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H.757

Introduced by Representatives Noyes of Wolcott and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Land use; natural resources; municipal and regional planning and  
development; municipal plans

Statement of purpose of bill as introduced: This bill proposes to amend the  
statute on the elements of a municipal development plan to address healthy  
community design.

An act relating to municipal development planning and healthy community  
design

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 24 V.S.A. § 4382 is amended to read:

§ 4382. THE PLAN FOR A MUNICIPALITY

(a) A plan for a municipality may be consistent with the goals established  
in section 4302 of this title and compatible with approved plans of other  
municipalities in the region and with the regional plan and shall include the  
following:

1           (1) A statement of objectives, policies, and programs of the municipality  
2 to guide the future growth and development of land, public services, and  
3 facilities, and to protect the environment.

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

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

14           (B) Sets forth the present and prospective location, amount, intensity,  
15 and character of such land uses and the appropriate timing or sequence of land  
16 development activities in relation to the provision of necessary community  
17 facilities and service.

18           (C) Identifies those areas, if any, proposed for designation under  
19 chapter 76A of this title, together with, for each area proposed for designation,  
20 an explanation of how the designation would further the plan's goals and the

1 goals of section 4302 of this title, and how the area meets the requirements for  
2 the type of designation to be sought.

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

10 (E) Encourages healthy community design. As used in this section,  
11 “healthy community design” means a pattern of land use and development that  
12 enables residents of a municipality to live healthier lives. Such design may  
13 include elements that enable residents to be more physically active, such as  
14 parks, pedestrian infrastructure, and bicycle lanes or paths; promote access to  
15 healthy and affordable food choices; provide for affordable housing; reduce the  
16 need to use motor vehicles through mixed land use, public transit, or other  
17 means; increase the availability of space for social gathering; or reduce air,  
18 water, or noise pollution.

19 (3) A transportation plan, consisting of a map and statement of present  
20 and prospective transportation and circulation facilities ~~showing~~ that:

1           (A) shows existing and proposed highways and streets by type and  
2 character of improvement, ~~and~~;

3           (B) where pertinent, shows parking facilities, transit routes,  
4 terminals, bicycle paths and trails, scenic roads, airports, railroads, ~~and~~ port  
5 facilities, and other similar facilities or uses, with indications of priority of  
6 need; and

7           (C) indicates how the plan provides accessible transportation options  
8 for all users.

9           (4) A utility and facility plan, consisting of a map and statement of  
10 present and prospective community facilities and public utilities showing  
11 existing and proposed educational, recreational, and other public sites,  
12 buildings, and facilities, including hospitals and other providers of health and  
13 wellness services, libraries, power generating plants and transmission lines,  
14 water supply, sewage disposal, refuse disposal, storm drainage, and other  
15 similar facilities and activities, and recommendations to meet future needs for  
16 community facilities and services, with indications of priority of need, costs,  
17 and method of financing.

18           (5) A statement of policies on the preservation of rare and irreplaceable  
19 natural areas, scenic and historic features, and resources.

20           (6) An educational facilities plan consisting of a map and statement of  
21 present and projected uses and the local public school system. The plan shall

1 indicate how the location and use of educational facilities promotes healthy  
2 community design and access to school-based health and wellness programs.

3 (7) A recommended program for the implementation of the objectives of  
4 the development plan.

5 (8) A statement indicating how the plan relates to development trends  
6 and plans for adjacent municipalities, areas, and the region developed under  
7 this title.

8 (9) An energy plan, including an analysis of energy resources, needs,  
9 scarcities, costs, and problems within the municipality, a statement of policy  
10 on the conservation of energy, including programs, such as thermal integrity  
11 standards for buildings, to implement that policy, a statement of policy on the  
12 development of renewable energy resources, and a statement of policy on  
13 patterns and densities of land use likely to result in conservation of energy.

14 (10) A housing element that shall include a recommended program for  
15 addressing the housing needs of persons with low and moderate income  
16 ~~persons' housing needs,~~ as identified by the regional planning commission  
17 pursuant to subdivision 4348a(a)(9) of this title. The program should account  
18 for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of  
19 this title, which provide affordable housing.

20 (11) An economic development element that describes present economic  
21 conditions and the location, type, and scale of desired economic development,

1 and identifies policies, projects, and programs necessary to foster economic  
2 growth.

3 (12)(A) A flood resilience plan that:

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

10 (ii) recommends policies and strategies to protect the areas  
11 identified and designated under subdivision ~~(12)(A)(i)~~ of this ~~subsection~~  
12 subdivision (12)(A) and to mitigate risks to public safety, critical  
13 infrastructure, historic structures, and municipal investments.

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

16 (b) A municipality may choose to include a separate element in its plan that  
17 addresses healthy community design and the matters relevant to such design  
18 set forth in subsection (a) of this section.

19 (c) The maps called for by this section may be incorporated on one or more  
20 maps; and may be referred to in each separate statement called for by this  
21 section.

1       ~~(e)~~(d) Where appropriate, and to further the purposes of subsection 4302(b)  
2 of this title, a municipal plan shall be based upon inventories, studies, and  
3 analyses of current trends and shall consider the probable social and economic  
4 consequences of the proposed plan. Such studies may consider or contain, but  
5 not be limited to:

6           (1) population characteristics and distribution, including income and  
7 employment;

8           (2) the existing and projected housing needs by amount, type, and  
9 location for all economic groups within the municipality and the region;

10          (3) existing and estimated patterns and rates of growth in the various  
11 land use classifications, and desired patterns and rates of growth in terms of the  
12 community's ability to finance and provide public facilities and services.

13       ~~(d)~~(e) Where appropriate, a municipal plan may provide for the use of  
14 "transit passes" or other evidence of reduced demand for parking spaces in lieu  
15 of parking spaces.

16       Sec. 2. EFFECTIVE DATE

17       This act shall take effect on July 1, 2018. Sec. 1 shall apply to the adoption  
18 or amendment of a municipal plan for which notice of a public hearing under  
19 24 V.S.A. § 4384 is given by the municipal planning commission on or after  
20 that effective date. Sec. 1 shall not apply to the adoption or amendment of a  
21 municipal plan for which such notice was given before that effective date.