmills; veneer mills; pulp mills; pellet mills; producers of firewood, woodchips, mulch and fuel wood; and log and pulp concentration yards. “Forest-based enterprise” does not include facilities that purchase, market, and resell finished goods, such as wood furniture, wood pellets, and milled lumber, without first receiving forest products from forestry operations.

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(40) “Forest product” means logs, pulpwood, veneer wood, bolt wood,  
wood chips, stud wood, poles, pilings, biomass, fuel wood, maple sap, and  
bark.

4                   (41) “Recreational trail” has the same meaning as “trails” in section 442  
5                   of this title.

6           (42) “Vermont Trails System trail” means a recreational trail that has  
7           been recognized as a Vermont Trails System trail pursuant to section 443 of  
8           this title. Vermont Trails System trails are for a State purpose because they are  
9           for the benefit of all Vermonters.

10        Sec. 3. 10 V.S.A. § 6081 is amended to read:

11 § 6081. PERMITS REQUIRED; EXEMPTIONS

12 \* \* \*

(y) No permit or permit amendment is required for any subdivision or development located in a designated center that has enhanced designation. If enhanced designation is terminated, development or subdivisions within the designated center must receive a permit, if applicable.

17           (z) No permit or permit amendment is required for the construction of  
18           improvements for municipal, county, or State transportation projects that are  
19           supported, in whole or in part, by federal aid.

20           Sec. 4. 10 V.S.A. § 6083a is amended to read:

21           § 6083a. ACT 250 FEES

22 \* \* \*

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(5) Notwithstanding subdivisions (1), (2), and (3) of this subsection, the District Commission shall apply a mitigation credit for a forest-based enterprise using the following formula:

(A) For every 1,000 cords or equivalent tons or board feet of annual product produced by a forest-based enterprise, the District Commission shall apply a credit of 27 acres of conserved or mitigated land, or an equivalent value of 27 acres of land if a deposit of an off-site mitigation fee into the Vermont Housing and Conservation Trust Fund is required. The mitigation ratio shall be 1:1.

(B) Applicants shall certify the annual production of the facility through a certification statement included with the application.

\* \* \*

Sec. 7. 10 V.S.A. § 8503(b) is amended to read:

(b) This chapter shall govern:

(1) all appeals from an act or decision of a District Commission under chapter 151 of this title, excluding appeals of application fee refund and waiver requests;

\* \* \*

**Sec. 8. 24 V.S.A. § 2799 is added to read:**

## § 2799. ENHANCED DESIGNATION

(a) Purposes. The purposes of this section are to:

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1           (1) encourage a municipality to plan and regulate for compact patterns

2           of development; and

3           (2) encourage development that is consistent with Vermont's land use

4           goals and smart growth principles by removing Act 250 jurisdiction from

5           enhanced designated downtowns, new town centers, growth centers,

6           neighborhood development areas, and village centers.

7           (b) Application and approval. A municipality, by resolution of its

8           legislative body, may apply to the State Board for enhanced designation for

9           any designated downtown development district, designated new town center,

10          designated growth center, designated neighborhood development area, or

11          designated village center. The State Board shall issue an affirmative

12          determination on finding that the municipality meets the requirements of

13          subsection (c) of this section.

14          (c) Enhanced designation requirements.

15               (1) To obtain an enhanced designation under this section, a municipality

16               must demonstrate that it has each of the following:

17                       (A) an approved designated downtown development district,

18                       designated new town center, designated growth center, designated

19                       neighborhood development area, or designated village center;

20                       (B) a municipal plan that is approved in accordance with section

21                       4350 of this title;



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1           (C) municipal flood hazard planning, applicable to the entire  
2           municipality, in accordance with section 4382(12) of this title and the  
3           guidelines issued by the Department pursuant to section 2792(d) of this title;

4           (D) flood hazard and river corridor bylaws, applicable to the entire  
5           municipality, that are consistent with the standards established pursuant to 10  
6           V.S.A § 755(b) (flood hazard) and §1428(b) (river corridor);

7           (E) a capital budget and program pursuant to section 4430 of this title  
8           that make substantial investments in the ongoing development of the  
9           designated area, are consistent with the plan's implementation program, and  
10          are consistent with the smart growth principles defined in section 2791(13) of  
11          this title;

12          (F) municipal bylaws that do not include broad exemptions excluding  
13          significant private or public land development from requiring a municipal land  
14          use permit;

15          (2) Designated downtown development districts seeking enhanced  
16          designation shall, in addition to the requirements of subsections (c)(1) through  
17          (6) of this section, also have:

18               (A) urban form bylaws for the enhanced designated center that  
19               further the smart growth principles of this chapter and adequately regulate the  
20               physical form and scale of development and conform to the guidelines  
21               established by the Department; and



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1           (B) historic preservation bylaws for established design review  
2           districts, historic districts, or historic landmarks pursuant to 24 V.S.A.  
3           § 4414(1)(E) and (F) for the enhanced designated center that meet State  
4           historic preservation guidelines issued by the Department pursuant to section  
5           2792(d) of this title.

6           (3) Designated new town centers, growth centers, or neighborhood  
7           development areas seeking enhanced designation shall have, in addition to the  
8           requirements of subdivisions (c)(1) through (6) of this section, wildlife habitat  
9           planning bylaws for the enhanced designated center that comply with standards  
10          established by the Department of Fish and Wildlife.

11          (4) Designated village centers seeking enhanced designation shall have,  
12          in addition to the requirements of subsections (c)(1) through (6) of this section:

13               (A) Urban form bylaws for the enhanced designated center that  
14               further the smart growth principles of this chapter and regulate the physical  
15               form and scale of development and conform to the guidelines established by  
16               the Department.

17               (B) Historic preservation bylaws for established design review  
18               districts, historic districts, or historic landmarks pursuant to subdivisions  
19               4414(1)(E) and (F) of this title for the enhanced designated center that meet  
20               State historic preservation guidelines issued by the Department pursuant to  
21               subsection 2792(d) of this title.

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1           (C) Permitted water and wastewater systems with the capacity to  
2           support additional development within the enhanced designated center. The  
3           municipality shall have adopted consistent policies, by municipal plan and  
4           ordinance, on the allocation, connection, and extension of water and  
5           wastewater lines that include a defined service area to support the enhanced  
6           designated center.

7           (D) Adequate municipal staff to support coordinated comprehensive  
8           and capital planning, development review, and zoning administration.

9           (5) If any party entitled to notice under subdivision (d)(4)(A) of this  
10          section or any resident of the municipality raises concerns about the  
11          municipality's compliance with the requirements for the underlying  
12          designation, those concerns must be addressed as part of the municipality's  
13          application.

14          (d) Process for issuing determinations of enhanced designation.

15           (1) A preapplication meeting shall be held with Department staff to  
16          review the program requirements. The meeting shall be held in the  
17          municipality unless another location is agreed to by the municipality.

18           (2) An application by the municipality must include the information and  
19          analysis required by the Department's guidelines established pursuant to  
20          section 2792 of this title on how to meet the requirements of subsection (c) of  
21          this section.

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1           (3) The Department shall establish a procedure for submission of a draft  
2           application that involves review and comment by all the parties to be noticed in  
3           subdivision (4)(A) of this subsection and shall issue a preapplication memo  
4           incorporating the comments to the applicant after receipt of a draft preliminary  
5           application.

6           (4) After receipt of a complete final application, the State Board shall  
7           convene a public hearing in the municipality to consider whether to issue a  
8           determination of enhanced designation under this section.

9           (A) Notice.

10           (i) At least 35 days in advance of the Board's meeting, the  
11           Department shall provide notice to the municipality and post it on the  
12           Agency's website.

13           (ii) The municipality shall publish notice of the meeting at least 30  
14           days in advance of the Board's meeting in a newspaper of general circulation  
15           in the municipality, and deliver physically or electronically, with proof of  
16           receipt or by certified mail, return receipt requested to the Agency of Natural  
17           Resources, the Natural Resources Board, the Division for Historic  
18           Preservation, the Agency of Agriculture, Food and Markets, the Agency of  
19           Transportation, the regional planning commission, the regional development  
20           corporations, and the entities providing educational, police, and fire services to  
21           the municipality.



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1                   (iii) The notice shall also be posted by the municipality in or near  
2                   the municipal clerk's office and in at least two other designated public places  
3                   in the municipality, and on the websites of the municipality and the Agency of  
4                   Commerce and Community Development.

5                   (iv) The municipality shall also certify in writing that the notice  
6                   required by this subsection (d) has been published, delivered, and posted  
7                   within the specified time.

8                   (B) No defect in the form or substance of any requirements of this  
9                   subsection (d) shall invalidate the action of the State Board where reasonable  
10                  efforts are made to provide adequate posting and notice. However, the action  
11                  shall be invalid when the defective posting or notice was materially misleading  
12                  in content. If an action is ruled to be invalid by the Superior Court or by the  
13                  State Board itself, the Department shall provide and the municipality shall  
14                  issue new posting and notice, and the State Board shall hold a new hearing and  
15                  take a new action.

16                  (5) The State Board may recess the proceedings on any application  
17                  pending submission of additional information. The State Board shall close the  
18                  proceedings promptly after all parties have submitted the requested  
19                  information.

20                  (6) The State Board shall issue its determination in writing. The  
21                  determination shall include explicit findings on each of the requirements in  
22                  subsection (c) of this section.

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1       (e) Review of enhanced designation status.

2           (1) Length of designation. Initial determination of enhanced status may  
3 be made at any time. Thereafter, review of an enhanced designation shall be  
4 concurrent with the next periodic review of the underlying designated  
5 downtown, village center, new town center, growth center, or neighborhood  
6 development area.

7           (2) The State Board, on its motion, may review compliance with the  
8 enhanced designation requirements at more frequent intervals.

9           (3) If at any time the State Board determines that the enhanced  
10 designated area no longer meets the standards for an enhanced designation, it  
11 shall take one of the following actions:

12           (A) require corrective action within a reasonable time frame; or

13           (B) terminate the enhanced designation.

14           (4) If the underlying designation is terminated, the enhanced designation  
15 also shall terminate.

16       (f) Appeal.

17           (1) An interested person may appeal any act or decision of the State  
18 Board under this section to the Natural Resources Board within 30 days  
19 following the act or decision.

20           (2) As used in this section, an “interested person” means any one of the  
21 following:

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1 (A) A person owning title to or occupying property within or abutting  
2 the designated center.

3 (B) The municipality making the application or a municipality that  
4 adjoins the municipality making the application.

5            (C) The regional planning commission for the region that includes  
6            the designated center or a regional planning commission whose region adjoins  
7            the municipality in which the designated center is located.

(D) Any 20 persons who, by signed petition, allege that the decision is not in accord with the requirements of this chapter, and who own or occupy real property located within the municipality in which the designated center is located or an adjoining municipality. The petition must designate one person to serve as the representative of the petitioners regarding all matters related to the appeal. The designated representative must have participated in the public hearing described in subdivision (d)(4) of this section.

15       Sec. 9. 3 V.S.A. § 2825 is amended to read:

16           § 2825. DUTIES OF THE SECRETARY

17 \* \* \*

18 (f) Designation of unique resource value areas.

(1) The Secretary may designate, by rule, a geographic area as a unique resource value area (URVA) or determine whether an existing designation should be amended or repealed. A person may file a petition to designate a UVRA and the Secretary shall make a decision on that petition consistent with





Example of RPC Comments Submitted

## Recommendations for Improving Vermont's Act 250 Permitting System

Approved by CCRPC Board on March 20, 2019

Act 47 (in 2017) created a commission of six legislators to “review the vision for Act 250 adopted in the 1970s and its implementation with the objective of ensuring that, over the next 50 years, Act 250 supports Vermont’s economic, environmental, and land use planning goals.” CCRPC has reviewed the work of this Commission and offers the following general positions intended to make Act 250 more effective and efficient.

1. CCRPC encourages the Legislature to ensure a **predictable and coordinated review process** that minimizes inconsistency and duplication at all levels of review and puts those reviews in the most appropriate hands so environmental protection is not compromised, and housing, transportation and economic development is not unnecessarily time-consuming and expensive.
2. In general, the state permit process should **encourage development in appropriately planned places** and discourage development outside of those areas. Therefore, CCRPC strongly supports the concept that Act 250 should not have jurisdiction in areas planned for growth to encourage affordable housing and economic investment in our smart growth areas: walkable, transit-friendly, water and sewer-serviced areas. However, the **enhanced designation concept** as proposed is unworkable for the following reasons:
  - a. It builds on an overly complex designation system that puts existing growth into a variety of unnecessary silos and does not adequately capture planned future growth areas. The existing designation system, of which there are five designations, should be overhauled into a comprehensive growth strategy rather than continue to build upon it with a sixth designation. Improving and possibly expanding existing designations is better than creating new designations.
  - b. It is not a true Act 250 release; it merely shifts the burden of all the Act 250 criteria to the municipal level. Instead, we should support existing local planning and Downtown Board efforts to designate these areas as places for housing and economic development, acknowledge the greater environmental benefit of clustering growth into areas with existing infrastructure, and *not* enforce Act 250 criteria that were originally intended to minimize and mitigate indirect and cumulative impacts of major development.
  - c. The current geographic boundaries of the designation programs are unnecessarily limited. As an example, the Village and Downtown designations are narrowly focused on commercial and civic uses and exclude redevelopment and infill in existing neighborhoods surrounding Villages and Downtowns. The Downtown Board should analyze each individual area on its merits as a smart growth area, and there should be incentives to improve existing sprawl areas.
  - d. The Growth Center and Neighborhood Development Area designations come with an affordable housing requirement, and this should not be lost under a new structure.
  - e. It adds an appeal process that the current designation programs don’t have. If an appeal process is a necessary component, add that to the current designations rather than creating a new one.
  - f. The proposed bill will be a significant expansion of Act 250 jurisdiction, including expansion into areas where development is appropriate, such as existing neighborhoods surrounding centers; and the enhanced designation concept will not solve that problem.

3. CCRPC supports the concept of **resource area protections** and the acknowledgement that Act 250 jurisdiction should be triggered by location in areas of statewide interest, regardless of project size (even single-family home developments); however, there needs to be more work done to identify and define these resources. There may also be resources that would be better regulated through a separate permit.
4. Act 250 permitting should rely more on **conceptual/sketch plans** and capacity analysis as opposed to engineer-sealed plans with more detail. Land Use Permits should include conditions of obtaining the other more detailed permits (stormwater, wastewater, etc.). This would ensure a more resident-friendly, efficient and less costly state permitting process, helping to reach affordable housing, transportation and economic development goals. In addition, CCRPC supports the master planning process for phased developments.
5. CCRPC believes that any mapping established to define jurisdiction, and particularly growth areas, in Act 250 should be based not only on state-level maps, but also on **mapping in local and regional plans** due to the extensive public participation involved in their development. There may also be resources that should be considered by Act 250 that are not identified on state-level maps.
6. CCRPC asks that the Legislature either work out **further details** before adopting new concepts or hold until further details are worked out (e.g. greenhouse gas mitigation fee). The development costs of some of these concepts could be substantial and would exacerbate existing inflated housing costs for Vermonters. New concepts should be more thoroughly considered before adoption. Further, all the fees should be comprehensively reviewed to understand the impact on development costs, particularly considering the goal of smart growth development.
7. CCRPC encourages the Legislature to consider a **phased approach** to implementing the new jurisdiction paradigm. If it moves forward, it will greatly expand the reach of Act 250, and could greatly disrupt the market. It would be best to first allow municipalities to apply for and obtain the enhanced designation before the greater rural development restrictions are implemented.
8. CCRPC supports an **appeals** process that allows coordination or consolidation of appeals of various municipal and state permits to one entity to ensure consistency in decision-making and prevent unaligned requirements between Environmental Court and the proposed re-invigorated Environmental Resource Board decisions.
9. CCRPC supports the position of the Vermont Planners Association regarding **regional plan approvals** which is to modify the bill language so that regional plans are reviewed for consistency with statutory planning goals by a Development Cabinet<sup>1</sup>, or some similar instrument of the State, that is expanded for this function to include representatives with planning expertise – e.g., directors of two adjacent regional planning commissions, a representative from the VT Planners Association, and a representative from the VT Association of Planning and Development Agencies.
10. Clarify and add to existing statute (Title 24, Chapter 117, Section 4476) to make the existing Environmental Court hear **appeals for regional plan approvals and for regional approval and/or confirmation of local plans** and the local planning process.

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<sup>1</sup> While not active, the Development Cabinet is in statute (3 V.S.A. § 2293) for the purpose of collaboration and consultation among State agencies and departments. As described in statute it consists of the Secretaries of the Agencies of Administration, of Agriculture, Food and Markets, of Commerce and Community Development, of Education, of Natural Resources, and of Transportation. The Governor or the Governor's designee shall chair the Development Cabinet.





Action Requested: Adopt the Town Plan Review Committee Rules of Procedure.

## TOWN PLAN REVIEW COMMITTEE

### *RULES OF PROCEDURE*

**PURPOSE:** The Town Plan Review Committee (the Committee) serves in an advisory capacity to the CVRPC Board of Commissioners in the review and approval of member municipalities plans as specified within 24 VSA Chapter 117 [§4350](#)(b) and [§4352](#)(b) and (c) of Vermont Statute. The primary purpose of the Committee is to:

1. Upon request by the municipality, review municipal plans for consistency with the state planning goals as included within [§4302](#); compatibility with the regional plan; compatibility with approval plans of other municipalities; and contains all the required elements as included within [§4382](#) (as per [§4350](#)(b)(1)).
2. Upon request by the municipality, review municipal plans for consistency with the municipal enhanced energy planning requirements (as per [§4352](#)(c)).
3. Solicit input from staff and municipalities as needed to gather information.
4. Provide guidance to municipalities regarding future municipal plan updates and ways to strengthen their planning efforts.
5. Provide a recommendation to the Commissioners regarding a municipality's planning efforts and consistency with state statute.

**ADVISORY ROLE:** The Committee shall be advisory to the Board of Commissioners and shall provide a recommendation to the Commissioners regarding a municipality's planning efforts and consistency with state statute. The Committee may offer advice, input, and opinions to municipalities, consistent with plans, policies, positions or resolutions adopted by the Board of Commissioners. The advice, input, and opinions provided by the Committee may be reviewed, confirmed or reversed by the CVRPC Board of Commissioners at the Board's discretion.

**MEMBERSHIP:** The Committee shall consist of five (5) representatives of the Board of Commissioners who serve one year terms and are appointed annually.

**OFFICERS/ELECTIONS:** The Committee will elect a Chairperson and Vice-Chairperson at the first meeting following the annual appointment by the Board of Commissioners. The Chair will be responsible for running meetings, setting agendas in conjunction with staff, and representing the Committee at various meetings as needed. The Vice-Chair will provide support to the Chair as needed. If the Chair or Vice-Chair

should resign before his/her term is expired, an interim election shall be held within two meetings.

**ATTENDANCE AND QUORUMS:** Members are encouraged to attend all regular meetings and special meetings as they arise. A quorum shall consist of a majority of the voting members.

**COMMUNICATION AND COORDINATION:**

- ◆ Meetings shall be noticed and held in accordance with Vermont Open Meeting Law; Public Hearings for municipal plan review shall also be held in accordance with [§4350\(b\)\(1\)](#).
- ◆ Hearings and meeting will take place in a central location within the region.
- ◆ Draft policies and resolutions shall be forwarded to Committee members and interested/affected parties for comment before a recommendation by the Committee for final action/approval by the Board of Commissioners.
- ◆ Minutes of all regular and special meetings will be prepared by staff, distributed to Committee members and interested parties, and made available to the public in accordance with open meeting and public records law described in 1 VSA.
- ◆ The Committee will report on committee discussions or activities to the Board of Commissioners on a regular basis.
- ◆ Committee members are encouraged to offer input on all matters before the Committee, and are encouraged to bring up items of local or regional concern for Committee consideration.

**CONFLICT OF INTEREST:** In the event any Committee member has a personal or financial interest with any individual, partnership, firm or corporation seeking to contract with the CVRPC, or to provide materials or labor thereto, or has a personal or financial interest in any matter being considered by the Committee, the member shall state on the record the nature of his or her interest. If the member is uncertain whether he/she should participate in the discussion or decision, the Committee shall determine by vote whether the member should participate. The Committee may also make a determination of conflict if the majority of voting Committee TPRC members in attendance at the meeting determine a conflict of interest exists. A member of the Committee with an identified conflict of interest shall not deliberate or vote with the Committee but may participate in the open public discussion.

**ADOPTION OF ORGANIZATIONAL PROCEDURES:** The Committee may, at any time, vote to amend these procedures, in accordance with quorum requirements noted above. Proposed amendments will be forwarded to Committee members before consideration at a regular Committee meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

The Committee is a standing committee of the Regional Planning Commission, and is therefore subject to the Commission's bylaws. As such, these Rules of Procedure, combined with the Central Vermont Regional Planning Commission's bylaws and Robert's Rules of Order, provide procedural and administrative guidance for the TPRC.


Recommended by the Town Plan Review Committee: 03/27/19


Adopted by the Board of Commissioners: 04/09/19

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Julie Potter, Chair

CVRPC Board of Commissioners

		CENTRAL VERMONT REGIONAL PLANNING COMMISSION	
		Committees and Appointed Positions	
		FY20 Committee Sign-Up	
STANDING COMMITTEES		ADVISORY COMMITTEES	
Executive		Nominating	Project Review
Meets: Monthly, 4:00 pm, week prior to Commission meeting		Meets: April/May, as needed	Meets: Monthly (as needed), on the fourth Thursday, 4:00 pm
Members: 4 officers and 3 at-large Commissioners		Members: 3 Commissioners	Members: 5 Commissioners plus 1 alternate and the project's host Commissioner
Term: 1 year; officers typically two years		Term: 1 year; cannot serve consecutive terms	Term: 3-year; staggered terms
Elected: By Board of Commissioners		Appointed: By Board of Commissioners	Appointed: By Board of Commissioners
Duties:		Duties:	Duties:
- Act on behalf of the Commission in absence of a Commission quorum		- Nominate officers and at-large members of the Executive Committee.	- Determine Act 250/Section 248 project conformance with the Regional Plan
- Approve budgets, contracts & audits			- Provide input and recommendations for projects with Significant Regional Impact
- Add/eliminate staff and contractors			- Solicit input from other parties as needed to gather information and render a decision
- Amend Personnel Policies			- Evaluate potential cumulative impacts for projects
- Approve policy actions			- Provide guidance on amendments or changes to Substantial Regional Impact criteria
- Recommend positions to be taken			
- Approve Commission agendas			
7 Appointments to be Made		3-5 Appointments to be Made	(Date indicates end of term) - 2 Appointments to be Made
			2022 - For appointment this year
<u>Commissioners Interested for FY20</u>		<u>Commissioners Interested for FY20</u>	2022 - For appointment this year
Julie Potter			2021 - Bob Wernecke, Berlin
Laura Hill-Eubanks			2021 - Gerry D'Amico, Roxbury (Alternate)
Micheal Gray			2020 - John Brabant, Calais
			2020 - Janet Shatney, Barre City (Chair)
			<u>Commissioners Interested for FY20</u>
			Peter Carabee
			Gerry D'Amico
			Lee Cattaneo
			John Brabant
		</	

		CENTRAL VERMONT REGIONAL PLANNING COMMISSION	
Committees and Appointed Positions			
FY20 Committee Sign-Up			
</			

**CENTRAL VERMONT REGIONAL PLANNING COMMISSION**  
**DRAFT MINUTES**  
**March 12, 2019**

**Commissioners:**

<input type="checkbox"/> Barre City	Janet Shatney	<input checked="" type="checkbox"/> Moretown	Dara Torre, Secretary
<input type="checkbox"/>	Heather Grandfield, Alt.	<input type="checkbox"/>	Joyce Manchester, Alt.
<input checked="" type="checkbox"/> Barre Town	Byron Atwood	<input checked="" type="checkbox"/> Northfield	Laura Hill-Eubanks, Vice-Chair
<input type="checkbox"/>	Mark Nicholson, Alt.	<input checked="" type="checkbox"/> Orange	Lee Cattaneo
<input checked="" type="checkbox"/> Berlin	Robert Wernecke	<input checked="" type="checkbox"/> Plainfield	Bram Towbin
<input type="checkbox"/>	Karla Nuissl, Alt.	<input checked="" type="checkbox"/>	Paula Emery, Alt.
<input checked="" type="checkbox"/> Cabot	Amy Hornblas	<input type="checkbox"/> Roxbury	Jerry D'Amico
<input checked="" type="checkbox"/> Calais	John Brabant	<input checked="" type="checkbox"/> Waitsfield	Don La Haye
<input type="checkbox"/>	Jan Ohlsson, Alt.	<input type="checkbox"/>	Harrison Snapp, Alt.
<input checked="" type="checkbox"/> Duxbury	Alan Quackenbush	<input type="checkbox"/> Warren	Camilla Behn
<input checked="" type="checkbox"/> E. Montpelier	Julie Potter, Chair	<input checked="" type="checkbox"/> Washington	Peter Carbee
<input type="checkbox"/>	Jack Pauly, Alt.	<input checked="" type="checkbox"/> Waterbury	Steve Lotspeich
<input type="checkbox"/> Fayston	Karl Klein	<input type="checkbox"/> Williamstown	Richard Turner
<input checked="" type="checkbox"/> Marshfield	Melissa Seifert	<input type="checkbox"/> Williamstown	Jacqueline Higgins, Alt.
<input checked="" type="checkbox"/> Middlesex	Ron Krauth	<input checked="" type="checkbox"/> Woodbury	Michael Gray, Treasurer
<input checked="" type="checkbox"/> Montpelier	Kirby Keeton	<input type="checkbox"/> Worcester	Bill Arrand
<input type="checkbox"/>	Mike Miller, Alt.		

Staff: Bonnie Waninger, Nancy Chartrand

Guests: Jamie Stewart, Eileen Pelletier

**CALL TO ORDER**

Chair J. Potter called the meeting to order at 7:03 pm. Quorum was present to conduct business.

**ADJUSTMENTS TO THE AGENDA**

None

**PUBLIC COMMENTS**

None

**CENTRAL VERMONT ECONOMIC DEVELOPMENT CORPORATION REPORT**

Chair Potter welcomed Jamie Stewart, Executive Director. CVEDC in collaboration with DOL and Creative Workforce Solutions holding 10<sup>th</sup> Annual Job Fair at Barre Auditorium on April 3rd. Stewart provided details about Northern Borders Regional Commission grants and an informational session scheduled for

1 March 20. Infrastructure, transportation, housing, energy efficiency, renewable energy are eligible  
2 areas. Letters of Intent by March 29<sup>th</sup>; application deadline is May 10.

#### 4 **DOWNSTREET HOUSING & COMMUNITY DEVELOPMENT**

5 Eileen Pelletier, Executive Director, presented Downstreet's background and core goals. The mission of  
6 Downstreet is to strengthen the communities of Central Vermont by engaging with people, providing  
7 affordable homes and connecting people to the resources and services they need to thrive. Their  
8 organization collaborates with partners in the community to work towards providing appropriate  
9 housing and connection to services. Downstreet is collaborating on a tiny house project in Barre City.

10  
11 Pelletier briefly outlined the Opioid Coordination Council Call to Action, a current priority. Substance  
12 Use Disorder needs chronic management and support – housing, transportation, community, etc.

#### 14 **2019 NOMINATING COMMITTEE**

15 *D. Torre nominated B. Wernecke, A. Quackenbush, and B. Atwood for the Nominating Committee. J.*  
16 *Potter noted a second is not required for nominations. Potter confirmed that the candidates were willing*  
17 *to serve. Chair Potter inquired twice if there were any other nominations. There being none, Potter*  
18 *closed nominations. Motion carried.*

19  
20 Potter discussed challenges of a compressed schedule for the Nominating Committee because last  
21 month's meeting was cancelled due to weather. She asked if Commissioners would be willing to have  
22 the slate presented in May and to move the Annual Meeting from May to June this year.

23  
24 *B. Atwood moved to extend the nominations and elections schedule and hold the 2019 Annual Meeting*  
25 *in June; P.Carabee seconded. Motion carried.*

#### 27 **BOARD OF COMMISSIONER SURVEY RESULTS**

28 N. Chartrand presented the results of the Board of Commissioner survey. The survey was aimed at  
29 assessing meeting effectiveness and how CVRPC could strengthen its support for Commissioner  
30 participation. The survey suggested a change of Commission meeting time might be beneficial.

31  
32 *L. Cattaneo moved to change the Commission meeting time to 6:30 to 8:30; A. Quackenbush seconded.*  
33 *B. Waninger asked if 6:30 prohibits any Commissioner from participating; no hardships were noted for*  
34 *Commissioners present. Motion carried.*

#### 36 **LEGISLATIVE REPORT**

37 B. Waninger provided details regarding the Legislative Report provided prior to the meeting. S.96  
38 related to Clean Water Funds. The current version of the bill was presented and concerns raised by  
39 RPC's regarding maintenance and enforcement were discussed. Additional amendments to the bill are  
40 anticipated, and some action may be taken by the Legislature. Commissioners expressed that ANR

1 should not be pushing accountability on to other entities, and that there was a lack of process,  
2 methodology, and standards.

3  
4 B. Towbin requested Waninger convey to ANR that ANR policies and actions need to better align  
5 internally to support clean water. Towbin provided an example.

6  
7 J. Potter advised anyone with additional comments / suggestions encouraged to speak directly to B.  
8 Waninger.

9  
10 **MEETING MINUTES**

11 *B. Wernecke moved to approve January 8, 2019 minutes; seconded by D. La Haye. Motion carried.*

12  
13 **ADJOURNMENT**

14 *D. La Haye moved to adjourn at 9:03 pm; B. Wernecke seconded. Motion carried.*

15  
16 Respectfully submitted,

17  
18 Nancy Chartrand

19 Office Manager



**Central Vermont Regional Planning Commission**

P: 802-229-0389

Staff Report, March 2019

F: 802-223-1977

**LAND USE PLANNING & MUNICIPAL ASSISTANCE****Municipal Planning:**

- Reviewed Marshfield's draft enhanced energy plan for conformance with energy planning standards and provided comments to municipal representative.
- Responded to energy data inquiries from Barre Town.
- Met with Berlin regarding a Village Center Designation application for Riverton.
- Communicated with Roxbury regarding assistance for a Town Plan Survey.
- Provided forest integrity assistance to the Plainfield Conservation Commission.
- Participated in an informational session on the Northern Border Regional Commission Economic Infrastructure Development and Regional Forest Economy grants. Discussed potential application with Montpelier City Councilor and Green Mountain Transit.

**Enhanced Energy Planning:**

- Discussed the planning process with Moretown's Energy Coordinator and attended a Planning Commission meeting to begin development of an enhanced energy plan.
- Provided information about the energy planning process to Fayston.
- Recruited Washington and Plainfield to participate in enhanced energy planning.
- Presented municipal energy data report to the Waitsfield Planning Commission.

**Act 250 & Section 248:**

- Updated the Project Review Committee on the Montpelier Hotel and Garage Act 250 application.
- Monitored Act 250 legislation progress.
- Scheduled Washington County Capitol for a Day event with DPS Deputy Commissioner Riley Allen.

**Mapping:**

- Assisted Barre City to tailor maps to meet City Plan needs.
- Created LHMP maps for Moretown, and East Montpelier.
- Assisted Northfield with trail mapping needs.
- Provided assistance to Montpelier on GIS analysis for Community Rating System (CRS) verification.

**Municipal Training & Education:**

Hosted a Zoning Administrators' Roundtable. VTrans Chief of Permitting Services, Craig Keller presented info about Section 1111 permits. VLCT's Municipal Staff Attorney Susan Senning provided a legal perspective on agenda items. CVRPC's Clare Rock provided a Homes for All zoning presentation. Twelve people participated, representing 11 municipalities.

**EMERGENCY PLANNING & HAZARD MITIGATION****Local/Regional Planning:**

- Discussed meeting-in-a-box concept/contents for municipal floodplain managers with Waterbury Floodplain Management Committee.
- Responded to questions from Barre City, Cabot, Montpelier, Woodbury, and Waitsfield regarding EMD position duties, NIMS type resource designations, and LEMPs.
- Facilitated conversation between VEM and Orange regarding an old generator grant for the school. The Town had not sought reimbursement. CVRPC successfully connected school staff with new Town staff and Orange will be fully reimbursed by VEM for its work.
- Participated in LEPC bi-monthly meeting. Met with Chair regarding grant status, strategy for progress, and plan for reinvigorating meeting participation.
- Drafted annual grant application for LEPC 5.
- Researched culverts at the intersection of Hampshire Road and Minister Brook Road in Worcester for a potential Hazard Mitigation Program Grant application.
- Updated Fire Chief and EMD contact lists. Initiated staff introductory calls to Fire Chiefs.
- Discussed shelter agreements with Warren to facilitate school-town discussions.
- Submitted proposal to work on Berlin LHMP.

**Trainings and Workshops:**

**Emerald Ash Borer (EAB)** – Organized a training in Calais in partnership with the Vermont Urban & Community Forestry Program. Calais and East Montpelier are working with CVRPC to conduct an ash tree inventory, create maps from the collected data, and create a draft response plan. Staff is trained to use the EAB inventory tool to collect ash tree data and can train volunteers and municipal staff.

**Emergency Management Director (EMD) Seminar** – Hosted a 2-hour training for EMDs and EMCs that covered topics such as: an introduction to duties, available resources, and best practices. This seminar familiarized EMDs and EMCs with essential information on the roles and functions of the position.

**Local Emergency Management Plan (LEMP) Seminar** – Hosted training and writing workshop to assist towns to get a head start on the new format. At the request of municipalities, CVRPC will schedule additional LEMP workshops.

**Road Foreman & Emergency Management Director Roundtable** – Scheduled a joint roundtable that will include multiple presenters from various organizations.

**Local Hazard Mitigation Plans (LHMP):**

Staff supported communities in the development, review, and adoption of local hazard mitigation plans.

**East Montpelier** – Met with the planning team to review the planning process. Created survey for town about hazards that impact the community. Discussed results with planning team.

**Moretown** – Met with planning team to identify priority hazards and update status of 2013 mitigation activities.

Plainfield – Assisted Selectboard with data and text updates and LHMP review. Plan submitted to VEM for review. Posted draft Plan to CVRPC website. 30-day public comment period underway.

Warren – Plan adopted by the municipality and sent to FEMA for final review.

Williamstown – Met with Planning Commission to discuss results of Town Meeting poll about the hazards that impact the community.

CVRPC has funding available to assist towns whose plans have expired or will expire in 2019. Contact Jonathan DeLaBruere, [delabruere@cvregion.com](mailto:delabruere@cvregion.com), if your town is interested in these services.

## TRANSPORTATION

**Field Services:** Contact Ashley Andrews, [Andrews@cvregion.com](mailto:Andrews@cvregion.com), for 2019 counts and inventories.

Traffic Counts: Collected data from the permanent Mad River counter.

Pedestrian Counters: Picked up counters in Fayston and Northfield.

Ash Tree Inventories: Inventoried Barre Town's ash trees in the ROW.

Culvert Inventories: Created maps for Marshfield and Northfield.

Road Surface Inventories: Work on hold until May.

Park and Ride Counts: Collected data on parking space usage at fifteen State and municipal lots.

### Transportation Studies:

Paratransit Inclusive Planning: Received notice that grant application was not successful. CVRPC will facilitate a meeting of the paratransit planning committee to identify alternate pathways to help develop education materials to strengthen rider and driver transit experiences. Participated in an Able and On Air radio show segment about the effort.

Cabot Trail Planning Study: Worked on purpose and needs statement with the project team. Created a map showing existing trails

Northfield Trails: Received notice that Northfield was awarded a Better Connections grant. CVRPC will assist Northfield as the designated project manager.

Microtransit Workgroup: Finished the land use analysis.

**Public Transit:** CVRPC represents Central Vermont on the Green Mountain Transit (GMT) Board of Commissioners. Staff participated in the following GMT meetings:

Board of Commissioners – See Committee updates.

Leadership Committee – Discussed items for the Board of Commissioners meeting agenda.

Discussed real-time bus location services. VTrans is contracting with Swiftly to provide this service statewide. GMT may act as a pilot for the program. Learned FHWA has closed GMT's Triennial review; GMT updated its systems in response to comments. VTrans is working with transit providers to develop a single system for Cost Allocation Plans. These plans help set rates for overhead cost recovery. VTrans complimented GMT for its plan and may use it as the statewide model.

Strategy Committee – Discussed GMT’s legislative initiative to promote public transit and educate the legislature about the need for a sustainable funding model. Reviewed GMT’s Strategic Plan to identify goals that are the committee’s responsibility.

Other Transit Activities:

- Met with the Mad River Valley Transportation Advisory Committee to review proposed changes to the FY19 transit services and discussed service costs and funding options for the FY20 service.
- Responded to rider concerns regarding changes to the Rt. 2 Commuter and public notice.
- Participated in GMT discussion with rural Commissioners about local communications and upcoming requests to increase rural funding. GMT sought input on how to approach communities and any advance work that might benefit the discussion.
- Met with VTrans Public Transit Director to discuss Rt. 2 Commuter, GMT activities, and regional transit needs.

**Municipal Roads General Permit (MRGP):** Continued work with Woodbury and Fayston on road erosion inventory capital plans.

**Municipal Assistance:**

- Compiled information about municipal implementation of the Complete Streets statute and provided a summary to VTrans.
- Assisted Worcester with erosion project on Hamshire Hill Road.
- Participated in meeting to discuss creation of training videos for VTCulverts.

## NATURAL RESOURCES

Contact Pam DeAndrea, [deandrea@cvregion.com](mailto:deandrea@cvregion.com), unless otherwise noted.

**Winooski River Tactical Basin Planning Assistance:** Continued to work on project development with Winooski Basin Planner, Winooski Natural Resources Conservation District, Friends of the Winooski River, and the Friends of the Mad River.

**Re-classification of Surface Waters (604b):** Met with the Marshfield Conservation Commission to present the updated Vermont Water Quality surface water classification standards and waters identified for possible reclassification. The Conservation Commission is very interested in pursuing reclassification to better protect the fishing habitat and aquatic biota in streams. Contact Pam to schedule a community visit on surface water reclassification in your community.

**Clean Water Block Grant Program:** If your project is ready for design or implementation, please contact Pam to determine eligibility. The Department of Environmental Conservation has issued an RFP for the Block Grant Program. This year, there is no match requirement of 20% as in the previous year.

CVRPC is working with two communities on Block Grant projects

Berlin Town Office Stormwater Design: The engineering consultant is finalizing design plans for a



gravel wetland to treat stormwater.

Pouliot Avenue Stormwater Construction: Construction bids will be released this spring with construction anticipated for summer 2019.

**Ecosystem Restoration Program Grants**: Wrote two grant applications for stormwater project final designs for the Woodbury Elementary School and the Moretown Elementary School. These projects were identified and scoped in stormwater master plans. If awarded, the grants would move the projects from preliminary to final design, increasing eligibility for implementation funds.

**Plainfield Health Center Stormwater Mitigation**: A very large gully downslope from the Plainfield Health Center needs stabilization. It formed due to stormwater runoff from the Health Center parking area and from Route 2. CVRPC was awarded funds from VT DEC to complete final design plans for a mitigation project. The project will kick off in April with stakeholder meetings and hiring a design contractor.

**Mad River and Kingsbury Branch Stormwater Master Plans**: The Draft Stormwater Master Plans for the eight towns are complete. They will be presented to stakeholders in April. Friends of the Mad River and CVRPC staff have reached out to towns to schedule meetings for plan review.

**Northfield Water Street Stormwater Mitigation**: Construction bid documents were released, and a pre-bid meeting was held. Proposals will be due in early April with expected construction in June. CVRPC drafted a Memorandum of Agreement with Northfield for match services. This project will be a showcase project for stormwater treatment in Vermont and will treat a significant amount of stormwater and provide substantial phosphorus removal for the Dog River watershed.

**Lake Champlain Basin Program, Berlin Stormwater Final Designs**: CVRPC was awarded ~\$50,000 from the Lake Champlain Basin Program (LCBP) to bring three stormwater mitigation projects in Berlin to final design. The projects were identified as priorities in the Town's Stormwater Master Plan. The sites include the Fire Department, the Berlin Elementary School, and the Chimney Sweep Fireplace Shop. Staff has submitted a work plan for the project. Work is expected to begin in May.

**Water Wise Woodlands**: The steering committee held a Caring for Your Woods Pancake Breakfast. Approximately 70 people attended to enjoy pancakes and learn about the connection between forests, forest management, and flood resilience. Contact Clare Rock, [rock@cvregion.com](mailto:rock@cvregion.com).

## COMMUNITY DEVELOPMENT

**Brownfields**: Contact Clare Rock, [rock@cvregion.com](mailto:rock@cvregion.com).

Assessment activities continue at the Bonacorsi and Granite Works sites with funds from other RPCs.

**Partnerships for Progress:**

THRIVE – Participated in monthly meeting of this regional social services partnership aimed at aligning resources to improve social outcomes in Washington County. CVRPC's THRIVE participation resulted in all three of the following partnerships for progress.

Central Vermont Medical Center – Staff participated in a monthly Community Health Needs Assessment steering committee meeting of the CHNA to provide support on their project. The project is moving forward from survey distribution and secondary data collection into focus groups.

BADC – Participated in monthly meeting. Netaka White presented information about the State's Hemp growing and processes industry.

Central Vermont Solid Waste Management District – Spoke with General Manager regarding the District's new strategic plan.

Forest Ecosystem Monitoring Cooperative (FEMC) – Met with FEMC staff to provided regional input into FEMC's new Forest Indicators Dashboard. The dashboard combines dozens of key datasets into a snapshot of the overall status of Vermont's forests. FEMC sought input on the dashboard's potential use for municipal and regional planning.

CV Fiber – Discussed data collected by CV Fiber and how it might be used in local and regional plans. Provided information about potential grant sources for system buildout.

Washington County Hunger Council – Met with Food Access workgroup to present CVRPC's mapping work and discuss how it might be used to focus the Council's next step efforts with food retailers.

Urban and Community Forestry Council – CVRPC represents RPCs on the Council. Reviewed candidates for the Program Manager position and provided candidate ranking for the interview process.

## OFFICE & ANNOUNCEMENTS

**Office:**

- Awarded a contract for Auditing Services to Batchelder Associates PC for FY19-21.
- Released Request for Qualifications for stormwater planning, design, and construction management services. CVRPC will qualify 4-6 firms to assist the Commission for a 3-5-year period.
- Drafted a successful application to host a VISTA member for 2019-2020. Developing recruitment materials to fill the position.
- Drafted Grants Management Policy to meet federal requirements.
- Participated in Transportation Planning Initiative contract mid-year review with VTrans to assess contract progress, successes and challenges, and identify new activities for FY20 work plan.

**Professional Development:**

- Jonathan DeLaBruere was appointed as the RPC's Alternate representative to the State Emergency Response Commission.
- Jonathan participate in a VEM webinar on the role of buyouts in flood resilience.
- Jonathan participated in Local Emergency Management Plan (LEMP) workshop and Emergency Operations Center training in preparation for Waterbury's exercise of its LEMP.
- Bonnie participated in NADO Washington Policy Conference (see ED Repot).

**Upcoming Meetings:**

Please verify meeting location at [www.centralvtplanning.org](http://www.centralvtplanning.org) by viewing meeting agendas.

APRIL

Apr 1	4 pm	Executive Committee, CVRPC Office
Apr 4	11 am	CVRPC Road Foreman & Emergency Management Director Roundtable, Central VT Chamber, Berlin
Apr 6	9 am	LEAP Fair, Waterbury
Apr 9	7 pm	Board of Commissioners, Central VT Chamber, Berlin
Apr 11	9 am	Safe Routes to School Annual Meeting, Barre Granite Museum
Apr 11	4 pm	Clean Water Advisory Committee, CVRPC Office
Apr 16	4:30 pm	Green Mountain Transit Board of Commissioners, GMT facility, Berlin
Apr 23	6 pm	Transportation Advisory Committee, Central VT Chamber, Berlin
Apr 25	5 pm	Town Plan Review Committee (Waterbury Town Plan Hearing), Steele Community Room, Waterbury
Apr 25	7 pm	Mad River Valley Planning District Steering Committee, Waitsfield
Apr 30	9 am	Incident Command System (ICS) 402, CVRPC Office
April 30	4:30 pm	Plainfield/Marshfield Climate Economy Model Community Kick-off Event, Twinfield School, Marshfield

May

May 6	4 pm	Executive Committee, CVRPC Office
May 14	7 pm	Board of Commissioners, Central VT Chamber, Berlin
May 16	7 pm	Mad River Valley Planning District Steering Committee, Waitsfield
May 23	4 pm	Project Review Committee, CVRPC Office
May 27		<i>Memorial Day, CVRPC Office Closed</i>
May 28	6 pm	Transportation Advisory Committee, Central VT Chamber, Berlin
May 29	6 pm	Planning Commissioners & Municipal Officials Roundtable, CVRPC Office

**Visit CVRPC's web site at [www.centralvtplanning.org](http://www.centralvtplanning.org) to view our blog and for the latest planning publications and news.**

## Executive Director's Report

March 25, 2019

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### National Association of Development Organization's Policy Conference

As a knowledge-based organization, CVRPC provides professional development opportunities for its staff to ensure staff excel in providing services to municipalities and enhance the breadth and depth of their knowledge and skills. Professional development helps employees stay interested and boosts morale.

This month, I participated in the National Association of Development Organization's Washington Policy Conference. This conference offers opportunities to learn about new federal policy priorities and initiatives, and the latest research and trends that will influence the future. Where did I spend my time?

#### Learning

- Substance Use Disorder Impacts on Labor Force Participation. *In five years, 30% of active and non-active labor force participants (individuals age 18-64) are expected to have substance use disorder (SUD).* Consider what this statistic means for municipalities and their employees as our workforce shrinks. SUD now is classified as health condition based on changes it creates in the brain. Research by Ohio State University documented SUD rates climbing in middle income individuals, especially white males. The increased use correlates with loss of manufacturing jobs and changes in federal policy for prescribing drugs such as oxycodone. Success addressing SUD takes multiple attempts and at least five years of continuous support.
- Supporting Rural Broadband. The Federal agency panel delivered the message that funding opportunities exist if partnerships are built with service providers. Session attendees delivered a message that service coverage maps are not accurate, making many areas ineligible for available funding. The take home message included techniques we can use to document speed, connectivity, and underserved areas.

#### Advocating

- Met with Senator Sanders staff to discuss the upcoming transportation bill and share local and regional stories related to transit funding and housing needs and initiatives. Thanked the Senator for his support of statewide expansion of the Northern Borders Regional Commission.
- Discussed transit challenges with NADO staff, who recommended highlighting the need for funding flexibility in the plenary session with federal agency staff.

#### Networking

- Connected with Appalachian Regional Commission (ARC) staff on transit and transportation challenges. The ARC area also is facing rural transportation challenges and is implementing new planning and programs to address it.
- Discussed organizational successes and challenges with other RPC Directors attending the conference.
- Shared CVRPC's inclusive planning efforts for transportation at the East Region Caucus meeting as a solution for how to increase project benefits for diverse communities.



**Central Vermont Regional Planning Commission****Committee & Appointed Representative Reports**

March 2019

*Meeting minutes for CVRPC Committees are available at [www.centralvtplanning.org](http://www.centralvtplanning.org).*

**EXECUTIVE COMMITTEE** (Monday of week prior to Commission meeting; 4pm)

- Approved the prioritized VTrans SFY21 Capital Program Project list ranking and authorize its submission to VTrans as CVRPC's regional project priority list.
- Continued discussions of the draft Bylaw Update.
- Adopted a Grants Management Policy.
- Reviewed progress on FY19 strategic actions and discussed potential actions for FY20.
- Discussed the initial draft of the FY20 budget.
- Held Executive Session to discuss a contract, premature public knowledge of which would substantially disadvantage CVRPC.

**NOMINATING COMMITTEE** (February and March; scheduled by Committee)

- Reviewed Committee role.
- Discussed nominations for Executive Committee and developed a slate for recommendation to the Commission.

**PROJECT REVIEW COMMITTEE** (4<sup>th</sup> Thursday, 4pm)

Did not meet.

**REGIONAL PLAN COMMITTEE** (as needed; scheduled by Committee)

Did not meet.

**TOWN PLAN REVIEW COMMITTEE** (as needed; scheduled by Committee)

- Approved Committee Rules of Procedure for submission the Board of Commissioners.
- Discussed potential public hearing dates for the Waterbury Town Plan approval, confirmation of planning process, and certificate of energy compliance.

**TRANSPORTATION ADVISORY COMMITTEE** (4<sup>th</sup> Tuesday; 6:30 pm)

The TAC did not have quorum. Members present:

- Heard presentation from Green Mountain Transit on Nextgen service changes proposed for Washington and Lamoille Counties. These changes would become effective September 2019. Public meetings will be held in Washington County in May and June.
- Heard presentation from the SE Group about the Catamount Trail Association trail counting and economic impact analysis work. The effort will gather data through multiple years that allows CTA to understand overall trail use and use by section and to understand the trail's local economic impact.

- Discussed VTrans Capital Program projects and suggested priorities for CVRPC's consideration.

#### **BROWNFIELDS ADVISORY COMMITTEE (4<sup>th</sup> Monday, 4pm)**

This Committee will not be meeting regularly until new grant funds are secured.

#### **CLEAN WATER ADVISORY COMMITTEE (2<sup>nd</sup> Thursday, 4pm)**

- Padraic Monks, VT DEC Stormwater Program Manager, presented on the recently released 3-acre Stormwater General Permit.
- The CWAC discussed where they are going and how they can be more effective in the future.

#### **VERMONT ASSOCIATION OF PLANNING & DEVELOPMENT AGENCIES**

- Agreed to support Act 194 Report recommendations regarding industrial parks and rural economic development. (The report and its appendices are available at <https://legislature.vermont.gov/reports-and-research/find/2020>. Search "194")
- Agreed to sign joint letter of support with Regional Development Corporations expressing:
  - State and local permitting need to be predictable in both time and expense.
  - Review processes should be coordinated with clear lines of jurisdiction.
  - State land use plans should be based upon local and regional plans (a bottom-up vs. top-down approach).
- Discussed Public Utility Commission (PUC) decision related to substantial deference and Chittenden County RPC regional plan. The PUC's decision, while matching CCRPC's project position, included PUC interpretations that did not align with CCRPC's regional plan intent. RPCs recommended CCRPC pursue revised findings from the PUC to avoid future problems.
- Heard presentation from ACCD and the Northern Borders Regional Commission (NBRC) about NBRC's upcoming grant opportunities.
- Discussed on-going evolution of S.196, the "water quality utilities" bill, as it relates to roles and responsibilities for RPCs.
- Agreed to joint pursue a 2019 Clean Water Block Grant. SWRPC would be the statewide applicant.
- RPC senior staff planners met with Directors to discuss ANR's use of river corridor data in permitting and how this could negatively impact or limit development. VADPA's Natural Resources Committee will discuss the concerns with ANR.

#### **VERMONT ECONOMIC PROGRESS COUNCIL**

No activities from Central Vermont.

#### **GREEN MOUNTAIN TRANSIT**

- Presentation by the auditor on the 2018 Audit and Management Letter.
- Recognized Michael Slingerland for 30 years of service.
- Presentation by Government Relations consultant on legislative effort for sustainable public transit funding. Language was included in the Transportation Bill passed by the House to study methods to increase public transit ridership in Vermont.

- Brief discussion by the General Manager regarding a mobile ticketing program that would work with the State's new locational software. GMT may organize a pilot program to test the ticketing and software jointly.
- GMT extended SSTA's paratransit service contract (Chittenden County service).
- Approved annual resolution providing staff the authority to apply for grants.

**MAD RIVER VALLEY PLANNING DISTRICT**

The Steering Committee met. No update.