



H.367: Municipal 8-Year Planning, Implementation Program Senate Committee on Natural Resources and Energy [April 15, 2016]

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Current Status: 5-Year Municipal Plans

Under the Vermont Planning and Development Act (24 VSA Chapter 117), municipalities are not required to plan, but must have a comprehensive municipal plan in effect to:

- Adopt/amend zoning, subdivision, flood hazard, and other land use and development regulations,
- Adopt/amend capital improvement programs,
- Adopt/amend impact fee ordinances,
- Participate in state regulatory (Act 250, Section 248) proceedings.
- Apply for state designation (e.g., downtown, village, neighborhood, growth centers) under 24 VSA Chapter 76A, and to
- Apply for municipal planning grants.

Under current law, dating from 1967, municipal plans must be updated (including supporting data, analyses and maps) and readopted every five years or they expire. Over the years however, municipal planning requirements, and municipal plans, have become much more comprehensive – and much more complex – under Act 200 (1987) to address eighteen state planning goals and ten required “elements,” and more recently two additional elements – economic development (2011) and flood resiliency (2013). This year we are being asked to also address more in-depth energy planning, and planning to preserve forest integrity. Lost among all this: *a recommended program for plan implementation*—a critical plan element.

Required Plan Elements

24 VSA § 4382

- Statement of objectives, policies, programs to guide growth and development
- Land use plan, map
- Transportation plan, map
- Utility and facility plan, map
- Policies to preserve natural, scenic, and historic resources
- Educational facilities plan, map
- Recommended program for implementation
- Statement re relationship to development trends, plans for adjacent municipalities, region
- Energy plan
- Housing element
- Economic development element
- Flood resilience plan

Current Situation: Lots of Planning, Little Implementation?

Municipal plans are prepared by volunteer planning commissions that meet once or twice a month – some with staff support, a few using professional planning consultants, and many more with assistance, as available, from their regional planning commissions. Currently there are eleven regional commissions serving a total of 264 municipalities in the state. This suggests that at minimum each RPC may be expected to assist up to 20% of its municipalities each year with comprehensive plan updates to ensure they remain in effect – though the number of municipalities served, and the number of plans updated and readopted each year, vary greatly by region.

According to information compiled by DHCD, of the 264 municipalities that are members of RPCs:

- 10 (4%) have no plans,
- 43 (16%) have plans that expired prior to 2015, and
- 121 (46%) have plans that will expire within three years.

[Source: DHCD, Sept 2014]

A truly comprehensive planning process – one that incorporates updated data, information and maps, meaningful community outreach, drafts and rewrites, and formal hearings and adoption – consumes a significant amount of energy, time and resources, and often takes two to three years to complete. This leaves little time to undertake recommended actions or programs to implement the plan before the next cycle starts. Plans cannot be now amended within the 5-year period without full update and re-adoption. As a result, plans are rarely amended. Because the issues that a plan addresses are specific to each community, more time and resources are needed to prepare and, just as critically, to implement the municipal plan.

Many planners and volunteer commissions are increasingly frustrated by a planning cycle that leaves little time to do much else, especially in smaller communities without staff – for example, to:

- Amend plans as needed to incorporate new state planning requirements (e.g., for flood resiliency).
- Update local bylaws and ordinances to conform to the plan, and to meet new state requirements (e.g., for flood protection, stormwater management, river corridor regulation, renewable energy).
- Conduct community outreach with regard to specific policies, programs or projects – and critical issues facing the community – identified in the plan.
- Prepare and update capital improvement programs to schedule and finance needed infrastructure improvements.
- Secure grants and other financing for planned community development projects.
- Institute local PACE programs to promote energy efficiency upgrades and local renewable energy development.
- Develop and enact affordable housing programs (e.g., CDBG projects, housing trust funds).
- Prepare applications for state designation or renewal (downtowns, villages, growth centers, etc.)
- Inventory available commercial and manufacturing space.
- Conduct marketing studies in support of downtown redevelopment.
- Prepare open space plans and enact local programs to conserve farm and forest land
- Prepare hazard mitigation plans as required to access federal hazard mitigation funding.
- Actively participate in Act 250 and PSB hearings.

In a [2013 Community Planning Survey](#) conducted by DHCD, 50% of all respondents (n=168), and 64% of RPC respondents recommended extending municipal plan expiration from 5 to 8 years (to coincide with regional plan expiration)¹ or to 10 years (a national norm). Professional planners were two times as likely to support 10-year plan updates – to incorporate new census data, to allow more time for community involvement, and more time to act on plan recommendations. Survey results also support the use of limited, but critical state funding for local planning for plan implementation, rather than statutory plan updates. Under the state’s competitive Municipal Planning Grant (MPG) program, plan implementation projects – and not required 5-year updates – are now given highest priority for funding.

VPA Proposal: 8-Year Planning and Implementation

VPA’s research to date indicates that no other state mandates a 5-year planning cycle, or ties this to plan expiration. Where specified, required plan updates range from 8 to 10 years – sometimes triggered by or extended in relation to local rates of growth and development.² Most states allow for earlier updates and more frequent plan amendments as needed for plans to remain current; a few also require more formal, interim or periodic plan reviews. Model enabling legislation from the American Planning Association – the basis for VPA’s original proposal (for a 10-year cycle) – calls for 10-year comprehensive plan updates, with mandatory interim (e.g., 5-year) plan reviews.³

VPA outlined proposed legislation – introduced as H.367 and as passed by the House – *to extend the municipal plan expiration date from 5 years to 10 years and, the following related provisions recommended*

¹ Regional plan effective dates were extended from 5 to 8 years in 2010, as part of “Challenges for Change” legislation.

² This discussion is not unique to Vermont, especially in relation to limited available resources. Plan update/review cycles in several states have been extended in recent years: in New Jersey and Maryland from 6 to 10 years (2011, 2012), and in Washington up to 8 years, with provisions for extensions. Wisconsin has enacted a 10-year plan update requirement; Florida extended its requirement for “comprehensive plan evaluation and review” from 5 to 7 years (2011).

³ Meck, Stuart, ed. *Growing Smart Legislative Guidebook: Model Statutes for Planning and the Management of Change*, APA Planners Press, 2002. Available online at: <https://www.planning.org/growingsmart/> (as accessed on 3/16/2015).

by our partners intended to strengthen the focus on community-based comprehensive planning and, even more critically, on plan implementation:

- The ability to amend a plan as needed to remain current and relevant, without changing the plan expiration date;
- The requirement for a comprehensive, coordinated, internally consistent plan update at least once every 10 years, prior to plan readoption, that is supported by updated data, mapping and analyses, and broad-based community engagement; and
- A robust interim, 5-year review of the current plan that focuses in particular on plan implementation – including progress to date on actions, programs or other measures identified in the plan to achieve community goals and objectives.

We have since listened to our partners, including VLCT who had concerns about a new 5-year reporting requirement, and some RPC directors, who had concerns about extending the planning cycle to 10 years – beyond the 8-year period allowed for regional plan update and readoption. As a result, we are proposing a set of amendments that would:

- allow for 8-year municipal plans, consistent with regional plans, and
- would eliminate the 5-year reporting requirement, but require municipalities to “document” that they are also actively engaged in implementing their plan, as required for regional confirmation under the existing confirmation process, which would occur twice within this eight year period.

Our intent is to:

- Create a planning framework that promotes a longer 10- to 20-year planning horizon necessary to plan for, work toward and realize coordinated land, resource and energy conservation programs, transportation and infrastructure development, and housing and economic growth.
- Allow additional time as needed for more coordinated, comprehensive planning – including data collection, analysis, and mapping specific to each community.
- Allow additional time for more substantive, meaningful community outreach and engagement in the planning process.
- Allow additional time to act on plan recommendations – and shift the current emphasis on 5-year plan updates to those actions or programs that implement the plan.
- Extend and make more efficient use of critical, but limited planning resources—including volunteer time, available planning funds (e.g., municipal planning grants, municipal allocations), and RPC staff and technical assistance for both plan updates and more meaningful, innovative plan implementation programs.

The Vermont Planners Association (VPA) is a nonprofit organization representing citizen and professional planners, and individuals of allied professions and interests, who support the application of sound planning principles and practices at all levels of government. VPA is committed to advancing the art and science of planning in Vermont.

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