



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,

Catherine Dimitruk
VAPDA Chair

Charlie Baker
VAPDA Government Relations Committee Chair

Strengthening the Capability of Governments

www.vapda.org ~ tel. (802) 524-5958~ 75 Fairfield Street, St. Albans, VT 05478

Regional Planning Report

Vermont Association of Planning and Development Agencies

December 15, 2023

Table of Contents:

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