



Regional Plan Committee October 3, 2023 at 4:00 - 5:30 pm

To join Zoom meeting:

<https://us02web.zoom.us/j/87815276521?pwd=Mmw5U080SGpCTUFNVHZFSEERQUlI0dz09>

Meeting ID: 878 1527 6521, Passcode: 783374

One tap mobile 1(929)436-2866 or 1(301)715-8592

Physical meeting location: 29 Main Street, Suite 4, Montpelier (Facial coverings appreciated.)

Persons with disabilities who require assistance or alternate arrangements to participate in programs or activities are encouraged to contact Nancy Chartrand at 802-229-0389 or chartrand@cvregion.com at least 3 business days prior to the meeting for which services are requested.

AGENDA

page	4:00 pm ²	Adjustments to the Agenda
		Public Comment
2	4:05 pm	Approval of Minutes Approval of the September 5, 2023 minutes.
4	4:10pm	New Regional Plan Review VAPDA's regional Planning Report on Future Land Use Area Profiles and development of a future land use map.
	5:30 pm	Adjourn

**Next meeting: November 7, 2023
First Tuesdays at 4pm**

¹ Dial-in telephone numbers are "Toll" numbers. Fees may be charged to the person calling in dependent on their phone service.

² All times are approximate unless otherwise advertised

CENTRAL VERMONT REGIONAL PLANNING COMMISSION
Regional Plan Committee
Draft Minutes

September 5, 2023 4:00 – 5:20 pm

Via Zoom; physical location: Central Vermont Regional Planning Commission
 29 Main Street, Suite 4, Montpelier, VT 05602

Committee Members:

x	Alice Peal, Waitsfield Alternate Rep
x	Rich Turner, Williamstown Rep
x	George Clain, Barre Town Rep.
	John Brabant, Calais Rep
x	Mike Miller, Montpelier Alternate Rep

Staff: Clare Rock

Staff opened the meeting and went through the first 2 agenda items prior to the Election of Officers.

Adjustments to the Agenda

None

Public Comment

None

Election of Officers

G Clain nominated A Peal for Chair. A Peal accepted the nomination. No other nominations. Committee members vote unanimously to elect A Peal as Chair. Alice Peal takes the role of Chair and leads the rest of the agenda.

G Clain declines being nominated as Vice Chair, M Miller says he would accept the role if nominated.

A Peal nominates M Miller as Vice Chair. No other nominations. Committee members vote unanimously to elect M Miller as Vice Chair.

The minute taking responsibility will be passed to staff.

Rules of Procedure

Staff indicated that the proposed changes are to do with the recent changes to the Bylaws.

Discussion that a new member would have to go through the Nominating Committee. Under OFFICERS/ELECTION section G Clain suggests that the last sentence should not be struck out, other members agreed.

Under OFFICERS/ELECTION within the first sentence, a statement about how the election action should be added to the agenda. Changes was made in the draft ROP.

Under CONFLICT OF INTEREST section, discussion about the last sentence in the first paragraph and the majority of the paragraph. There was support that the entire stuck section should remain. And discussion followed about how this sentence is clearer than what is in the Bylaws and Conflict of Interest policy. Committee agreed to recommend keeping the language and also recommend to the Board that the other documents (Bylaws and Conflict of Interest) be amended to include this clearer language.

M Miller made a motion to recommend the ROP as amended and annotated for Board approval, seconded by G Clain. All in favor. Motion passed.

Approval of Minutes

M Miller made motion to approve the April 4, 2023 minutes seconded by R Turner. A Peal, R Turner, M Miller vote in favor. G Clain abstained. Motion passed.

M Miller made motion to approve to the May 2, 2023, seconded by R Turner. All in favor. Motion carried.

R Turner made a motion to approve the June 6, 2023 minutes, seconded by A Peal. All in favor. Motion carried.

R Turner left the meeting.

New Regional Plan

Staff gave a very brief update of the data profile, chapters and stakeholder engagement. Staff anticipates providing committee with data profile at next meeting. Stakeholder engagement has been pushed back. A skeleton draft should be completed by next month.

M Miller had to leave the meeting.

Staff gave a summary of the other items in the packet regarding the changes to stature and the future land use effort as a result of the HOME ACT. Question was raised about the organization structure of VAPDA (is a 501c3? How transparent are they? Do they have to adhere to the open meeting law?) Concern was raised about the future land use effort and how input and comment would be gathered and included.

G Clain is concerned that one town could be over ruled by the majority of the Board, if the Board has to support or endorse the effort. A Peal is also concerned about how municipalities can provide comment and their concerns heard.

Adjourn

G Clain made a motion to adjourn. Seconded by A Peal. No quorum for a vote.

**MEMO**

Date: September 28, 2023

To: Regional Plan Committee

From: Clare Rock, Senior Planner

Re: VAPDA's Regional Planning Report on Future Land Use Area Profiles

✉ ACTION REQUESTED: Develop comments for Board endorsement; submittal to VAPDA

As brought forward at the last Regional Plan Committee meeting, and at the last CVRPC Board meeting, a couple of provisions contained within the HOME Act, Act 47 (S.100) relate to the development of the regional plan. §§15-15a. of the Act directs Vermont Association of Planning and Development Agencies (VADPA) to develop a report that recommends, in part, consistency of all regional future land use plans and policies. The intent of the initiative is to identify ways to better integrate municipal, regional and state plans, and policies.

VAPDA has developed a draft Report which includes Future Land Use Area Profiles (attached) and is seeking input from all RPC Boards. VAPDA is expected to deliver its final report to the Legislature by December 15, 2023.

More specifically, the HOME Act directs VAPDA to develop recommendations that accomplish the following:

1. Ensuring that State agency investment and policy decisions that relate to land development are consistent with regional and local plans. The investments assessed should include, at a minimum: (A) drinking water; (B) wastewater; (C) stormwater; (D) transportation; (E) community and economic development; (F) housing; (G) energy; and (H) telecommunications.
2. Achieving statewide consistency of future land use maps and policies to better support Act 250 and 30 V.S.A. § 248.
3. Identifying how Act 250 and 30 V.S.A. § 248 could better support implementation of regional future land use maps and policies.
4. Identifying how regional future land use maps and policies can better support implementation of in the State designation program under 24 V.S.A. chapter 76A.

Additional outcomes of the report may result in changes to 24 V.S.A. chapter 117 that specify

- more specific future land use map area delineations, definitions, statements, and policies;
- include existing settlement definitions and their relationship to future land use maps;
- refine or re-define the role of regional plans in the review and approval of municipal plans and planning processes; and
- include a review mechanism to ensure local bylaws are consistent with municipal plans.

To help guide the Committee conversation in formulating comments:

1. Do you think the following Future Land Use Areas adequately capture the variety of very generalized land use areas applicable to our region? As presented they include:
 1. Planned Growth Area
 2. Village Center
 3. Transitional Area
 4. Resource-Based Recreation Area
 5. Enterprise
 6. Hamlet
 7. Rural
 - a. Sub-Area: Working Land Areas
 - b. Sub-Area: Conserved or Protected Area
2. Should the regional future land use map be used as a tool in determining land use areas which should or should not be exempted from Act 250 review?
3. Should there be a newly formed entity which is responsible for reviewing regional plans to ensure they meet statutory requirements, to ensure they are compatible with each other; and validate them for use in determine Act 250 exemptions?
4. Should the regional future land use map be the 'blueprint' for which areas are eligible to get state designations which provide special incentives such as tax credits, state housing or conservation funds, etc?

Additional information on this topic

- For more information on HOME Act, Act 47 (S.100) click here:
<https://accd.vermont.gov/community-development/resources-rules/planning/HOME>
- To read DHCD's Preliminary Summary of the HOME Act, Act 47 (S.100) click here:
https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Resources-and-Rules/DHCD-Planning-Act47-PreliminarySummary-v2.pdf
- To read HOME Act, Act 47 (S.100) as enacted click here:
<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT047/ACT047%20As%20Enacted.pdf>
- To read more about Future Land Use Map and Plans, check out page 63, *Step 4: Map Out the Future* section of the State's Planning Manual located here:
https://outside.vermont.gov/agency/ACCD/ACCD_Web_Docs/CD/CPR/Planning-Your-Towns-Future/DHCD-Planning-Manual-Module1.pdf

VAPDA Regional Planning Report – Future Land Use Area Profiles (DRAFT)**September 20, 2023**

PLANNED GROWTH AREAS	
Description	Planned Growth Areas include the most compact existing settlement and growth areas with uninterrupted development density and the highest concentrations of population, housing, and employment. They include a mix of commercial, residential, and civic or cultural sites with active streetscapes, supported by public water and wastewater and multi-modal transportation systems. These areas include historic or new commercial downtowns and village centers.
Criteria	Criteria description
Housing Density	Among highest in region; per Act 47 at least 5 du/ac net densities. E911 residential sites/acres of area (Be sure to get the sum of the unit count field when merging all site points).
Housing Target	They are planned to accommodate most, if not all, of the municipal housing target through a diversity of residential building types when considered in combination with adjacent Transition Areas.
Employment	Among highest in region
Land Uses	Mixed commercial, mixed residential, civic, parks, residential neighborhoods
Types of Appropriate Development	Redevelopment, renovation and adaptive re-use of historic buildings, infill, adjacent greenfield development where needed to meet housing targets and be flood safe
Downtown & Village Center	In order for property owners to achieve Downtown or Village Center benefits for eligible properties, must meet criteria in the designation program.
Zoning/Subdivision	Zoning and subdivision regulations
Community Water	Present or planned water service area
Community Sewer	Present or planned sewer service area
Transportation	Varied options emphasizing walking, biking, and transit
Natural Resources	Important natural resources such as rivers are often in these areas, so flood resilience is a key factor.
Other	Protecting important natural resources. VSWI (VT significant wetland inventory), Rare, Threatened, Endangered Species
Thoughts on relation to other S.100 Studies	
Designation	This FLU should align with designations that encourage the most growth and redevelopment (Growth Centers, Neighborhood Development Areas, Downtowns, Village Centers (with zoning, water and sewer) or any new designation intended for significant growth). Designation benefits of Act 250 exemptions and tax benefits should apply here for certain properties. Consideration of climate resilience is critical.
Act 250	These areas should be exempt from Act 250 jurisdiction when the community demonstrates good planning and regulation with water and sewer. Consideration of climate resilience is critical. If exempt for future Act 250 jurisdiction, need a process for a property owner to transition to municipal jurisdiction. Do we need state review for river corridors/floodplains and transportation?
State Investment	Water, wastewater, stormwater, sidewalks, paths, complete streets, EVSE, urban trees, state offices, schools, housing, historic preservation and adaptive re-use, ...

VAPDA Regional Planning Report – Future Land Use Area Profiles (DRAFT)**September 20, 2023**

VILLAGE CENTERS	
Description	Village Center Areas – means the core of a traditional or proposed settlement, typically comprised of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. Village Center Areas are without at least one of the following: water, sewer, or zoning.
Criteria	Criteria description
Housing Density	5du/ac in zoning if sewerer per Act 47 (4 du/ac per NDA criteria). E911 residential sites/acres of area (be sure to get the sum of the unit count field when merging all site points)
Housing Target	Demonstrate ability to accommodate small portion of municipal housing target within this FLU.
Employment	Typically, employment center for town
Land Uses	Mix of uses including the civic and commercial core of the town. Village Centers may become Planned Growth Areas when they meet the criteria.
Types of Appropriate Development	Redevelopment, renovation and adaptive re-use of historic buildings, infill, adjacent greenfield development where needed to meet housing targets and be flood safe
Village Center	Village centers serve as the focus of economic and social interaction, including places of employment, shopping, worship, tourism, dining, entertainment, services, and government institutions often within historic buildings.
Zoning/Subdivision	Zoning and subdivision regulations
Community Water	Possible without having either sewer or zoning
Community Sewer	Possible without having either water or zoning
Zoning/Subdivision	Possible without having either sewer or water
Transportation	Pedestrian-oriented
Natural Resources	Important natural resources such as rivers are often in these areas, so flood resilience is a key factor.
Other	protecting important natural resources VSWI (VT significant wetland inventory); Rare, Threatened, Endangered Species
Thoughts on relation to other S.100 Studies	
Designation	This FLU should align with designations that encourage significant local growth and redevelopment. Designation benefits of Act 250 exemptions and tax benefits should apply here when the community demonstrates good planning and regulation. Consideration of climate resilience is critical.
Act 250	These areas should be exempt from Act 250 jurisdiction to encourage redevelopment and growth when the community demonstrates good planning and regulation. Consideration of climate resilience is critical. Do we need state review for river corridors/floodplains and transportation?
State Investment	Water, wastewater, stormwater, sidewalks, paths, complete streets, EVSE, urban trees, state offices, schools, housing, historic preservation, ...

VAPDA Regional Planning Report – Future Land Use Area Profiles (DRAFT)

September 20, 2023

OPTIONAL – TRANSITIONAL AREA	
Description	Includes areas of commercial, office, mixed-use development, or residential built (or planned to built) in areas adjacent to Planned Growth Areas and served by water and wastewater. The intent of this land use category is to transform these areas into higher-density, mixed use settlements, or residential neighborhoods through infill and redevelopment. Commercial strip auto-oriented development should not be encouraged as to prevent negatively impacting the economic vitality of commercial areas in adjacent or nearby Planned Growth Areas.
Criteria	
Housing Density	Intent to add housing to these primarily commercial corridors or in adjacent greenfields safe from flooding. Demonstrate ability to accommodate municipal housing target within this FLU.
Employment	Primarily but converting to a mix
Land Uses	Should be planned (and zoned) for a mix of uses
Community Water	Yes, or planned
Community Sewer	Yes, or planned
Transportation	sidewalks
Natural Resources	protecting flood and river corridors
Other	protecting important natural resources
Thoughts on relation to other S.100 Studies	
Designation	This FLU should align with designations that encourage the redevelopment of auto-oriented strip development adjacent to Planned Growth Areas. Designation benefits of Act 250 exemptions and tax benefits might apply here when the community demonstrates good planning and regulation. Consideration of climate resilience is critical.
Act 250	These areas might be exempt from Act 250 jurisdiction to encourage safe, climate-resilient housing development when the community demonstrates good planning and regulation. Consideration of climate resilience is critical. <i>Do we need state review for river corridors/floodplains and transportation?</i>
State Investment	If called for in good plans: water, wastewater, stormwater, sidewalks, paths, complete streets, EVSE, housing, historic preservation, ...

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OPTIONAL - RESOURCE-BASED RECREATION AREA	
Description	Includes large-scale resource-based, recreational facilities, often concentrated around ski resorts, which provide infrastructure, jobs and housing to support seasonal recreational activities.
Criteria	
Housing Density	High but less overall than Planned Growth Areas, often seasonal
Employment	High but less overall than Planned Growth Areas, often seasonal
Land Uses	Recreation, accessory and/or seasonal residential & commercial
Community Water	Often present but limited capacity
Community Sewer	Often present but limited capacity
Transportation	Road access and transit may be seasonal
Natural Resources	protecting flood and river corridors
Other	protecting important natural resources
Thoughts on relation to other S.100 Studies	
Designation	This FLU is likely outside of any state designation.
Act 250	These areas should be subject to Act 250 jurisdiction.
State Investment	When called for in good plans: water, wastewater, stormwater, sidewalks, paths, complete streets, EVSE, conservation easements, housing? ...

ENTERPRISE	
Description	Enterprise areas are locations of high economic activity and employment which are not adjacent to Planned Growth Areas. These include industrial parks, areas of natural resource extraction, or other uses which involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.
Criteria	
Housing Density	None or low (from existing homes)
Employment	High employment
Land Uses	Industrial, Office, Limited retail, resource extraction not adjacent to Planned Growth Areas
Community Water	May be present
Community Sewer	May be present
Stormwater Utility	May be present
Transportation	Driven by freight transportation (large truck, rail, air, and/or boat)
Natural Resources	protecting flood and river corridors
Other	protecting important natural resources
Thoughts on relation to other S.100 Studies	
Designation	This FLU is likely outside of any state designation.
Act 250	These areas should be under Act 250 jurisdiction unless part of a regional or town center. Different Act 250 criteria should be considered.
State Investment	Water, wastewater, stormwater, sidewalks, paths, complete streets, EVSE,

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HAMLET	
Description	Small clusters of homes and perhaps a school, church, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems, and mostly focused along 1-2 roads. These may be depicted as points on the FLU map.
Criteria	
Housing Density	low density residential
Employment	minimal
Land Uses	Hamlets may become Village Centers when they meet the criteria.
Community Water	no
Community Sewer	no
Transportation	
Natural Resources	protecting flood and river corridors
Other	protecting important natural resources
Thoughts on relation to other S.100 Studies	
Designation	This FLU is typically outside of state designations. This FLU may be eligible for Village Center designations for the purpose of historic preservation.
Act 250	These areas should be under Act 250 jurisdiction.
State Investment	Sidewalks, paths, EVSE?,

RURAL	
Description	<p>Rural areas promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and sometimes limited commercial development that is compatible with working lands and natural areas. Agriculture and forestry are permitted throughout this area, as rural areas can also encompass large forest blocks, sand/gravel/mineral deposits, and prime agricultural soils.</p> <p>Optional Sub-Area: Working Land Areas are blocks of unfragmented forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the forest resource value.</p> <p>Optional Sub-Area: Conserved or Protected Areas with regulations or property rights limiting development, fragmentation, and conversion in order to maintain ecological health and scenic beauty. Areas with public ownership or stringent regulations limiting development. These lands have significant economic value, and require special protection due to their uniqueness, fragility, or ecological importance. They may include protected lands, areas with specific features like</p>

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	steep slopes or endangered species, wetlands, flood hazard areas, and shoreline protection areas, and are intended to remain largely undeveloped for the benefit of future generations. This area may be defined by constraint mapping done as part of Act 174 for Enhanced Energy Plans.
Criteria	
Housing Density	Very low
Employment	Resource-based employers and scattered sites
Land Uses	Predominantly farms and low density residential
Community Water	No
Community Sewer	no
Transportation	Auto oriented with some trails
Natural Resources	Ag soils and other resources are likely, Act 174 Possible Constraints
Other	
Thoughts on relation to other S.100 Studies	
Designation	This FLU is outside of state designations.
Act 250	These areas should be under Act 250 jurisdiction.
State Investment	Clean water, working lands, conservation easements

We should keep in mind that RPCs may call out special land use areas beyond this list and include some statutory language providing the ability and parameters.

REVIEW AND APPROVAL PROCESS

Early thoughts:

- How to handle existing Act 250 permits in growth areas –
 - they are superseded by the municipal permit
 - don't have to go back to Act 250 as of a certain date
 - some sort of board to review if they need to remain – NRB, a housing appeal board, ?
- Regional Plans reviewed by a re-named New Downtown Board (NDB) (*state agencies and interest groups are all there*). (*Possible new names: Vermont Designation Board, Planned Development Board, Future Land Use Board, etc.*).
- Accountability: Consequences of not following statute – lose benefits, notice and time to correct before losing benefits. Review against clear statutory criteria.
- RPC documents efforts to engage marginalized communities in developing Regional Plan.
- RPC prepares report to NDB documenting compliance with criteria and requesting approval of both Regional Plan FLU Areas and State Designations.
- NDB reviews and makes a decision on both Regional Plan FLU Areas and State Designations.
- NDB decision can be appealed to ? NRB, ECourt, Other? Within how many days – 45?
 - Only appeal if doesn't meet housing targets and would further exclusionary housing practices.