

DRAFT Regional Planning Report

Vermont Association of Planning and Development Agencies

~~November-December 29, 2023 - DRAFT~~

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Appendix 1 – Draft Future Land Use Areas

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Commented [CB1]: Added the broad summary of engagement efforts to #5. This document contains all written comments received.

Commented [CB2]: Statutory language to follow at a later date

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 maps and policies by December 15, 2023. ~~The VAPDA~~VAPDA is the statewide association of regional planning commissions.

The below sections describe the legislative charge, goals under which VAPDA proceeded with this study, findings, approach in carrying out this work, recommendations for consistent regional planning, recommendations related to integration with other State policy initiatives, recommendations for equitable engagement, and finally, ~~how we addressed comments from stakeholders~~our engagement and outreach efforts.

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.

Commented [CB3]: CVRPC - Can "place-based" be defined? Not all commissioners were familiar with this jargon.

(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 in rural areas of the State.

Commented [CB4]: TRORC comment

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 ~~the~~ 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.
- Benefits 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, sState and Federal-federal infrastructure investments.
- ~~Other?~~

4. Findings

VAPDA find 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 and 248(a) petitions. This can influence areas of emphasis in regional policies, plans, and maps.
 -
- There is variation in the level of detail future land use designations are addressed in regional plans.
 - 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

Commented [CB5]: WRC comment

Commented [CB6]: TRORC comment

- Resort Center Areas in CVRPC, MARC, and WRC

5. ~~Process for Approach to~~ 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 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.

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.

Commented [CB7]: TRORC comment

3. From October – December VAPDA sought stakeholder feedback:

On November 3, 2023, VAPDA posted to their website and sent the draft FLU areas and criteria report to the following organizations ~~and offered-offering~~ meetings to review and discuss, and requested comments by December 1, 2023. ~~One meeting for state agencies:~~ Agency of Transportation, ~~the~~ Agency of Natural Resources, ~~the~~ Agency of Commerce and Community Development, ~~the~~ Department of Public Service, Vermont Emergency Management, Vermont Housing and Conservation Board, and the Natural Resources Board, ~~one meeting for~~ regional development corporations, ~~one meeting for the~~ Vermont League of Cities and Towns, and Vermont Planners Association, ~~and one meeting for~~ Vermont Natural Resources Council, Conservation Law Foundation. ~~Comments were requested by December 1, 2023.~~

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 4~~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 and circulated that draft to all RPC directors, ANR, AOT, ACCD, and the NRB for any final edits by December 13. Final edits were made and the final report was sent on December 15 to 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 and distributed to all of the entities listed above that received the initial draft on November 3.

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.

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. More details can be found in Appendix 1.

a. Proposed future land use planning area descriptions.

This initial list of land use areas were used for discussion purposes as the RPCs developed agreement on these definitions. Initial regional land use areas included:

- **Vital Core Areas:** 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 Vital Core Areas 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

Commented [CB8]: NRPC board member - As I've indicated in the past, I'm a bit concerned about local reaction to the report, even with legislative support. Do you have a sense whether this level of conformity among regions/municipalities is present in other states?

Commented [CB9]: CVRPC - Homogenizing future land use typologies will limit experimentation and the diversity of regional plans going forward. This is an untested method, neither within the state of Vermont nor elsewhere. Are there other state models we could borrow? If not, this should be rolled out in a limited geography before being applied statewide.

Commented [CB10]: Added to better align with Designation recommendations

Commented [CB11]: CVRPC - There are existing developments that do not wish to grow. For example, historic districts can fall within the description of a planned growth area, but local goals are to invest in maintaining the historic resource, not growing. Typologies should incorporate future visions, sometimes this means growth, sometimes this means maintaining. Planned Growth Area Table: The first sentence of the description seems to be contradicted by the last. Are the historic settlements included? Or not? (Same language is used in 6.a.)

Commented [CB12]: TRORC comment

multi-modal transportation systems. These areas typically surround historic or new commercial 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 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 may typically include existing village center designations or plan to seek this designation (this area is not limited to the 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 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.
- **Resort-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 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 [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 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

Commented [CB13]: Based upon Delegation Study draft, add another category for center designation areas

Commented [CB14]: NRPC board member - The rural conservation future land use area definition refers to land "intended to be conserved." It would seem important to identify how this intention is to be expressed (e.g. private conservation easements, current use, wildlife management areas, etc.) and to make clear whether the resulting regional plan restrictions will vary to reflect the restrictions actually imposed by/on the landowners. Also, will there be an opportunity to revise conservation FLU in a regional plan if those restrictions change or expire?

Commented [CB15]: ANR - Does this category include conserved working forest land? Managed forest is a key element of Vermont Conservation Design and compliments many of the conservation objectives listed in this section. It's unclear if this category is limited to wilderness-type areas or if it includes conserved areas that are sustainably managed for forest products or other ecological values. ANR recommends the latter. We appreciate there may ultimately be a significant unmanaged component to this category, but completely prohibiting management seems counter productive to the goal of the category unless the area is very narrowly mapped.

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 areas is intended to help meet ~~Consistent with~~ Act 171 requirements.

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

Commented [CB16]: TRORC comment

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:

Commented [CB17]: AOT - How are FLU then adopted / enforced with constituent municipalities? This only touches on RPC adoption.

1. Draft Plan Development and Regional Approval – The RPC will develop the Draft Regional Plan in consultation with their member municipalities and community members and seek review by State agencies and other stakeholders. As part of the plan development process, the RPC should document efforts to engage marginalized communities. Equitable engagement best practices are included in Section 9 below. 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 consistent with current statute in their region to obtain any comments from their municipalities, State agencies, and other stakeholders. prior to approval of the draft regional plan by the RPC. State agencies will be asked to provide comments and a determination as to compliance with state statutory requirements in advance of the first public hearing. After consideration of the comments received at both public hearings, the RPC will adopt their regional plan.
2. State Approval – If the legislature determines that an additional process is needed for review and approval of a regional plan, VAPDA recommends that regional plans be confirmed in order to ensure that they meet statutory requirements and are consistent with adjacent regional planning areas, similar to how municipal plans are reviewed by regional planning commissions. VAPDA suggests that could be done by either a peer review by other RPCs, the an updated Downtown Development Board, an enhanced NRB, or some other existing or new body. If this additional process is added, one major criterion in the review and approval should be: confirming that the Regional Plan meets minimum statutory requirements as documented in the RPC statutory compliance report, the future land use element, how well the Regional Plan addresses fair housing and documents the ability to meet regional housing targets, the housing element, and the climate, hazard mitigation, and/or energy 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 12-18 months depending upon what needs to be revised) to correct before any RPC member municipalities lose benefits related to Designations, Act 250, or State infrastructure investments.

Commented [CB18]: ANR - Thanks for this. It's unclear whether this review is the same as the opportunity for state agencies to comment/determine compliance with statutory requirements, discussed later in this paragraph. Ideally there is both a structured opportunity for key state agencies to provide early broad comment and then an opportunity later in the process to provide the formal determination.

Commented [CB19]: New language based upon 12/7 VAPDA discussion.

Commented [CB20]: AOT - Similar to Council of Regional Commissions?

Commented [CB21]: TRORC and VPA comment.

Commented [CB22]: AOT - Concerned that this approach will require high level of state agency involvement and place onus on State to object to components of Reg. Plan. Do we have the resources for high level of effort and do we want to be put in the position of saying "No". What about original Growth Center Model - e.g. State Agency Coordination Group review/recommendation before DT action?

Commented [CB23]: New language based upon 12/7 VAPDA discussion.

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 that will be used in an updated State Designation Program. *[Placeholder: The State Designation Study is underway, and this section will be updated to consider those recommendations to the extent possible.]*
 - a. **Vital Core Areas**— In order to obtain a State Designation and benefits a recommendation letter from RPC should be required. Designation should require identification in regional plan future land use element and regionally approved municipal plan. Existing and enhanced tax benefits, etc. received by Downtowns, New Town Centers, and Village Centers should be provided based on a ladder of municipal action and benefits recommended in the Designation Study. Likely need State review through a new or enhanced state permit program for river corridors/floodplains and multi-modal transportation.
 - b. **Planned Growth Areas** – In order to obtain a State Designation and benefits a recommendation letter from RPC should be required. Designation should require identification in regional plan future land use element and regionally approved municipal plan. Benefits such as Act 250 exemptions and investment priority should apply to an area potentially as large as the entire Planned Growth Area while tax benefits, etc. would apply to properties in the mapped center and/or meeting certain criteria — historic preservation predominantly. Likely need State review through a new or enhanced state permit program for river corridors/floodplains and multi-modal transportation.
 - c. **Transition Areas**— Transition areas planned for increased development should be able to be included in a designation that encourages the redevelopment of auto-oriented strip development or the development into greenfields adjacent to a Planned Growth or Village Area. These areas may also be outside of any state designation.
 - d. **Village Areas** —Existing and any future Village Center designations (not included as in a Planned Growth Areas) will be included within the a Village Areas. 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 element.
 - h. **Rural – General** – These are outside of any State designation.
 - i. **Rural - Agricultural and Forestry** - These are outside of any State designation.

Commented [CB24]: AOT - If this is the case the boundaries will be very inclusive and include areas larger than may be responsive to State Statute.

Commented [CB25]: No review by downtown board for designation, they review regional plan to approve those areas.

Commented [CB26R25]: Or is this a separate process on our maps?

Commented [CB27R25]: Recommend that designation is part of regional plan approval and that statute allows a map modification by the RPC, low limit for admin adjustment, minor adjustments by RPC and DT board.

Commented [CB28]: VLCT - Planned Growth Areas should assure that at least 5% of VT's land area is set aside for housing

Commented [CB29]: Could this be an or statement to make it easier? Does the town plan need to be regionally approved? How do disagreements between town and RPC get resolved? How to address making sure that there isn't a negative impact on historic villages/downtowns?

Commented [CB30]: AOT - How would the tax benefits area be determined and by whom?

Commented [CB31]: TRORC comment

Commented [CB32]: Add centers/core areas, neighborhood areas, redevelopment overlay

Commented [CB33]: VLCT - Planned Growth Areas should assure that at least 5% of VT's land area is set aside for housing

Commented [CB34]: Could this be an or statement to make it easier? Does the town plan need to be regionally approved? How do disagreements between town and RPC get resolved? How to address making sure that there isn't a negative impact on historic villages/downtowns?

Commented [CB35]: TRORC comment

Commented [CB36]: Add centers/core areas, neighborhood areas, redevelopment overlay

Commented [CB37]: AOT - Counter to state planning goal?

Commented [CB38]: AOT - Who defines criteria ACCD?

Commented [CB39]: Designation core areas. Any thoughts on the ladder approach to benefits?

i-j. Rural- Conservation - These are outside of any State designation.

- **Act 250.** All or portions of Planned Growth Areas may meet criteria and be reviewed by the **State-enhanced Natural Resources Board** to achieve exemption from Act 250 review or specific criteria.

a. Vital Core Areas - These areas would be part of Planned Growth Areas or Village Areas discussed below.

a-b. Planned Growth Areas - Planned Growth Areas should be exempt from Act 250 jurisdiction when the municipality receives approval from the State through whatever process is adopted after the Act 250 and Designation studies' recommendations are implemented by the legislature. If exempt from future Act 250 jurisdiction, need a process for a property owner to either extinguish Act 250 jurisdiction or 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. Need state review for river corridors/floodplains, historic preservation, and transportation - 60 days for review, include DEC permits and VTrans Act 145 requirements before town-municipality issues final permit (could trails/paths be exempted?). Maybe different standards in the planned growth areas. (4449e)

b-c. Transition - Transition areas could be exempt from Act 250 jurisdiction when the community demonstrates planning and regulation that requires all new development to adhere to Vermont's land use goals (similar to current NDA requirements?).

c-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. Consider reducing jurisdictional thresholds for commercial but not residential.

d-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.

e-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.

f-g. Hamlet - These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction.

g-h. Rural - General - These areas should be under existing or modified (per the Act 250 Study) Act 250 jurisdiction.

h-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.

i-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. This area may start to

Commented [CB40]: AOT - Suggest additional review by Chris Clow of this section

Commented [CB41]: AOT - Exempted from Act 250 but not Sec. 1111 which will restrict VTrans ability to address traffic, safety & multimodal needs (including transit) in 3 of 10 proposed land use areas (and all that have LU patterns conducive to smart growth and mm trans) and no Fair Share Act 145 Fees. Would this provision make Act 145 obsolete?

Commented [CB42]: VLCT - Why not recommend extinguishing any existing Act 250 permit in these areas?

Commented [CB43]: See H.926 from a couple of years ago for statutory language.

Commented [CB44]: AOT - This feels like an incomplete thought that touches on a lot of future policy concerns - transition from Act 250, "approval from the State" for permitting and / or conformity with FLU designations?

Commented [CB45]: AOT - Not sure this is enough time particularly if a very complex project. E.g. Tafts Corner/Maple Tree Place.

Commented [CB46]: ANR - Some DEC permits have multi-step technical reviews and 30 day comment periods, so it may not be possible to have all DEC permits within the 60 day review period referenced here.

Commented [CB47R46]: Striking the 60 days here as this needs more discussion to establish this new process.

Commented [CB48]: CVRPC - A 60-day review is problematic. Montpelier currently can do much better than this. They regulate to the map and can review and issue a permit often within 24-hours.

Commented [CB49]: VLCT - Why not 30 days? Don't these areas presume less conflict or issues?

Commented [CB50]: AOT - Per comment above - who adjudicates this? Feels like an incomplete thought with major implications if not elaborated further.

Commented [CB51]: VLCT - So "Transition Areas" should/need to achieve Planned Growth Area level of planning & regulation to benefit from Act 250 exemption? How is that different than process now of obtaining one of the 5 designations?

Commented [CB52]: AOT - This raises the most concern as historically towns/rpcs have often opted for continuati...

Commented [CB53]: VLCT - Need to better understand what is being proposed here.

Commented [CB54]: TRORC - Would this provide an opportunity for statutory parties to request a hearing?

Commented [CB55]: VLCT - Perhaps a recommendation on what type of recreation related development should n...

Commented [CB56]: ANR - Assuming for all of these, d-h, when you say "should be under Act 250 jurisdiction", you ...

be defined by constraint mapping done as part of Act 174 for Regional Enhanced Energy Plans. The RPCs can support the mapping of these areas through the update of our Regional Plans.

- **State capital investment planning.** For each FLU Area, we offer the following types of State investment that should be prioritized. These lists are not intended to be all inclusive.
 - a. Center/Core - Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, transit, EVSE, urban trees, state offices, schools, housing, historic preservation and adaptive re-use. Consideration of climate resilience is critical.
 - a.b. Planned Growth Areas - Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, transit, EVSE, urban trees, state offices, schools, housing, historic preservation and adaptive re-use, and tax increment financing. Consideration of climate resilience is critical.
 - b.c. Transition Areas - Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, transit, EVSE, urban trees, housing, historic preservation. Consideration of climate resilience is critical.
 - c.d. Village Areas - Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, transit, EVSE, urban trees, state offices, schools, housing, historic preservation and adaptive re-use. Consideration of climate resilience is critical.
 - d.e. Resource-based Recreation Areas - Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, transit, EVSE. Consideration of climate resilience is critical.
 - e.f. Enterprise Areas - Water, wastewater, stormwater, sidewalks, paths/trails, complete streets, transit, EVSE.
 - f.g. Hamlet - Sidewalks, paths/trails, EVSE.
 - g.h. Rural - General - Clean water, working lands, conservation easements, recreational paths/trails.
 - h.i. Rural - Agricultural and Forestry - Clean water, working lands, conservation easements, paths/recreational trails.
 - i.j. Rural - Conservation - Clean water, working lands, conservation easements, paths/recreational 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). See Appendix 2 [not yet drafted] for detailed suggestions regarding statutory changes will be provided at a later date.
- **Other State Policy.** See Appendix 3 [not yet drafted] for detailed suggestions regarding statutory changes will be provided at a later date.
 - a. Speed Limits - In Planned Growth and Village Areas, consider allowing municipalities with these areas to adopt speed limits less than 25 mph.
 - a.b. Act 145 - Need to establish an updated process in areas exempted from Act 250 for VTrans to be able to participate in the municipal permitting process and collect fees as they do now under Act 250.

Commented [CB57]: ANR - This is not the appropriate standard. Agree that a definition of this area is necessary and something the RPC's could lead development of, with support from ANR and others, but the Act 174 standards are dated, were a compromise themselves, and would not be the best filter for this form of development. There should also be significant public input in developing the definition for this area, which the Act 174 process largely lacked since it was an opt-in at the municipal level that applied to a very narrow category of development, not a mandatory Act 250 jurisdictional trigger that would apply broadly as proposed here.

Commented [CB58]: CVRPC suggestion for all FLU areas

Commented [CB59]: AOT - Wouldn't they be part of complete street -- or do they mean streetscape improvements? I think here they generally mean streetscape improvements. They misuse Complete Streets in this document, which is worth commenting on.

Commented [CB60]: VLCT - It looks like this area is focused on the type infrastructure. But this would be a good area to mention a-3 should be eligible for tax increment financing investments.

Commented [CB61]: Will be a need to update DEC guidance/rules for accessing grants/loans. Can we also extend the update to address how the approval process works town vs village residents?

Commented [CB62]: ANR - Just a caution that in some of the resource-based recreation areas, the issue of secondary growth and sprawl fueled by oversized ww/wastewater systems is real and something that needs to be actively managed however these incentives get structured and implemented. For instance, infrastructure expansion that may work at the base of a large ski area, could have disastrous effects at the base of a large mountain bike trail network in an otherwise undeveloped area.

Commented [CB63]: VLCT - Why are complete streets important in these areas if no housing investments are encouraged? That adds development costs with limited user groups benefitting.

Commented [CB64]: VLCT - Yes please!

9. Recommendations related to equitable engagement

RPCs should consider 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.

When drafting regional plans that guide land use, inclusive community participation is important to eliminate racism and discrimination and achieve better outcomes.ⁱ 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.ⁱⁱ

Additionally, the following recommendations from the American Planners-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.ⁱⁱⁱ

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 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.

Commented [CB65]: VLCT - I would add citing V.S.A. citations throughout this type of work can be barrier for participation and feedback from underrepresented groups and those unfamiliar with Vermont Land use regulations.

10. Recommendations related to implementation

Here 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.

Commented [CB66]: NRPC - NRPC supports the goals and overall approach to the Regional Planning and Future Land Use report. A careful process of implementation will be needed to ensure that there are no unintended negative consequences, and to ensure that there is sufficient time and resources to educate and involve citizens in the process.

| Action – Responsible Party | Timeframe or deadline |
|---|-----------------------|
| Training and Education – The RPCs, NRB, and DHCD should collaborate on a training presentation for municipalities, RPCs, NRB, District Environmental Commissions, State | 7/24-6/25 |

| | |
|--|---|
| agency staff, developers, and other interested parties. | |
| Updated State Designation Guidance - DHCD | 12/31/ 24 25 |
| Updated Act 250 Rulemaking as required - NRB | 12/31 6/30/25 |
| <i>If Act 250 and/or Designation reforms are adopted by the Legislature:</i> | |
| RPCs refine future land use criteria guidance | 7/25 12/31/24 |
| RPCs update regional plan future land use elements including equitable engagement process. | to be completed within three years after guidance |
| | |

~~11. Comments from State Agencies and other stakeholders with responses~~

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Commented [CB67]: 12-18 months requested by DHCD

Commented [CB68]: VLCT - Existing Act 250 & expanded Act 250 exemptions needed for existing Designated Areas during implementation timelines!

Commented [CB69]: VPA - Consider speeding up some of the deadlines in the table – assumes Act 250 and/or Designation Area reforms are adopted in the 2024 legislative session. Updated Act 250 Rulemaking (NRB) could be completed by 6/30/2025. RPC refinement of future land use criteria guidance could be completed by 12/31/2024.

Commented [CB70]: ANR - Does this include establishing the definition, criteria and extant of the rural-conservation areas that would result in automatic/increased Act 250 jurisdiction? That work is important, will be complex and take time, so I'd encourage VAPDA to both be generous with the time allotted to complete that task, and to be EXPLICIT with the legislature that they should not bake any of those details into legislation prior to the work being completed by the RPC's. Any statutory codification of those details must come after the work with communities is complete, not be predetermined beforehand.

Commented [CB71]: TRORC suggests two years

APPENDIX 1 DRAFT FUTURE LAND USE AREAS

| VITAL CORE AREA | |
|----------------------------------|---|
| Description | These areas are the vibrant, mixed-use centers bringing together community economic activity and civic assets. Includes hamlets, villages and larger 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 Vital Core Areas 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 <u>slowing traffic</u> , 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 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 <u>slowing traffic</u> , walking, biking, and transit. |
|----------------|---|

| VILLAGE AREA | |
|----------------------------------|--|
| Description | 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 <u>one any</u> 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). |
| Key Criteria description | |
| 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 | <u>Traffic calming and p</u> Pedestrian-oriented including at least some existing or planned sidewalks or walking opportunities(?) |

| TRANSITION/INFILL AREA (OPTIONAL) | |
|--|--|
| Description | 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. |
| Key Criteria description | |
| 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 | land development regulations optional <u>required if seeking a designation</u> |
| Community Water | Existing or planned water service area required |
| Community Sewer | Existing or planned water service area required |
| Transportation | Varied options emphasizing <u>slowing traffic</u> , walking, biking, and transit. |

Commented [CB72]: VPA - Revise the "Zoning/Subdivision" item to require land development regulations. This would appear to be necessary given that the "Land Uses" item indicates that uses "Should be planned (and zoned) for a mix of uses". Some sort of land development regulations are undoubtedly needed to transform such places into higher density, mixed-use areas without repeating the auto-oriented mistakes of the past.

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 |

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| 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 | <p>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.</p> <p>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.</p> <p>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.</p> |
| Key Criteria description | |
| Housing Density | Very low |
| Employment | Resource-based employers and scattered sites |
| Land Uses | Predominantly farms, forests, and very low density residential |

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.

ⁱ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](#)

ⁱⁱ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](#)

ⁱⁱⁱ American Planners Association (2022). Equity in Zoning Policy Guide. [Equity in Zoning Policy Guide \(planning-org-uploaded-media.s3.amazonaws.com\)](#)