



**Regional Plan Committee
February 6, 2024 at 4:00 - 5:30 pm**

To join Zoom meeting:

<https://us02web.zoom.us/j/87815276521?pwd=Mmw5U080SGpCTUFNVHZFSERQUlI0dz09>

Meeting ID: 878 1527 6521, Passcode: 783374

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

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AGENDA

4:00 pm²	Adjustments to the Agenda
	Public Comment
4:05	Approval of Minutes - (Action - enclosed)³
4:10 pm	Flood Recovery & Mitigation Priorities Update (enclosed)
4:30 pm	Future Land Use Mapping for the Regional Plan (enclosed)
5:30 pm	Adjourn

Next meeting: March 5, 2024

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

³ Anticipated action item.

CENTRAL VERMONT REGIONAL PLANNING COMMISSION**Regional Plan Committee****Draft Minutes****January 3, 2024 4:00 – 5:30 pm**

Via Zoom

Committee Members:

X	Alice Peal, Waitsfield Alternate Rep
x	Rich Turner, Williamstown Rep
x	Doug Greason, Waterbury Rep
x	Mike Miller, Montpelier Alternate Rep
	John Brabant, Calais Rep

Staff (in person): Christian Meyer and Will Pitkin

Adjustment to the Agenda

No adjustments

Public Comment

No public present

Flood Recovery and Mitigation Priorities

D. Greason noted that current draft only addresses responses to flooding, not preventing flooding and suggested moving floodplain expansion to high priority. Discussed 50' easements, A. Peal suggested combining floodplain recovery with green buffers, dam removals projects and other initiatives; questioned which should be highest priorities.

Discussed dam and berm removal and funding availability, effectiveness and feasibility of floodplain restoration and riparian buffers and easements.

C. Meyer discussed revising plan language to distinguish between rural and urban segments of rivers, changing green space vs. riparian buffer terminology.

M. Miller questioned what buffer requirements are for rivers vs. streams and for different stream sizes. State agencies may have defined these. Different agencies may want different definitions based on their priorities. Also, definitions may be evolving or in progress. A. Peal suggested calling for state agencies to develop consistent comprehensive flood mitigation plan and definitions.

Discussed responses and prevention for landslides, plus lack of reporting risk mapping. A. Peal suggested adding language about landslides, especially smaller ones. Possibly under hydraulic/hydrological models section.

C. Meyer suggested putting in landslides and massive failures as its own section, asking relevant state agency to put together risk map.

1 The group discussed the “relegated ideas” and suggested changing the name to “low priority.”

2
3 M. Miller suggested edit to FEMA elevating buildings language, stating FEMA will potentially fund
4 elevating buildings but very difficult for older buildings to get that funding.

5
6 The group discussed whether state has changed requirements on floodproofing sewage infrastructure.
7 A. Peal suggested adding clause about groundwater contamination.

8
9 Reviewed procedure for integrating committee suggestions into draft going forward.

10
11 M. Miller moved *to recommend the draft Flood Planning Priorities as amended to the Board of*
12 *Commissioners*, R. Turner seconded the motion, unanimously approved.

13
14 **Regional Plan Update**

15 Discussed review schedules: staff review then pass on to committee review. Discussed procedure for
16 tracking edits.

17
18 M. Miller moved *to adjourn*, seconded by R Turner. All in favor, motion carried.

CVRPC Flood Planning and Mitigation Priorities

As adopted by the CVRPC 01/09/24

High Priority

Dams:

- Funding to expedite the removal of dams throughout the watershed. Publicly owned or orphaned/abandoned dams may provide the best opportunity for removal due to public ownership and potential funding.

Dam removal has been hindered due to a lack of funding. This is primarily due to how the disposal of the sediment that is trapped behind dams is funded. Removing dams is critical to lowering base flood elevation of the river corridor and allows enhanced passage of aquatic organisms.

In addition to removing defunct dams, a review of the current dam inspection regime may be necessary. Residents in the Central Vermont region were both negatively affected by the failure of minor dams during the July event (Cabot - Saw Mill Road Dam on the Winooski, Washington - Hands Mill Dam on the Jail Branch) as well as deeply concerned about the safety of larger hydro-electric dams. CVRPC supports and analysis of the current inspection system and how it could be improved to address failing dams in a timely manner and restore public faith in the system.

Lead Actor: VNRC VT Dam Task Force; FWR, VRC, CVRPC, CVRPC CWAC

Time frame: 4-6 years

Cost: ~\$10 million for removal of 4 dams in Montpelier and dams on the Stevens Branch

Benefits: Flood risk mitigation; River health, Phosphorous reduction, clean water

Housing:

- The July flooding has exacerbated the housing shortage in Central Vermont. The recovery in Central Vermont will benefit from funding to accelerate the development of all types of housing. Expansion of existing programs such as VHIP would directly encourage private developers and non-profits to build more housing.

Identify funding to elevate residential structures. Funding to elevate structures is very difficult to get from FEMA, and nearly impossible to get for older structures (like those damaged in Central Vermont during the summer flooding). However, FEMA funding or national flood insurance is available to repair a structure to the same state it was in prior to the flooding event, leaving residents vulnerable to future flooding. Other properties will simply be bought-out and converted to open space, reducing the housing stock in Central Vermont and exacerbating the demonstrated housing shortage. Elevating structures could present a savings over building new housing stock. CVRPC supports providing state funding elevating structures above the Base Flood Elevation.

Lead Actor: VEM as funder; Municipalities as recipients. Funding to support RPCs provide technical assistance will be needed in smaller municipalities.

Timeframe: Immediate. Improvements to existing housing stock can commence immediately. New housing may take 1-3 years to reach the market.

Cost: High (\$10,000,000+)

Benefits: A resilient housing stock. Improved housing market.

Floodplain Recovery, Reconnection, Regulation, and Expansion

- Floodplains are natural infrastructure to store and slow flood waters during an acute event. The disconnection of floodplains through canalization and the development of roads and berms throughout the river basin has impeded this natural feature from functioning at its highest level and has increased the flood risk along the entire river corridor. Reconnecting floodplains is a discrete action with unique engineering concerns and plans associated with each location. CVRPC supports using available hydrologic and hydraulic models to identify and high impact locations for implementation project prioritization.

Lead Actor: VEM, ANR, Basin 8 CWSP Municipalities

Time frame: 2-5 years

Cost: High return on investment

Benefits: Demonstrated and effective measure to lower flood waters during future flooding events.

Develop Broad Hydrologic and Hydraulic Model

- Build a hydrologic and hydraulic (H & H) model of the Winooski River Basin to better understand flood risk. Such a model could assess an expanded array of weather scenarios, including rain on snow events, and nutrient transport potential under alternative flow scenarios. Use results to prioritize implementation of Best Management Practices (BMP). Ideally the model would be able to consider site-level BMP implementation. Both basin scale and local detailed models should be developed as time and funding permits.

Lead Actor: UVM (modeling) / CVRPC (planning response, scenario development) /New FEMA Hydrologic mapping (Note: ANR is pursuing possible funding avenues for a model that could achieve many of these goals.)

Time frame: 1.5 – 2 years

Cost: ~\$1 million

Benefits: Improved efficacy in project identification for flood hazard mitigation.

Map of high-risk location for slides

- Work with partners to develop map of susceptible locations for slides for municipal use. During the July flooding a significant number of slides took place both within river corridors and in areas further removed from the river corridors. Clear mapping of areas susceptible to slides will allow municipalities to consider regulate land use to mitigate loss of life or property.

Lead Actor: Vermont Geological Survey.

Time frame: Immediate

Cost: Low

Benefits: Hazard mitigation

Floodproof Wastewater Plants

- Funding for floodproofing wastewater plants. Wastewater treatment system buildings that are key to system operation must be protected from water entry before, during and after a flood. Flooding can damage the buildings and destroy process equipment, communications controls, field equipment, and important data records while blocking access to the plant. Improvements could include: elevating or relocating equipment, protecting infrastructure and diverting and storing wastewater during a flooding event, installing barriers and backflow prevention infrastructure.

Lead Actor: State and municipalities.

Time frame: Immediate

Cost: For larger plants like Montpelier and Barre City \$300,00-500,000. FEMA HMGP may be available for the next year.

Benefits: Flood hazard mitigation; Public health; reduced water contamination

Floodproofing

- For buildings that cannot be elevated (commercial) or areas where block style building exists, Best Management Practices are needed to floodproof existing development that cannot be moved from in the river corridor (downtown Barre and Montpelier). This document would touch on many of the concerns we are hearing about in the flood affected areas such as filling basements, use of impervious material, adding check valves on wastewater and stormwater lines, and incorporating Low Impact Design and Green Stormwater Infrastructure.

For residential buildings, programs to mitigate flood risk are needed. There are currently no programs that can help make residential structures more resistant to the damages caused by flooding. CVRPC supports expanding existing flood resilience programs to include smaller preventative projects such as elevating utilities or filling basements for qualifying households.

Lead Actor: VEM, RPC Project Management, UVM Service Learning Course, VT River Corridor Program, DEC (No Adverse Impact Model Bylaws), VPIC (Green Infrastructure Toolkit)

Time frame: 1-1.5 years

Cost: \$25K - 35K per location

Benefits: Flood hazard mitigation for individuals

Reverse E911

- Reverse E911 policy for use in extreme weather situations. Flooding is a slow-moving disaster and should be anticipated. However, hundreds of cars were flooded this last summer. This need not be the case. Other disasters can move much faster, such as wild fires, which Vermonters will

probably confront in the coming years. VT Alert is a great tool for sending out updates and notifications of highway and weather risks. There is demand for a more powerful communication tool that could target all cell phones within a certain geography during life or death events, such as the July 23 flooding.

Further geographic tranches of risk could help calibrate public response and foster trust in the system.

Lead Actor: State VEM lead agency and funder; Local Emergency Managers

Time frame: Immediate

Cost: Staff time of planning and creating policies for usage + annual subscription costs

Benefits: Reduced property damage; Public Safety

Medium Priority

Full Time emergency Management Planner

- Full time regional Emergency Management Planners. Statewide, RPCs receive federal funding for about 0.5 FTE for an emergency management planner. Funding a full-time planner in this position will allow for regions to offer much needed capacity to municipalities, enabling more hazard mitigation projects to find funding and be completed. This would be an expansion on the work the EM planner is already doing to assist municipalities meet planning requirements, ensure hazard mitigation documents are up to date, write grants, and serve as a municipal project manager during design and implementation. Specific benefits would include a higher proportion of communities gaining greater access to the Emergency Relief and Assistance Fund and a higher number of communities compliant with the Community Rating System.

Lead Actor: VEM (funder), RPC (technical assistance)

Time frame: ~1 year to implement and hire/train staff

Cost: ~ \$58,000 increase per RPC

Benefits: Highly leveraged investment through access to additional federal funding and grants.

Riparian Buffers & Easements

- Outside of existing settlements, establish a minimum of 50' riparian buffer along our rivers' banks. In addition to numerous ecological benefits, riparian buffers provide flood mitigation benefits. Namely, the vegetated stream banks slow water velocities and catch debris during a flood and allow for bank stabilization. CVRPC supports dedicated state funding for easements with specific incentives for berm removal or the creation of flood benches. Co-benefits could include riverside parks and recreation opportunities.

Lead Actor: State ANR, DEC, Forest-Parks and Recreation, Conservation Districts, The Vermont River Conservancy, The Nature Conservancy, The Trust for Public Land, CVRPC, Municipalities.

Time frame: Immediate

Cost: High

Benefits: Flood hazard mitigation; River health, wildlife connectivity and aquatic organism passage, riverside parks and recreation opportunities, increased and more equitable access to rivers.

Shelters

- Include identifying shelters based on population size and access during expected disasters in the VEM Best Management Practices for Local Emergency Management Plans. During the July event, rivers obstructed access to many shelters by the region's residents.

Lead Actor: VEM; FEMA

Time Frame: Immediate

Cost: \$0

Benefits: Public Safety

Gravel Roads

- Expand or create sub-category under Better Roads Program expressly for culvert upsizing to meet current recurring rain events.

Lead Actor: VTrans, municipalities.

Time frame: Immediate

Cost: The FY24 State portion of the Better Roads Program budget was \$1.7 million. We recommend a sustained commitment to increase this funding, recognizing that if we try to complete this work in a short time, towns will be competing for scarce labor and supplies.

Benefit: Flood hazard mitigation

Regional Dispatch Communications Funding

- Provide funding stream for upgrades to Capital Fire Mutual Aid communications plan. The Central Vermont Public Safety authority before dissolution had identified necessary upgrades to the CFMA communications system to not only maintain the current system but upgrade to the current national standards. The current system is near the end of its useful life and 4 of 5 radio towers failed during the summer flooding. This would increase the safety of both the fire and police officers in both their day to day work and in disaster response and greatly increase the resiliency of this system.

Lead Actor: Capital Fire Mutual Aid

Time frame: Immediate

Cost: \$2,300,000

Benefit: Increased disaster response capabilities.

Low Priority:

VEM GIS

- New GIS/mapping position at VEM or a liaison position housed at the Vermont Center for Geographic Information. This position would be responsible for serving information throughout the lifespan of an emergency event, including coordination with an early warning system (mentioned above). They would also create tools to help with event planning (e.g. information dashboards, evacuation routes, closest facility when factoring in real-time road closures)

Lead Actor: VCGI

Time Frame: Immediate

Cost: \$150,000

Benefit: Improved response and communication during an event Yes

Emergency Action Plans

- Review and update Emergency Action Plans and inundation maps for all high hazard potential dams every 10 years or after major flood event, whichever comes sooner. EAPs are the emergency action plan that is to be used during and unplanned release of water from the impoundment. FEMA's guidance is that these are updated yearly and exercised every 5 years and a new one completed when any large changes are made to the structure or impoundment.

Lead Actor: State – Dam Safety

Time frame: Immediate

Cost: Best model for implementation and costs are unknown.

Benefits: Public Safety



MEMO

Regional Plan Committee

February 2024

From: Will Pitkin, Planner

RE: Review Materials for Future Land Use Map – 2024 Regional Plan

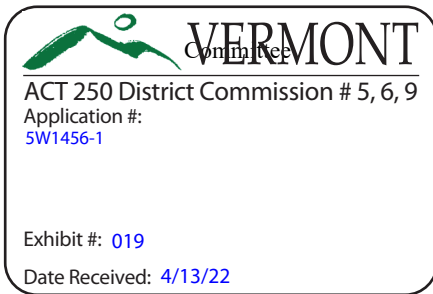
At the upcoming Regional Plan Committee meeting on Tuesday, February 6 at 4:00pm, we'll discuss the future land use (FLU) map that will go into the 2024 regional plan.

Attached are:

- The FLU map from CVRPC's 2016 regional plan – pp. 11-15, map on p. 15.
- Updated land use planning area descriptions from a Dec. 2023 VT Association of Planning and Development Agencies report – pp. 16-33, descriptions on pp 22-23. We will base our descriptions to designate future land use areas in the 2024 FLU map off the descriptions in this report. The descriptions differ from those in the 2016 FLU map and in many of your municipal FLU maps.
- The required elements of a future land use map from [VT Statute 24 V.S.A. § 4348](#) – pp. 34-37, see (a)(2) on pp. 34-35.

Here are some more guiding questions that may help you as review:

- What do you want in the 2024 FLU map that was not in the 2016 one?
- How do you see your municipality's FLU map interacting with the regional FLU map?
- What are regional issues that the regional FLU map can address better than the municipal FLU maps? Essentially, how will we make the regional FLU map more valuable than if we'd just stitched together all 23 of the member municipalities' municipal FLU maps?
 - For example: impacts on downstream flooding, water supply, forest blocks that cross town lines, etc.



Central Vermont Regional Plan

2016

Adopted June 12, 2018
Effective July 17, 2018

Amendment Adopted October 13, 2020
Amendment Effective November 17, 2020



Central Vermont Regional Planning Commission
29 Main Street, Suite 4, Montpelier, Vermont 05602-2952
Phone: 802-229-0389 Fax: 802-223-1977
Email: cvrpc@cvregion.com Web: www.centralvtplanning.org

Rural areas encompass the majority of the Region 's land area and are generally rural in character. Much of the Region 's residential development in recent decades has occurred in these areas in a low-density pattern along transportation routes. These areas encompass much of the Region 's large forest blocks, sand/gravel/mineral deposits, and prime agricultural soils that, when in productive use, contribute to the working landscape and have significant economic value. Rural areas also include residential, small-scale commercial and industrial, and recreational uses.

New subdivisions can be planned to incorporate the positive characteristics of earlier rural settlements, such as a community identity, public open spaces, and preservation of important resources (such as agricultural soils and forest blocks). Many of these objectives can be realized by clustering lots to create a Hamlet-type character around the homes, while setting a significant percentage of the project area aside as open space reserved for agriculture, forestry, wildlife habitat or public recreation.

Hamlets are smaller than villages, and are typically concentrated residential settlements woven into the fabric of Rural Land Use Planning Areas that may or may not provide minor commercial and civic services. Hamlet areas are identified on the Future Land Use Map by center points; when making land use decisions using the policies in this Plan, Hamlet Areas must include the locally recognized extent of the hamlet as it is delineated in the appropriate town plan.

Hamlets in the Region include Riverton (West Berlin), South Village (Northfield), Cogswell, Upper Graniteville, Lower Graniteville, Upper Websterville, Lower Websterville, East Orange, Orange Village, Adamant, North Montpelier, East Montpelier Center, Putnamville (Middlesex), East Warren and South Woodbury.

Policies:

1. Development should be designed to minimize its impact on the viability of agricultural operations or its contribution to fragmentation of forest Blocks. .

Strategy 1a: Provide guidance and training on regulatory and non-regulatory tools for open space and resource protection available to towns for use in town plans and regulations. Encourage implementation of tools such as conservation subdivisions, clustered development, transfer of development rights, building envelopes and variable lot size in all subdivision development, and especially within rural residential and productive rural lands.

2. Development is encouraged to be built outside of farms and along the edges of forests, preferably with buffers between such development and agricultural uses or environmentally sensitive areas.

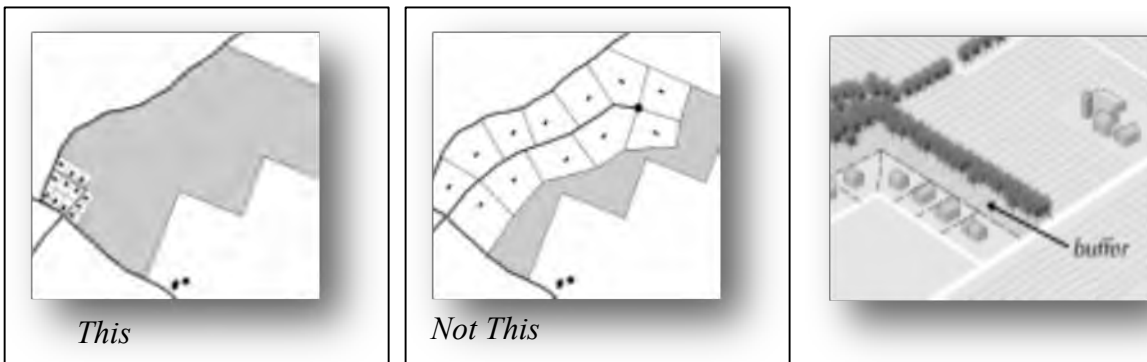


Figure 2. Avoiding Fragmentation and Minimize Use Conflicts: Incorporate buffers between developed and resource lands to avoid conflicts between incompatible uses — maintain a well-defined edge between developed and open land. (*Smart Growth Vermont*).

3. Policies that enable owners of farm and forestland to bear the financial responsibility of resource protection should be supported.

4. Development that diminishes the rural character of the area as defined by local and regional plans is discouraged. Development is encouraged to incorporate the following principles:

- Convenience and safety of vehicular and pedestrian movement, including measures such as traffic calming, within the site, and in relation to adjacent areas or roads.

- Compact development that allows for use of shorter power lines and shorter, narrower, and interconnected roads that result in lower maintenance costs.

- When new roads are being constructed, consideration should be given to burying power and phone lines, if practicable.

5. Develop and expand existing Hamlets in a form that maintains traditional density and residential settlement pattern. Encourage towns to enable this pattern of development in local land use regulations.

6. Wildlife connectivity areas should be protected from fragmentation and uses that reduce their viability for movement of wildlife, particularly where they connect forest blocks.

7. Non-residential uses, including small service businesses, small professional offices and inns are acceptable land uses for Rural Areas provided that such uses are planned as relatively small in size or scale, are not primary or dominant uses in an area, do not unduly conflict with existing or planned residential, forestry or agricultural uses, and do not unduly affect rural character. Towns should limit the number and size of such establishments to prevent a proliferation of scattered commercial development that does not serve the needs of the community.

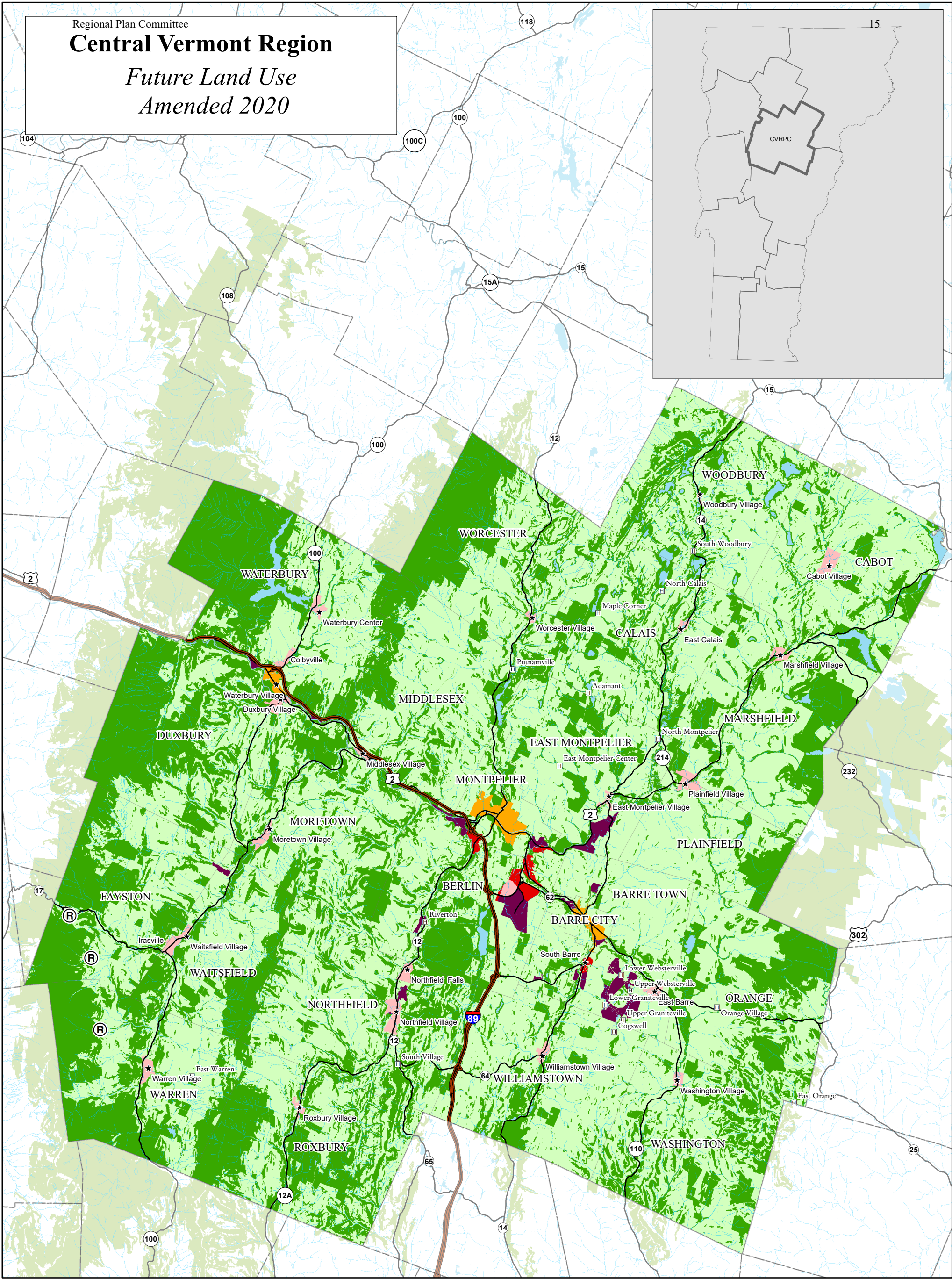
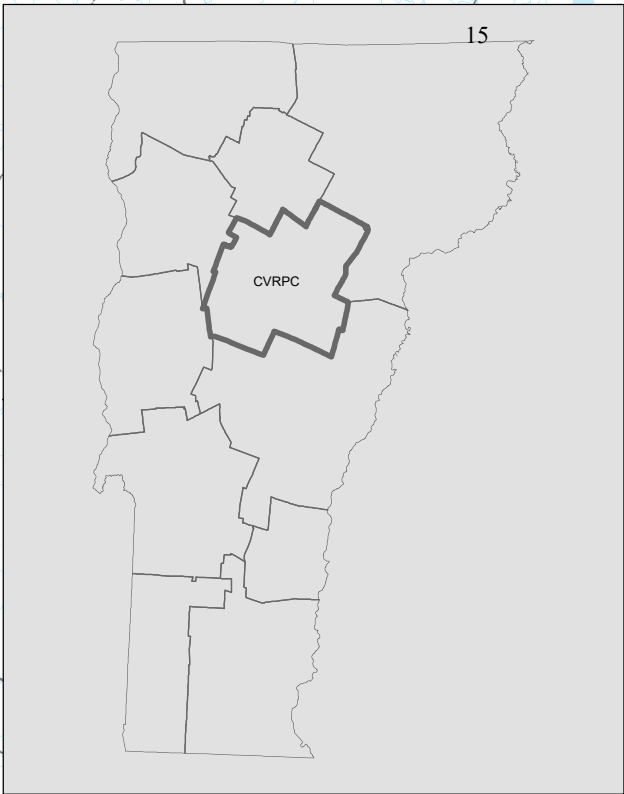
8. Occupations that are customarily practiced in residential areas, and which do not affect the character of those areas, are another form of small-scale commercial use common in and appropriate for rural areas. Small professional offices, antique shops, and craft studios are examples of such "customary home occupations."

9. Cross country ski centers, mountain biking facilities and other outdoor recreational areas represent an economically viable means of maintaining rural open spaces with little secondary development; both expansion and development of new facilities are consistent with this Plan.

Regional Plan Committee

Central Vermont Region

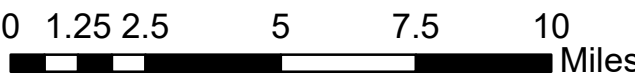
Future Land Use
Amended 2020



Future Land Use

- Resource
- Rural
- Regional Centers
- Town Centers
- Industrial
- Mixed-Use Commercial

- Hamlets
- Resort Centers
- Villages



Map Adopted 10/13/2015
Updated: 12/19/2019
Revised: 9/10/2020
Readopted: 10/13/2020

Data should be verified during permitting process per the provisions of the regulatory authority. This map is for general planning purposes only. This map may contain errors and omissions. See page 2-19 and 2-31 of the Land Use Element for a complete explanation.





December 15, 2023

Catherine Dimitruk, NRPC

President

David Snedeker, NVDA

Vice-President

Charlie Baker, CCRPC

Secretary/Treasurer

To: Senate Committees on Economic Development, Housing and General Affairs, Government Operations, Natural Resources and Energy, and Transportation

To: House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation

Cc: Agency of Transportation, Agency of Natural Resources, Agency of Commerce and Community Development, Department of Public Service, Vermont Emergency Management, Natural Resources Board, regional development corporations, Vermont League of Cities and Towns, Vermont Housing and Conservation Board, Vermont Natural Resources Council, Conservation Law Foundation, Vermont Planners Association

RE: REGIONAL PLANNING REPORT REQUIRED BY ACT 47 OF 2023

Please find attached the Regional Planning Report required by Section 15 of Act 47 of 2023. You may find drafts of the report on the VAPDA website at <https://www.vapda.org/home-acts100.html>

We look forward to discussing this with the Legislature this session and hope that it supports significant improvements to Act 250 and the State Designation Program. Please contact us to testify or with any questions (Catherine can be reached at cdimitruk@nrpcvt.com, Charlie can be reached at cbaker@ccrpcvt.org).

Thank you for your consideration.

Best regards,

A handwritten signature in dark ink that reads "Catherine Dimitruk".

Catherine Dimitruk
VAPDA Chair

A handwritten signature in dark ink that reads "Charlie Z Baker".

Charlie Baker
VAPDA Government Relations Committee Chair

Strengthening the Capability of Governments

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Regional Planning Report

Vermont Association of Planning and Development Agencies

December 15, 2023

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1. Introduction and Background
2. Legislative charge
3. VAPDA's Goals
4. Findings
5. Process for developing recommendations
6. Recommendations for Consistent Future Land Use Areas
7. Recommendations for Regional Plan Review and Approval Process
8. Recommendations related to integration with other State policy initiatives
9. Recommendations related to equitable engagement
10. Recommendations related to implementation

Appendix 1 – Draft Future Land Use Areas

1. Introduction and Background

The HOME Act (Act 47 of 2023, Section 15) required the Vermont Association of Planning and Development Agencies (VAPDA) to report on statutory recommendations to better integrate and implement municipal, regional, and State plans, policies, and investments by focusing on regional future land use (FLU) maps and policies by December 15, 2023. VAPDA is the statewide association of regional planning commissions.

The below sections describe the legislative charge, goals under which VAPDA proceeded with this study, approach in carrying out this work, findings, recommendations for consistent regional planning, recommendations related to integration with other State policy initiatives, recommendations for equitable engagement, and finally, recommendations regarding a proposed implementation schedule.

2. Legislative Charge

S.100 Sec. 15. REGIONAL PLANNING REPORT

(a) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall report on statutory recommendations to better integrate and implement municipal, regional, and State plans, policies, and investments by focusing on regional future land use maps and policies. In the process of creating the Regional Planning Report, the Vermont Association of Planning and Development Agencies shall consider possible new methods of public engagement that promote equity and expand opportunity for meaningful participation by impacted communities in the decisions affecting their

physical and social environment.

(b) The recommendations shall address how to accomplish the following:

(1) Aligning policies and implementation between municipalities, regional planning commissions, and State entities to better address climate change, climate resiliency, natural resources, housing, transportation, economic development, other social determinants of health, and other place-based issues.

(2) Building upon municipal and regional enhanced energy plans and their implementation.

(3) Evaluating place-based policy and project decisions by the State, regional planning commissions, and municipalities related to implementing regional future land use maps and policies and recommending changes to which of those governmental levels those decisions should occur, if necessary.

(4) 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.

(5) Achieving statewide consistency of future land use maps and policies to better support Act 250 and 30 V.S.A. § 248.

(6) How Act 250 and 30 V.S.A. § 248 could better support implementation of regional future land use maps and policies.

(7) Better support implementation of regional future land use maps and policies in the State designation program under 24 V.S.A. chapter 76A.

(8) Improving the quality and effectiveness of future land use maps in regional and municipal plans through changes to 24 V.S.A. chapter 117 including:

(A) future land use map area delineations, definitions, statements, and policies;

(B) existing settlement definitions and their relationship to future land use maps;

(C) the role of regional plans in the review and approval of municipal plans and planning processes; and

(D) a review mechanism to ensure bylaws are consistent with municipal plans.

(c) The report should also discuss how best to implement the recommendations, including the following:

(1) how best to phase in the recommendations;

(2) how to establish a mechanism for the independent review of regional plans to ensure consistency with statutory requirements;

(3) what guidance and training will be needed to implement the recommendations; and

(4) what incentives and accountability mechanisms are necessary to accomplish these changes at all levels of government.

(d) The Vermont Association of Planning and Development Agencies shall consult with the Agency of Transportation, the Agency of Natural Resources, the Agency of Commerce and Community Development, the Department of Public Service, Vermont Emergency Management, the Natural Resources Board, the regional development corporations, the Vermont League of Cities and Towns, statewide environmental organizations, and other interested parties in developing the report and shall summarize comments.

(e) On or before December 15, 2023, the Vermont Association of Planning and Development Agencies shall submit the report to the following committees: the Senate Committees on Economic Development, Housing and General Affairs, on Government Operations, on Natural Resources and Energy, and on Transportation and the House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation.

(f) The Vermont Association of Planning and Development Agencies shall be funded in fiscal year 2023 and fiscal year 2024 for this study through the regional planning grant established in 24 V.S.A. § 4306

3. VAPDA's Goals

VAPDA supports a consistent framework for regional land use planning that:

- More consistently defines areas planned for growth through collaborative coordination of municipal and regional plans;
- Supports shifting the mapping and delineation of areas for the purpose of achieving State Designations from the State to the RPCs while leaving the decision to approve a State Designation at the State level;
- Strengthens the weight of regional plans in State capital investment decisions; and,
- Defines areas that should be exempt from Act 250 on the basis of established regional and municipal planning for compact development and provision of infrastructure.
- Protect Vermont's natural resources by preventing sprawl across the State.

Why is this important? There are a number of broader benefits to Vermont in having consistent land use plans supporting both municipal and state policy decisions including investments. These benefits include:

- Better implementing the first State planning goal: To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside. (24 V.S.A. § 4302).
- Providing clarity about the planned scale of development in different parts of the State to achieve the planning goal above.
- Advancing the State, regional, and municipal housing targets that will be developed as part of the State's Housing Needs Assessment in the spring of 2024.
- Addressing the housing shortage through policy change such as updating municipal and state regulations as we know that we can't publicly fund our way to a healthy housing market. The lack of housing is exacerbating mental health, substance misuse, and homelessness issues throughout the State.
- Achieving the State's climate goals including reducing greenhouse gas emissions through smart, planned growth that reduces the overall vehicle miles of travel.

- Reducing development pressure on our farms and forests by increasing opportunities for housing in our existing and planned growth areas.
- Improving public health by increasing physical activity and reducing social isolation with more walkable communities.
- Maximizing investment in our transit system by concentrating growth and having more riders closer to our transit routes.
- Supporting economic growth in all areas of the State consistent with municipal and regional plans.
- Maximizing the impact of municipal, state and federal infrastructure investments.

4. Findings

VAPDA finds the following after review of the future land use elements of all eleven regional plans:

- There are several common elements (including land use categories) within regional plans and maps, but there is not always consistency in terms or how they are used.
 - While each region has areas clearly defined as having little to no development, there is less consistency in defining whether these areas are grouped together or further divided into rural residential, working lands (agriculture and forestry), or conservation areas.
 - Each region identifies development centers, but the terms used (or the scales of development) do not always translate among regions (and are not necessarily consistent with state planning area designations). Examples include Regional Center, Center, Town Center, Village Center, Service Center, and Hamlet.
 - All regional plans create distinctions between developed and undeveloped areas, often using a spectrum of urban to rural development patterns.
 - The direct application of regional plan policies in land use regulation is currently limited to Act 250 and Section 248 petitions. This can influence areas of emphasis in regional policies, plans, and maps.
- There is variation in the level of detail with which future land use designations are addressed in regional plans, including:
 - Variation in how closely land use plan language is tied to maps
 - Specificity of desired future conditions
 - The degree to which regional plans contain regulatory provisions and mandatory language for use in Act 250
 - Mapping detail (ranging from simple point data, approximate areas, and specific geographic designations or districts)
- Several regions are using unique land use areas that showcase the variation in planning issues across the state. Examples include:
 - CCRPC's Transit-Oriented Development Overlay
 - LCPC's State Forest and Shoreland Regional Areas
 - TRORC's Interstate Interchange Areas
 - Resort Center Areas in CVRPC, MARC, and WRC

5. Process for Developing Recommendations

The following describes the process undertaken by VAPDA to arrive at this report and its recommendations.

1. From July 1 to October 20, VAPDA developed and refined the following recommendations:

- a. Use polygon data to denote planning areas.
- b. Identify common features or elements of planning area descriptions.
- c. Identify criteria by which to define land use designations. VAPDA reviewed the criteria by which these land use areas might be defined based on review of current regional plans. This data helped VAPDA understand the different RPC Future Land Use (FLU) areas to make better recommendations about statewide consistency.
 - Intent for Future Land Use.
 - Residential density and/or e911 point density.
 - Scale and type of development.
 - Infrastructure available, or planned, to support development.
 - Natural and Historic/Cultural Resources.

VAPDA reviewed the results of this analysis in August, September, and October to reach a consensus on the common future land use areas to be used by RPCs going forward.

2. From October 1 to December 15, VAPDA refined recommendations on the following:

How future land use areas interface with statewide policy. VAPDA discussed recommendations on how the new core regional land use areas and their associated criteria will be used in the following contexts:

- State planning designations.
- Act 250.
- Updates to Chapter 117.
- State capital investment planning and expenditures.

3. From October – December VAPDA sought stakeholder feedback:

On November 3, 2023, VAPDA posted to their website (<https://www.vapda.org/home-act-s100.html>) and sent the draft report to the following organizations offering meetings to review and discuss, and requested comments by December 1, 2023: Agency of Transportation, Agency of Natural Resources, Agency of Commerce and Community Development, Department of Public Service, Vermont Emergency Management, Vermont Housing and Conservation Board, Natural Resources Board, regional development corporations, Vermont League of Cities and Towns, Vermont Planners Association, Vermont Natural Resources Council, Conservation Law Foundation. Comments were received from the following organizations:

- Vermont League of Cities and Towns
- Agency of Natural Resources
- Agency of Transportation
- Vermont Planners Association

- Regional Development Corporations of Vermont

From October 1-December 13, 2023, RPC Staff, Boards, and Committees reviewed and commented on the draft recommendations.

VAPDA addressed the comments received in a final draft on December 9 (<https://www.vapda.org/home-act-s100.html>) and circulated that draft to all RPC directors, ANR, AOT, ACCD, and the NRB for any final edits by December 13.

4. Final Report Submission: VAPDA completed edits and submitted this report by December 15 to the following committees: the Senate Committees on Economic Development, Housing and General Affairs, on Government Operations, on Natural Resources and Energy, and on Transportation and the House Committees on Commerce and Economic Development, on Environment and Energy, on General and Housing, on Government Operations and Military Affairs, and on Transportation. The final report was also posted on the VAPDA website (<https://www.vapda.org/home-act-s100.html>) and distributed to all of the entities listed above that received the initial draft on November 3.

6. Recommendations for Consistent Future Land Use Plans

VAPDA has determined that all regional plans should use a core set of land use designations that represent a spectrum of development patterns and intensities. It is noted that regions should retain the ability to define special land use categories or overlays to address their unique circumstances, but which may not be treated equivalently at a statewide level. Below are short descriptions for each proposed future land use area. More details can be found in Appendix 1.

a. Proposed future land use planning area descriptions.

- **Downtown/Village Centers:** These areas are the vibrant, mixed-use centers bringing together community economic activity and civic assets. Includes hamlets, villages, new town centers, and larger downtowns seeking benefits under the State Designation Program. The Downtown/Village Centers are the central business and civic centers within Planned Growth Areas, Village Areas, or may stand alone.
- **Planned Growth Areas:** Includes the densest existing settlement and future growth areas with the highest concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations, public water and/or wastewater and multi-modal transportation systems. These areas include historic or new town centers, downtowns, and village centers.
- **Village Areas:** Includes the traditional settlement area or a proposed new settlement area, 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 Areas may or may not have one of the following: water, sewer, or land development regulations. They provide some opportunity for infill development or new development areas where the village can grow and be flood resilient. These areas include existing village center designations and similar areas statewide, but this area is larger than the Village Center designation.

- **Transition/Infill Area (optional):** Includes areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a Planned Growth or Village Area or a new stand-alone Transition Area and served by, or planned for, water and/or 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 or new development. New commercial strip auto-oriented development is not allowed as to prevent negatively impacting the economic vitality of commercial areas in the adjacent or nearby Planned Growth or Village Area. This area could also include adjacent greenfields safer from flooding and planned for future growth.
 - **Resource-Based Recreation Areas:** Includes large-scale resource-based, recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, which provide infrastructure, jobs, and housing to support recreational activities.
 - **Enterprise:** Includes 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 commercial uses which involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.
 - **Hamlet:** Small historic 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.
 - **Rural - General:** Include areas that 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 productive lands and natural areas. This could also include an area that a municipality is planning to make more rural than it is currently.
 - **Rural - Agricultural and Forestry:** Include blocks of 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 agricultural and forest resource value. Consistent with Act 171 requirements.
 - **Rural - Conservation:** Include areas intended to be conserved often with regulations or State or non-profit purchase of property rights limiting development, fragmentation, and conversion in order to maintain ecological health and scenic beauty. These lands have significant ecological value, and require special protection due to their uniqueness, fragility, or ecological importance. They may include protected lands, areas with specific features like 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. Some portion of managed forest land will likely fall into this category. The mapping of this area is intended to help meet requirements of Act 171 and Act 59.
- b. Use polygon data to denote planning areas.** VAPDA agreed that the regions that use point data for land use designations will convert these to polygon areas to support clearer application of state-level policy. There may be exceptions, if necessary, potentially for small crossroads or hamlet settlement areas or site-specific industrial parks. Decisions on these delineations will be led by the

regional planning commission in consultation with their member municipalities, and are not associated with specific zoning requirements, but rather an overall goal for development patterns.

7. Recommendations for Regional Plan Review and Approval Process

Below is a proposed process for reviewing and approving Regional Plans to maintain long term consistency:

1. **Draft Plan Development and Regional Approval** – The RPC will develop the Draft Regional Plan in consultation with their member municipalities and community members, including marginalized and under-represented residents. As part of the plan development process, the RPC should document efforts to engage marginalized and under-represented communities. Equitable engagement best practices are included in Section 9 below. During the development of the Draft Regional Plan, RPCs should request a review from relevant State Agencies. When the Draft Regional Plan is ready for formal review, the RPC will prepare a report documenting compliance with statutory requirements with an emphasis on future land use, housing, and climate change. The RPC will hold two public hearings in their region consistent with current statute to obtain any comments from their municipalities, State agencies, and other stakeholders. State agencies will be asked to provide comments in advance of the first public hearing and may continue to comment prior to final adoption by the RPC. After consideration of the comments received at both public hearings, the RPC will adopt their regional plan.
2. **State Approval** – If there will be benefits to our municipalities regarding designation benefits, infrastructure investment, and Act 250 exemptions based on our regional plans; the majority of VAPDA recommends that regional plans be confirmed or approved by a state entity at least every eight (8) years. VAPDA suggests the confirmation or approval could be done by either an updated Downtown Development Board, an enhanced Natural Resources Board, or some other State entity. Ideally, State agencies would have an opportunity to provide input to the State entity prior to their decision. If this additional process is added, major criteria in the review and approval should be the land use, housing, and flood resilience elements and, confirming that the regional plan addresses the other statutorily required elements.
3. **Accountability:** There should be consequences of not following statute. If an RPC does not bring their plan into compliance, they should be provided a reasonable amount of time (up to 18 months depending upon what needs to be revised) to correct before any RPC member municipalities lose benefits related to State Designations, Act 250, or State infrastructure investments.

8. Recommendations related to integration with other State policy initiatives

Describe how future land use areas interface with statewide policy. VAPDA provides the following recommendations on how the updated regional future land use areas and their associated criteria will be used in the following contexts:

- **State Designation Program.** VAPDA envisions the State requiring RPCs to delineate the areas within municipalities that will be used in an updated State Designation Program. The Draft Designation Study recommends three designation areas: Downtown/Village Centers,

Neighborhood, and Development-Ready. We concur with their recommendations that the boundaries for the Centers and Neighborhood areas would be included in a regional plan's future land use map and serve as the basis for approval of the boundaries by the Downtown Board. We understand that all municipal designation boundaries in a region would be approved at one time.

- a. **Downtown/Village Centers**– Confirmation of a regional plan's land use map by the Downtown Board should be required in order to obtain a State Designation and benefits. Existing and enhanced benefits received by Downtowns, New Town Centers, and Village Centers should be provided based on a ladder of municipal action and benefits recommended here and in the Designation Study. There should be a new or enhanced state permit program for river corridors/floodplains and multi-modal transportation.
 - b. **Planned Growth Areas** – This is the same area described as neighborhood or development-ready in the Draft Designation Study. Confirmation of a regional plan's land use map by the Downtown Board should be required in order to obtain a State Designation and benefits. Benefits such as Act 250 exemptions and investment priority should apply to an area potentially as large as the entire Planned Growth Area. There should be a new or enhanced state permit program for river corridors/floodplains and multi-modal transportation.
 - c. **Transition / Infill Areas**- Transition / infill areas planned for increased development are outside of any designation until they meet the requirements of a planned growth or village area. When the municipality does meet those requirements, the regional plan future land use element should be updated and these areas should be included in the planned growth or village areas. These areas are outside of any state designation.
 - d. **Village Areas** –Existing and any future Village Center designations (not included in a Planned Growth Area) will be included within a Village Area. General benefits such as state grants and infrastructure investments should apply to the entire Village, while tax benefits should apply to properties meeting certain criteria – historic preservation predominantly.
 - e. **Resource-based Recreation Areas** – These are likely outside of any State designation.
 - f. **Enterprise Areas** – These are likely outside of any State designation.
 - g. **Hamlet** – Hamlets are outside of any State designation. Any currently designated village centers should be identified in a Village Area in regional plans' FLU elements.
 - h. **Rural – General** – These are outside of any State designation.
 - i. **Rural – Agricultural and Forestry** – These are outside of any State designation.
 - j. **Rural- Conservation** – These are outside of any State designation.
- **Act 250 and Section 248.** All or portions of Planned Growth Areas may meet criteria and be reviewed by the enhanced Natural Resources Board to achieve exemption from Act 250 review or specific criteria. Act 174 created a robust process for coordination of utility planning among state, regional, and local levels; therefore, VAPDA does not see a need to significantly modify existing statute or processes related to Section 248.
 - a. **Downtown/Village Centers** – These areas would be part of Planned Growth Areas or Village Areas discussed below.

- b. **Planned Growth Areas** – Planned Growth Areas should be exempt from Act 250 jurisdiction when the municipality meets the State requirements and receives approval from the State through whatever process is adopted by the legislature in implementing the Act 250 and Designation studies' recommendations. If exempt from future Act 250 jurisdiction, there needs to be a process for a property owner to extinguish Act 250 jurisdiction and transition any remaining relevant Act 250 conditions to municipal jurisdiction when seeking a new permit. This process could include existing Act 250 permits in areas exempted to be superseded by, or relevant conditions get included in, a subsequent municipal permit. Statute should be revised to provide for state review of river corridors/floodplains and transportation (especially Act 145 requirements for transportation fees) before a municipality issues final permit. We recommend that trails/paths in these areas be exempted from state review.
- c. **Transition / Infill** – These areas would not be exempt from Act 250 jurisdiction until the community demonstrates planning and regulation that requires all new development to adhere to Vermont's land use goals (similar to current NDA requirements). At that point in time, this area should become part of the Planned Growth Area. We recommend that trails/paths in these areas be exempted from state review.
- d. **Village Areas** – Villages could be exempt from Act 250 jurisdiction or held to a different jurisdictional threshold than Rural areas. Planning and regulations that require new development to adhere to Vermont's land use goals should be required for reductions in, or exemptions from, Act 250 jurisdiction. Consider removing the 5-year, 5-mile jurisdictional trigger. Consider treating all Act 250 applications in these areas as minors. We recommend that trails/paths in these areas be exempted from state review.
- e. **Resource-based Recreation Areas** – These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction due to their potential impact on natural resources. We recommend that trails/paths in these areas be exempted from state review.
- f. **Enterprise Areas** – These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction. Different Act 250 criteria could be considered. Nuisance type impacts should be reviewed at edge of area, rather than individual lots. Enable offsite ag soil mitigation.
- g. **Hamlet** – These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction.
- h. **Rural – General** – These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction.
- i. **Rural – Agricultural and Forestry** – These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction. This area may be defined by constraint mapping done as part of Act 174 for Enhanced Energy Plans.
- j. **Rural- Conservation** – These areas should be under Act 250 jurisdiction and may have a lower jurisdictional threshold and/or a higher standard of review. The RPCs can support the mapping of these areas through the update of our Regional Plans working with technical assistance and guidance from ANR. This area may initially be defined by constraint mapping done as part of Act 174 for Regional Enhanced Energy Plans as well as Act 171 and Act 59 criteria.

- **State capital investment planning.** For each FLU Area, we offer the following types of State investment that should be prioritized. One major issue we would like to see addressed is a revised process for water and wastewater investments to make it easier for municipalities to obtain funding and approval. This is foundational to achieving many of the State's goals. These lists are not intended to be all inclusive.
 - a. **Downtown/Village Centers** – Water, wastewater, stormwater, sidewalks, paths/trails, complete streets elements, transit, electric vehicle supply equipment (EVSE), urban trees, state offices, schools, housing, tax increment financing, historic preservation and adaptive re-use. Consideration of climate resilience is critical.
 - b. **Planned Growth Areas** – Water, wastewater, stormwater, sidewalks, paths/trails, complete street elements, transit, EVSE, urban trees, state offices, schools, housing, tax increment financing, historic preservation and adaptive re-use, and tax increment financing. Consideration of climate resilience is critical.
 - c. **Transition / Infill Areas** – Water, wastewater, stormwater, sidewalks, paths/trails, complete street elements, transit, EVSE, urban trees, and housing. Consideration of climate resilience is critical.
 - d. **Village Areas** – Water, wastewater, stormwater, sidewalks, paths/trails, complete street elements, transit, EVSE, urban trees, state offices, schools, housing, tax increment financing, historic preservation and adaptive re-use. Consideration of climate resilience is critical.
 - e. **Resource-based Recreation Areas** – Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, housing, transit, EVSE. Consideration of climate resilience is critical.
 - f. **Enterprise Areas** – Water, wastewater, stormwater, sidewalks, paths/trails, complete street elements, transit, EVSE.
 - g. **Hamlet** – Sidewalks, paths/trails, EVSE.
 - h. **Rural – General** – Clean water, working lands, conservation easements, paths/trails.
 - i. **Rural – Agricultural and Forestry** – Clean water, working lands, conservation easements, paths/trails.
 - j. **Rural- Conservation** – Clean water, working lands, conservation easements, paths/trails.
- **Updates to Chapter 117.** Specifically, the required elements of regional plans in 24 V.S.A. § 4348a and consistency of municipal plans with regional plans as required in 24 V.S.A. §4382(a). Detailed suggestions regarding statutory changes will be provided at a later date.
 - a. **Reviewing municipal bylaws for consistency with plans.** The HOME Act added a post-adoption report to the existing process under 24 V.S.A. § 4441 for municipalities to report on the consistency of proposed amendments with their plans and state planning goals. The proposed changes to ensure consistency between local and regional plans, and attachment of designation benefits to the plan confirmation process, will by extension ensure consistency of municipal bylaws. Therefore, VAPDA supports retaining existing bylaw reporting mechanisms, but additional funding for ACCD and/or RPCs specifically to review municipal bylaws would be needed if it is determined that this is not occurring as intended.

- **Other State Policy.** Detailed suggestions regarding statutory changes will be provided at a later date.
 - a. **Speed Limits** – In Vital Core, consider allowing municipalities with these areas to go through a process to adopt speed limits less than 25 mph. Need to have separate provisions for municipal and make sure this process doesn't overwhelm the State review process.
 - b. **Act 145** – Need to establish an updated process in areas exempted from Act 250 for Vtrans to be able to accomplish the same fee collection either through updating the Sec.1111 permit requirements and participating in the municipal permitting process and collect fees as they do now under Act 250. This is needed to protect state investments, to maintain predictability for developers, and encourage smart growth development.

9. Recommendations related to equitable engagement

RPCs will utilize methods of public engagement that promote equity and expand opportunities for meaningful participation by impacted communities in the decisions affecting their physical and social environment.

When drafting regional plans that guide land use, inclusive community participation is important to eliminate racism and discrimination and achieve better outcomes.¹ Effective public education on what land use policies is, and what land use planning has the potential to do for a community can be a crucial element in encouraging participation from broader and more representative groups of citizens. However, inviting underrepresented and marginalized groups to attend events and meetings is not enough, pro-active recruitment, education, relationship building, and empowerment is needed for effective engagement around critical decisions about land use.²

Additionally, the following recommendations from the American Planning Association should apply to updating land use policies:

- Drafting should allow for multiple opportunities for review of potential impacts on marginalized communities.
- Overly complicated language and regulations should be avoided. Planners should speak to the community in the language(s) they understand and use clear and objective, equity-based standards, and review criteria.³

Although there are nearly always capacity constraints, thoughtful selection of a community engagement process should not overburden the community members who already face barriers to engaging with decision-making, while also allowing those same community members to have a voice in how Future Land Use Maps are developed. Achieving this will require that any engagement effort or activity is made

¹ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](https://planning-org-uploaded-media.s3.amazonaws.com)

² American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](https://planning-org-uploaded-media.s3.amazonaws.com)

³ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](https://planning-org-uploaded-media.s3.amazonaws.com)

accessible through providing services such as transportation, translation, and childcare. Food should be provided, and stipends whenever possible. Venue locations should be carefully selected while considering what spaces may or may not be inviting depending on lived experiences or generational trauma.

10. Recommendations related to implementation

Below are initial recommendations for the sequencing and scheduling of activities needed to properly implement the proposed changes described above. These recommendations assume that Act 250 and the State Designation Program have been updated consistent with the recommendations included in this report and the statute generally becomes effective July 1, 2024.

Action – Responsible Party	Timeframe or deadline
Training, Education and Engagement – The RPCs, NRB, and DHCD should collaborate on training and engagement for residents, municipalities, RPCs, NRB, District Environmental Commissions, State agency staff, developers, and other interested parties.	7/24-6/26
RPCs refine future land use criteria guidance	12/31/24
Updated State Designation Guidance – DHCD	6/30/25
Updated Act 250 Rulemaking as required – NRB	6/30/25
ANR provide guidance to RPCs on Conservation areas – Tier 3	6/30/25
RPCs update regional plan future land use elements including equitable engagement process.	6/30/26 or 6/30/27

APPENDIX 1 DRAFT FUTURE LAND USE AREAS

DOWNTOWN/VILLAGE CENTERS	
Description	These areas are the vibrant, mixed-use centers bringing together community economic activity and civic assets. Includes hamlets, villages and downtowns seeking benefits under the State Designation Program. These areas should include the existing Downtown, New Town Center, or Village Center designation areas and any additional land area consistent with state guidance and negotiated with the municipality. The Downtown/Village Centers are the central business and civic centers within Planned Growth Areas, Village Areas, or may stand alone.
Key Criteria description	
Residential Density	not applicable
Housing Target	not applicable
Types of Appropriate Development	Redevelopment, renovation and adaptive re-use of historic buildings, infill, serve civic and commercial needs and be flood resilient.
Zoning/Subdivision	optional
Community Water	optional
Community Sewer	optional
Transportation	Varied options emphasizing slowing traffic, walking, biking, and transit.

PLANNED GROWTH AREA	
Description	Includes the densest existing settlement and future growth areas with the highest concentrations of population, housing, and employment in each town. They include a mix of commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations, public water and/or wastewater and multi-modal transportation systems. These areas typically surround historic or new commercial downtowns and village centers.
Key Criteria description	
Residential Density	Among highest in town or region; per Act 47 at least 5 du/ac net densities should be allowed in zoning. If zoning is not yet updated in compliance with Act 47, delineate the PGA anyway.
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.
Types of Appropriate Development	Redevelopment, renovation and adaptive re-use of historic buildings, infill, adjacent greenfield development where needed to meet housing targets, serve civic and commercial needs and be flood resilient.
Zoning/Subdivision	land development regulations required
Community Water	Existing or planned (define when this threshold is met) water service area required (if needed to meet Act 47 minimum densities) (still PGA even if limited)
Community Sewer	Existing or planned sewer service area required (if needed to meet Act 47 minimum densities) (still PGA even if limited)
Transportation	Varied options emphasizing slowing traffic, walking, biking, and transit.

VILLAGE AREA	
<u>Description</u>	Includes the traditional settlement area or a proposed new settlement area, 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 Areas may not have any of the following: water, sewer, or land development regulations. They provide some opportunity for infill development or new development areas where the village can grow and be flood resilient. These areas may typically include existing village center designations or plan to seek this designation (this area is not limited to the designation).
<u>Key Criteria description</u>	
Residential Density	Relatively denser and more diverse housing types than surrounding rural areas in that town but does not achieve Act 47 required densities.
Housing Target	Demonstrate ability to accommodate some portion of municipal housing target within this area.
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 resilient.
Zoning/Subdivision	land development regulations optional
Community Water	Possible without having either sewer or zoning
Community Sewer	Possible without having either water or zoning
Transportation	Traffic calming and pedestrian-oriented including at least some existing or planned sidewalks or walking opportunities

TRANSITION AREA (OPTIONAL)	
<u>Description</u>	Includes areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a Planned Growth or Village Area or a new Transition Area and served by, or planned for, water and/or 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 or new development. New commercial strip auto-oriented development is not allowed as to prevent negatively impacting the economic vitality of commercial areas in the adjacent or nearby Planned Growth or Village Area. This area could also include adjacent greenfields safer from flooding.
<u>Key Criteria description</u>	
Residential Density	Per Act 47, at least 5 du/ac net densities allowed in zoning. Intent to add housing to these strip commercial corridors or in adjacent greenfields safe from flooding.
Housing Target	Demonstrate ability to accommodate some significant portion of municipal housing target within this area.
Land Uses	Should be planned (and zoned) for a mix of uses
Zoning/Subdivision	optional, land development regulations required if seeking a designation
Community Water	Existing or planned water service area required
Community Sewer	Existing or planned water service area required
Transportation	Varied options emphasizing slowing traffic, walking, biking, and transit.

RESOURCE-BASED RECREATION AREA (OPTIONAL)	
Description	Includes large-scale resource-based, recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, which provide infrastructure, jobs, and housing to support recreational activities.
Key Criteria description	
Housing Density	High but less overall than Planned Growth Areas, often seasonal housing
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

ENTERPRISE (OPTIONAL)	
Description	Includes 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 commercial uses which involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.
Key Criteria description	
Housing Density	None or low (from existing homes)
Employment	High employment
Land Uses	Industrial, Office, Limited retail, resource extraction not adjacent to a Planned Growth Area
Community Water	May be present
Community Sewer	May be present
Transportation	Driven by freight transportation (large truck, rail, air, and/or boat)

HAMLET	
Description	Small historic 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.
Key Criteria description	
Housing Density	low density residential
Land Uses	Hamlets may become Village Centers and/or Areas when they meet either the designation or future land use criteria.
Community Water	None required
Community Sewer	None required

RURAL AREAS	
Description	Rural – General: Include areas that 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 productive lands and natural areas. This area could also include an area that a municipality is planning to make more rural than it is currently.
	Rural - Agricultural and Forestry: Include blocks of 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 agricultural and forest resource value. Consistent with Act 171 requirements.
	Rural – Conservation: Include areas intended to be conserved often with regulations or property rights limiting development, fragmentation, and conversion in order to maintain ecological health and scenic beauty. 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 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. Consistent with Act 171 requirements.
Key Criteria description	
Housing Density	Very low
Employment	Resource-based employers and scattered sites
Land Uses	Predominantly farms, forests, and very low density residential

The Vermont Statutes Online

The Vermont Statutes Online have been updated to include the actions of the 2023 session of the General Assembly.

NOTE: The Vermont Statutes Online is an unofficial copy of the Vermont Statutes Annotated that is provided as a convenience.

Title 24 : Municipal and County Government

Chapter 117 : Municipal and Regional Planning and Development

Subchapter 003 : Regional Planning Commissions

(Cite as: 24 V.S.A. § 4348a)

§ 4348a. Elements of a regional plan

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

(1) A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.

(2) A land use element, which shall consist of a map and statement of present and prospective land uses, that:

(A) Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses, open spaces, areas reserved for flood plain, and areas identified by the State, regional planning commissions, or municipalities that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes.

(B) Indicates those areas within the region that are likely candidates for designation under sections 2793 (downtown development districts), 2793a (village centers), 2793b (new town centers), and 2793c (growth centers) of this title.

(C) Indicates locations proposed for developments with a potential for regional impact, as determined by the regional planning commission, including flood control projects, surface water supply projects, industrial parks, office parks, shopping centers and shopping malls, airports, tourist attractions, recreational facilities, private schools, public or private colleges, and residential developments or subdivisions.

(D) Sets forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services.

(E) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them which may include transfer of development rights, acquisition of development rights, or farmer assistance programs.

(F) Indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.

(3) An energy element, which may include an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

(4) A transportation element, which may consist of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing.

(5) A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.

(6) A statement of policies on the:

(A) preservation of rare and irreplaceable natural areas, scenic and historic features and resources; and

(B) protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(7) A program for the implementation of the regional plan's objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements in this section.

(8) A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.

(9) A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

(10) An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

(11)(A) A flood resilience element that:

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

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

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

(b) The various elements and statements shall be correlated with the land use element and with each other. The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section. (Added 1981, No. 132 (Adj. Sess.), § 7; amended 1985, No. 188 (Adj. Sess.), § 9; 1987, No. 200 (Adj. Sess.), §§ 26, 27, eff. July 1, 1989; 1997, No. 94 (Adj. Sess.), § 3, eff. April 15, 1998; 2011, No. 52, § 32, eff. July 1, 2012; 2013, No. 16, § 3, eff. July 1, 2014; 2013, No. 146 (Adj. Sess.), § 7, eff. May 27, 2014; 2015, No. 64, § 29; 2015, No. 171 (Adj. Sess.), § 16, eff. Jan. 1, 2018; 2015, No. 174 (Adj. Sess.), § 5; 2023, No. 47, § 11, eff. July 1, 2023.)