

DHCD Review of Draft Regional Plan CVRPC Regional Planning Commission (RPC) May, 2015

Date of Regional Plan Draft: Issued April 10, 2015 for May 12 and June 9 Public Hearings

Overview

CVRPC's draft amendments include changes to the following sections of the 2008 Regional Plan:

- Chapter 2 Land Use
- Chapter 5 Utilities and Facilities and Services
- Chapter 7 Economic Development

This review by the Department of Housing and Community Development focusses only on the aspects of the plan identified as deficient in the 2013 Regional Plan Assessment – an independent review of the regional plans – and the new Flood Resilience Requirement. ***The proposed amendments were found to sufficiently address the identified deficiencies but with further improvement expected in the 2016 plan update.***

(2) Land Use Element.

Issues Identified in Independent Report	RPC Response & DHCD Review
<i>The plan's land use element does not establish desired land use patterns and the appropriate location, intensity and character of future development in the region. Land use concepts are discussed broadly and not applied to specific locations in the region.</i>	Narrative will be updated to more clearly articulate the planned future land use districts and the intensity and character of future development desired. The future land use plan will be informed by analysis, goals and policies in the preceding elements.
<i>A Future Land Use Map is not included</i>	A map will be developed to depict the planned future land use patterns articulated in the narrative.
<i>The plan does not specifically identify high priority farmland that should be protected from development.</i>	The Future Land Use map will depict high priority farmland and narrative will articulate how it should be protected.
	<i>Deficiency is addressed but with further changes recommended for the 2016 regional plan.</i>

Conformance

Does the plan contain a land use element and a future land use map?

Yes. *The proposed amendments include an updated Land Use chapter and a land use map. In an improvement over the current plan, the Future Land Use Map categorizes the region into six land use types with a description for each. Symbols are used to show the resort centers, hamlets and villages.*

Is there a written description of the desired future land use pattern for the region, including the appropriate location, intensity and character of development? How was the map created and what does it represent?

Yes. *A text box in the land use section describes the criteria and data CVRPC uses to arrive at the future land use planning area boundaries. There are written descriptions of the future land use patterns for each land use type that touch on location, intensity and character of development.*

Does the written statement and map recognize the hierarchy of the regional settlement pattern (ex. downtowns, village centers, suburban neighborhoods, hamlets, rural and working lands, and remote or undeveloped lands)?

Yes. The plan is structured to promote a hierarchy of settlement patterns as envisioned in statute, with larger regional centers, smaller town centers, industrial and mixed-use commercial areas representing the developed areas and rural and resource areas encompassing the majority of the land in the region.

Does the written statement and map reinforce Vermont's traditional settlement pattern of compact centers separated by rural countryside?

Yes, to a large extent it reinforces the state land use goal. However, some of the land use boundaries should be re-evaluated to determine if any are unrealistically large or whether they may promote or exacerbate strip development. These may include the new town center defined for Calais (see comment below) and some of the larger areas identified for industrial and commercial uses.

Can municipalities use the plan to inform local land use plans and regulations?

Yes. The regional plan map will help municipal planners understand the broad, regional land use context for the individual communities.

Does the plan identify any proposed development that has potential for regional impact?

Yes to some extent. Regional impacts are discussed in the sections describing the Resort Centers and development at interstate interchanges. "Substantial Regional Impact" is defined in a footnote in the Introduction and has not changed in these amendments.

Does the plan include recommendations for maintaining farmland?

Yes. Policies for minimizing development impacts on farmland are provided. Training and guidance on local adoption of regulatory and non-regulatory tools for farmland protection are recommended in the plan.

Comments:

- We recommend that CVRPC remove the boundaries of the potential New Town Center in Calais on the proposed Land Use Map at the southeastern boundary of the town and as described on page 2-23. No village or hamlet exists currently and there is no evidence in the town and regional plans, that the growth potential in and around the existing villages in Calais has been evaluated and no justification provided for the size of the land area delineated for the new town center. If CVRPC chooses to adopt the land use map with the Calais new town center on it, we recommend that a point symbol like the one used for Hamlets be used until more detailed planning is conducted to determine the need and extent of a new town center in that location.
- The new land use map and descriptions of the land use districts are a major improvement. For the regional plan update in 2016, we recommend a thorough review of the recommendations to arrive at clearer and more concise policies that focus on implementation. Many of the policies – especially those that were not updated in the pending amendments- are general statements of preference that are too weak for regulatory effect and provide little guidance for action by CVRPC and its partners. See further discussion under the Implementation section below.
- To avoid confusion about the state designated areas vs. those identified in the local or regional plans, we recommend that the regional plans use the term "designation" only in regards to state designation and to use other terms for referring to locally and regionally identified areas.

(7) Implementation Program.

Issues Identified in Independent Report	RPC Response & DHCD Review
<i>Generally, the plan (outside of the Regional Transportation Plan) does not describe specific actions or projects that will be needed to implement the policies.</i>	<p>The Plan will include more specific implementation strategies for priority goals and policies. Recommendations will identify tools, resources and collaborations that will be needed to implement certain policies. The Commission will consider adopting timeframes and benchmarks against which to measure progress.</p> <p>Deficiency is addressed on condition that further improvements are made in the 2016 regional plan.</p>

Conformance

Does the plan identify specific actions or projects that would implement its policies, including priorities, timing, cost estimates, funding opportunities, lead agency or organization, and potential partners?

The majority of policies in the current plan are broad statements of intent. Implementation can be improved through action-oriented policies and strategies of who will do what, when they will do it and what resources and partnerships are needed. Most of the new policies in the proposed amendments provide greater specificity and are more actionable than those in the current plan. This is a trend that should continue in the 2016 plan. All policies in the current plan should be re-evaluated. Consider removing any policies that serve no clear function and keeping only those that CVRPC and its partners can actively apply.

Comments:

RPCs around the state are working to improve the implementation approaches in their regional plans. For example, the proposed Northwest Regional Planning Commission regional plan uses goals and policies at the end of each section (similar to CVRPC) and in the pending draft, these have been edited down to just the provisions most relevant to regional planning. The introductory chapter contains an implementation table that lists the key implementation strategies under each topic with a timeframe and reference to the regional plan sections. The strategies identify the partners and the programs involved in the task. See pages 15-21 in the [Draft Plan for the Northwest Region](#).

(11) Flood Resilience Element.

*Flood resilience was not evaluated as part of the independent review of regional plans but has since become a required element for local and regional plans. The CVRPC plan contains information relevant to flood resilience in both the Land Use and the Utilities, Facilities and Services Elements. The latter was not updated in these amendments but new recommendations on flood resilience were included in the proposed Land Use Element. **We recommend further work on this element for the 2016 plan, to meet the statutory requirements. A number of deficiencies are noted below. Please contact Ned Swanberg at the Department of Environmental Conservation for advice in advance of addressing flood resilience in the new plan.***

Conformance

Have flood hazard and fluvial erosion hazard areas based on ANR River Corridor maps been identified?

The Natural Resources maps were not updated for these amendments but the current plan shows only the "FEMA floodplains." Fluvial erosion hazards are discussed but the information is out date (pre-2011) and does not reference River Corridor maps.

Does the plan designate 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?

The plan does not clearly designate areas to be protected.

Does the plan recommend policies and strategies to protect the areas identified? Are there policies and strategies to mitigate risks to public safety, critical infrastructure, historic structures and public investments?

The Land Use Element includes a new policy 5: “Avoid or limit development and investment in identified flood hazard areas, where feasible” and lists several strategies for working with municipalities to enact regulations and to improve understanding of River Corridors. Strategy 5c prohibits new buildings within mapped floodways except where there is a substantial public benefit. (One of the few examples in the plan of directive language.)

Does the flood resilience element reference an existing regional hazard mitigation plan and if not why?

These amendments do not include any new language on Emergency Management and the current plan does not reference an existing regional hazard mitigation plan.

If so, how are the two plans integrated?

Not Applicable. This should be addressed in the 2016 amendments.

Comments:

New language on River Corridors is provided in the Goals, Policies and Strategies in the Land Use section but there needs to be corresponding information in the preceding narrative that provides the rationale for those policies.

Planning Goal - .Public Facilities

(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.

Issues Identified in Independent Report	RPC Response & DHCD Review
<i>The region’s future need for public facilities and services is not assessed, so the plan lacks a strong foundation for specific policies. Most of the public facility- or service-related policies are general statements of support or encouragement and are not directive or actionable. There is no discussion of or strategies for financing public facilities and services.</i>	Inventory and narrative will be expanded to the extent possible based on regional stakeholder input and on local information regarding condition and capacity. More targeted goals and policies will be included. RPC will work with municipalities to assess public facilities and services needs more in-depth at the local level and better inform future Regional Plan updates.
<i>There are some connections made between provision of facilities and services, growth management, and desired land use patterns. These concepts could be expanded upon to strengthen both the facility and services element of the plan, and the land use element.</i>	Narrative will expand on and strengthen the connection between desired future land use and necessary facility and services expansions to support said growth. Goals and policies will identify recommended resources and projects to meet future demand where possible. Deficiency is addressed with comments on further improvements

Conformance

Does the plan include specific policies or recommended projects that, if implemented, will result in substantial progress toward attainment of the goal?

To some extent. The recommendations for water and wastewater have been updated to provide more specific policies and projects such as encouraging the formation of local Wastewater Advisory Committees and providing grant writing and technical assistance for towns aimed at arriving at wastewater solutions. There is also a new recommendation that could lead to the type of detailed recommendations for utilities and facilities envisioned in statute: “Explore opportunities to develop a region-wide water and wastewater study to identify priority investments to supporting desired growth patterns.” If this were made stronger by including a time frame for implementation and some suggestion of a funding source it would be more likely to result in substantial progress toward attainment of the goal.

Recommendations for other utilities, facilities and services provide somewhat less specificity. The Energy recommendations do provide some specific infrastructure recommendations intended to influence the location and materials used in facilities approved by the Public Service Board. The Solid Waste recommendations identify support for waste reduction as a top priority for the region but provide few actionable recommendations.

Comments:

While much of the new narrative language in the Utilities, Facilities and Services section provides good information about what exists in the region, some sections such as those on Water and Wastewater facilities are better at focusing on information that informs policy – identifying gaps and connections with land use. Others sections like the one on solid waste, offer detailed information about facilities and programs that exist but little analysis of what that means for the region and RPC policy and priorities.

Non-Statutory Issues – Act 250 and Section 248

Issues Identified in Independent Report	RPC Response & DHCD Review
Nearly all of the policy statements in the plan are discretionary or permissive ('should' and 'encourage') rather than directive or obligatory ('must' or 'shall'). As such, the plan's policies may not be able to be effectively applied in regulatory proceedings.	The Commission will consider adopting more directive language in future amendments. More directive language recommended for the land use section in 2016.

Conformance

Are plan policies stated using directive or obligatory, rather than discretionary or permissive language that could effectively be used in Act 250 and Section 248 proceedings?

The majority of the new policy statements in the land use section continue to use 'should' and 'encourage' but more directive language is used for the following types of recommendations:

- o priority for public infrastructure funding in centers*
- o priority for housing funding in centers*
- o development within critical resource areas need to provide additional evidence and mitigation*
- o prohibition of new buildings within mapped floodways*

While the new language in the land use section may be able to provide direction in a limited range of state regulatory proceedings, in general, policy statements continue to lack the clear intent necessary to be applicable in Act 250.