



Land Use Planning in Vermont

Presentation to the House Committee on
Natural Resources, Fish and Wildlife

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Department of Housing and Community Development

January 25th, 2017

If you fail to plan, you are planning to fail.



Why Plan?

No. 107.—AN ACT TO PROVIDE FOR PLANNING COMMISSIONS IN CITIES, TOWNS AND VILLAGES.

[H. 111]

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

SECTION 1. *Creation and membership.* Any city, town or incorporated village is hereby authorized to create a

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PUBLIC ACTS

[No. 107

commission to be known as the municipal planning commission, by resolution of the voters at the annual city, town or village meeting or at a special meeting duly warned for the purpose.

When such a commission is created, it shall consist of five persons. The mayor, chairman of the board of selectmen, president of the village or chairman of the board of village trustees, as the case may be, shall be ex officio one of the members of the commission during his term of office. The other four commissioners shall be appointed in cities, by the mayor; in towns, by the board of selectmen; and in villages, by the village trustees. Said appointed commissioners shall be appointed for the term of four years, except that when the commission is created, one commissioner shall be appointed for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Any appointment to fill a vacancy shall be for the unexpired term.

SEC. 2. *Expenses; assistance; reports.* The body creating a municipal planning commission shall, by ordinance or resolution, provide what compensation, if any, each of such commissioners shall receive for his services. The commission shall have authority to employ such expert and clerical assistance as may be necessary to accomplish the purposes for which it was created, provided that the total cost for the same shall not exceed the appropriation that may be made by the city, town or incorporated village for the use of said commission. Each city town or incorporated village is hereby authorized to make such appropriations as it may see fit for such compensation and assistance, such appropriation to be made by those officers or bodies in such city, town or incorporated village having charge of the appropriation of the public funds.

The commission shall make an annual report to the body which created it.

SEC. 3. *Powers.* The commission shall have power ~~except as otherwise provided by law:~~

1. To prepare or acquire a comprehensive plan for the future development of the city, town or incorporated village which shall be based primarily upon convenience, utility and public welfare.

When said plan shall be adopted by the voters of a city, town or incorporated village at the annual city, town or village meeting or at a special meeting duly warned for the purpose, it shall be known and designated as the official municipal plan; and no highway, street, bridge, viaduct, park, playground, square, statue, monument, street fixture, park fixture, sewerage system, water system, public building, or any other public improvement proposed to be erected

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or constructed wholly or in part from public funds and not included in said plan as adopted by the municipality, shall be authorized to be erected or constructed within the municipality until the location of the same has been submitted to the planning commission for its approval or disapproval.

Said plan shall be deemed to be approved by the commission if reasons for disapproval are not transmitted to the city council, selectmen, or village trustees as the case may be, within thirty days after they are received by the commission. In case of disapproval, the commission shall transmit its reasons for disapproval in writing to the city council, selectmen or village trustees who may, by a majority vote, overrule such disapproval.

2. From time to time to prepare and recommend to the proper officers of the municipality such amendments to the official municipal plan as in its judgment shall be necessary or desirable.

3. To recommend to the governing authority of the municipality such ordinances, resolutions or bylaws for the division of the municipality into districts or zones based upon the height, ground area and use of buildings and structures as may be consistent with existing law.

SEC. 4. This act shall take effect from its passage.

Approved February 22, 1921.

1850: Pop. 314,120

1930: Pop. 359,611

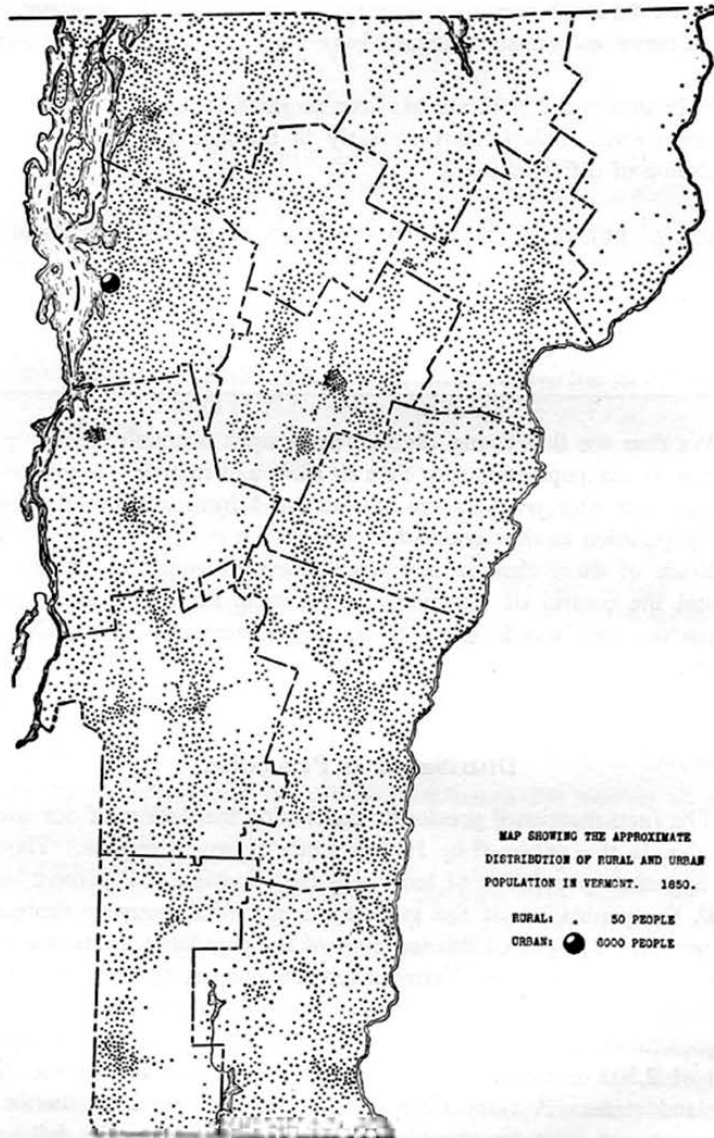


FIG. 1. This map shows the approximate distribution of the 314,120 people who lived in Vermont in 1850. Comparison with Fig. 2 shows the shifting of population to rural areas and its concentration in the cities and larger villages.

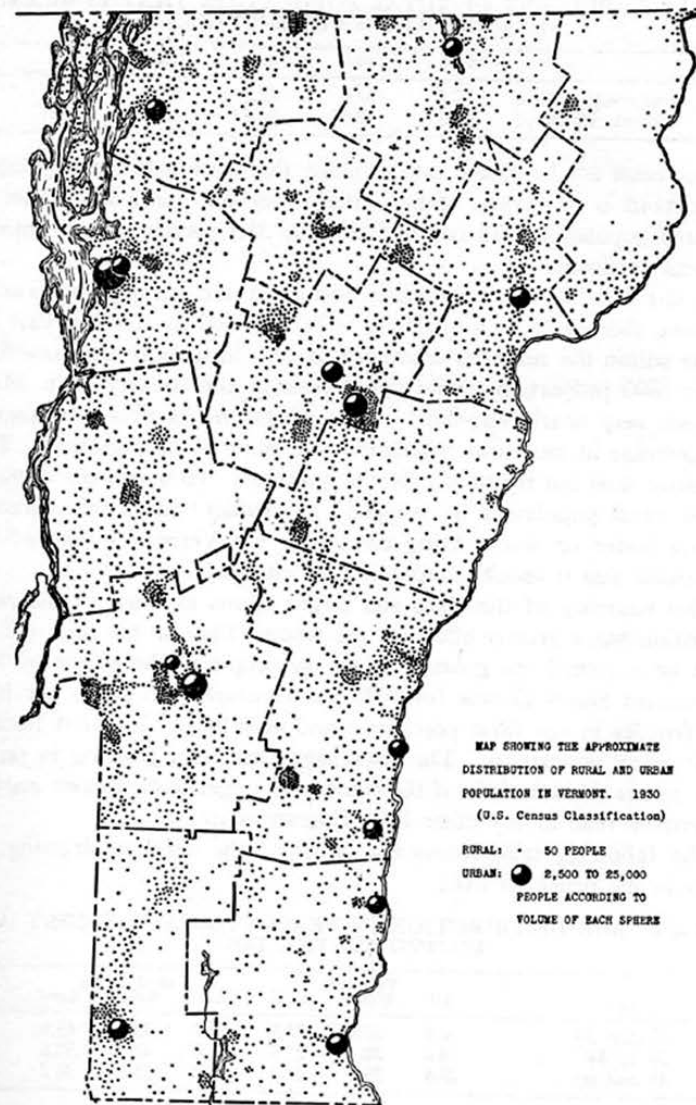
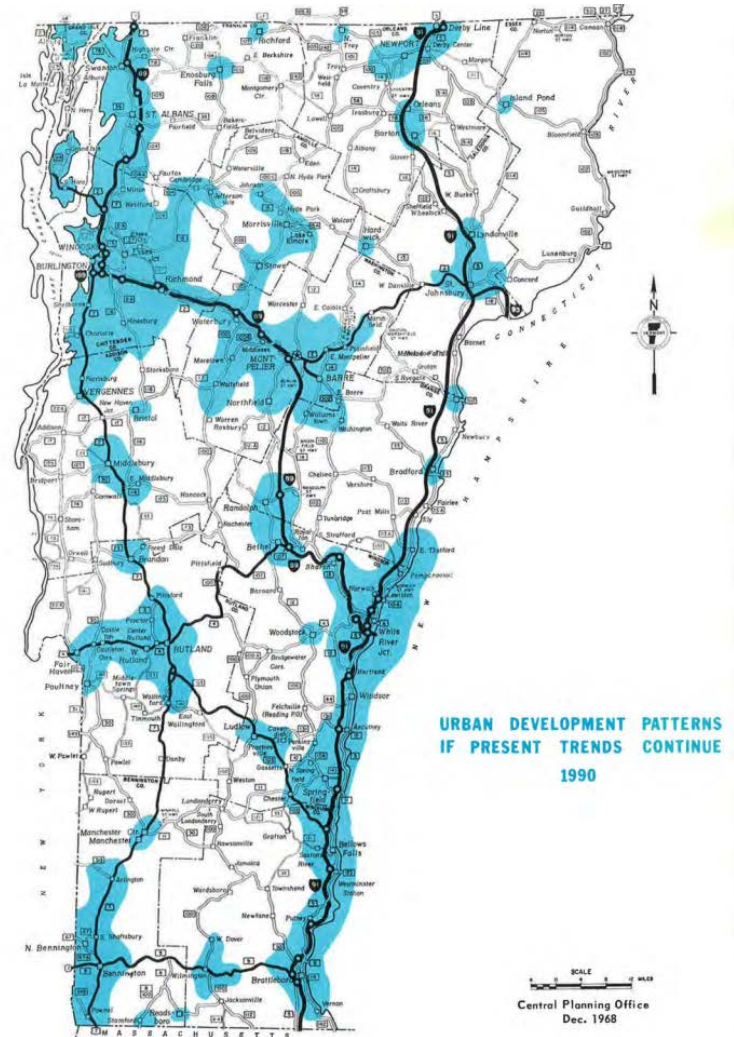


FIG. 2. This map shows the approximate distribution of the 359,611 people who lived in Vermont in 1930. Though rural population has decreased materially since 1850, the population of the state as a whole has increased more than 14 percent.

Planning and Development Act (1967) and Act 200 (1988)

“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. Chapter 117
§ 4302. Purpose; goals





Planning and Development Act (1967) and Act 200 (1988)

- (1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.
- (2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.
- (3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.
- (4) To encourage and assist municipalities to work creatively together to develop and implement plans

“When it comes to planning, if you’re not doing it with people - they think you are doing it to them.”

Roger Millar, AICP
National Complete Streets Coalition



Municipal governments have only the powers expressly granted to them by the state legislature



State Planning Goals

The state has 14 specific planning goals.



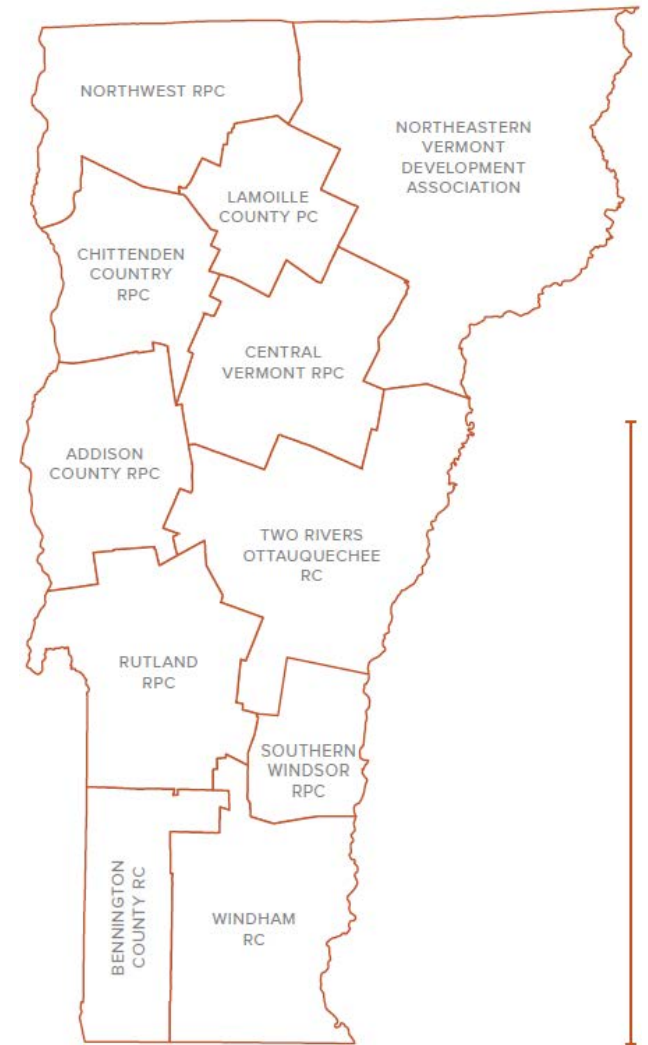
Regional Plans

Regional plans must be consistent with the state planning goals.



Municipal Plans

In order to have a regionally approved plan, municipal plans must be compatible with the regional plan and consistent with the state planning goals.



Regional Planning

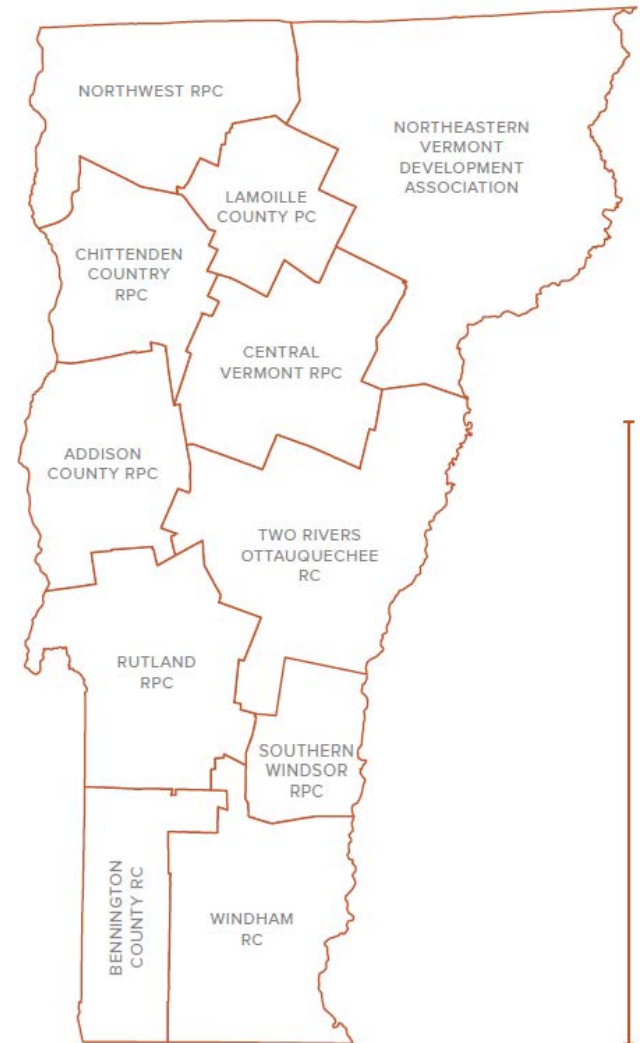
RPCs *shall* adopt regional plans.

12 Elements

8 Year Plans

Shall be consistent with state goals

Regulatory authority (Act 250)



12 Elements

1. Statement of objectives
2. Land use plan
3. Transportation plan
4. Utility and facility plan
5. Policies on historic and natural resources
6. Educational facilities plan
7. Implementation plan
8. Relation to other regions
9. Energy plan
10. Housing plan
11. Economic development plan (added 2011)
12. Flood resilience plan (2013)





A municipality may plan, if does it shall...



MUNICIPAL PLANS IN VERMONT
PLANNING & Development Act – 1967 & 1988 Amendments

Municipal Planning

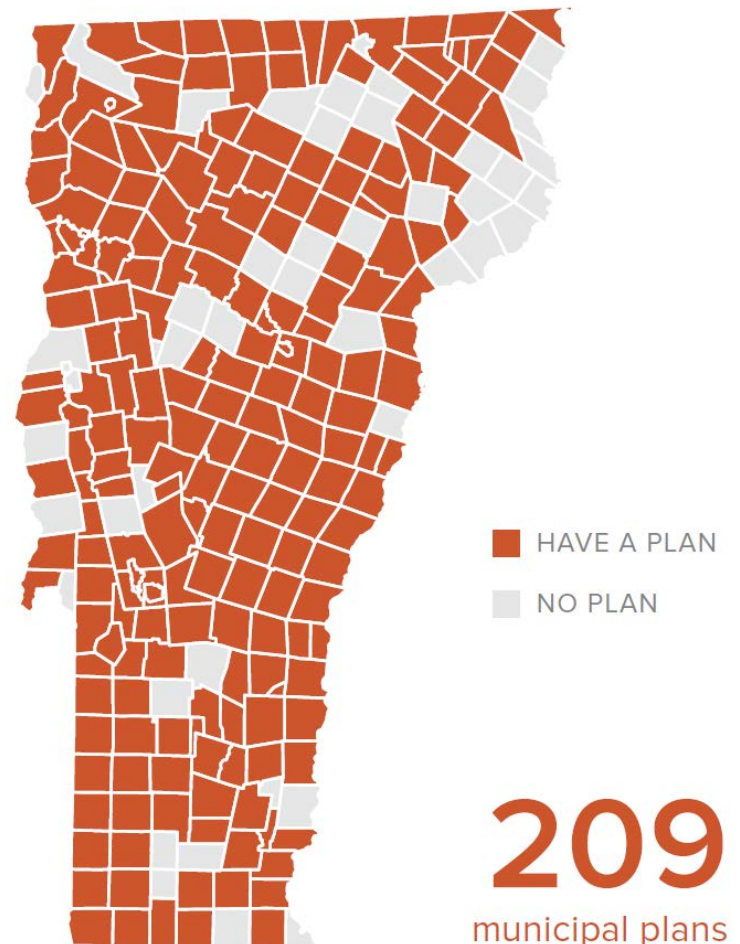
**Municipalities ‘may’ plan
If they do, they shall...**

12 plan elements

8 year expirations

Confirmation by RPC (Optional)

Municipal Planning Grant
Impact Fees
Designation eligibility





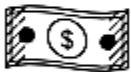
Empower local decisions by making it possible to adopt

- Zoning regulations
- Subdivision regulations
- Flood-hazard and other free-standing regulations
- A capital budget and program and charge impact fees



Influence state regulatory proceedings:

- Act 250 applications must conform to the municipal plan
- Applications for a Section 248 Certificate of Public Good must give due consideration to the municipal plan



Qualify and receive priority for certain state and federal programs, including

- Municipal planning grants*
- State designation programs*
- Downtown and village tax credits (and other benefits of designation)*
- Bicycle and pedestrian facilities funding
- Brownfield redevelopment funds
- Community development and affordable housing funds

*Requires a confirmed planning process that includes approval of the municipal plan by the regional planning commission.

Municipal Planning

Act 90 of 2016 (H.367)

Requires that the municipality document that it is actively engaged in implementation of the plan in order to retain confirmation

24 V.S.A. § 4350



Regulatory Implementation of the Municipal Plan

24 V.S.A. §4410-4414

... a municipality may utilize any or all of the tools provided in this subchapter and any other regulatory tools or methods not specifically listed.

Note: Limitations on Municipal Regulations amended 24 V.S.A. §4413

Regulatory Implementation of the Municipal Plan

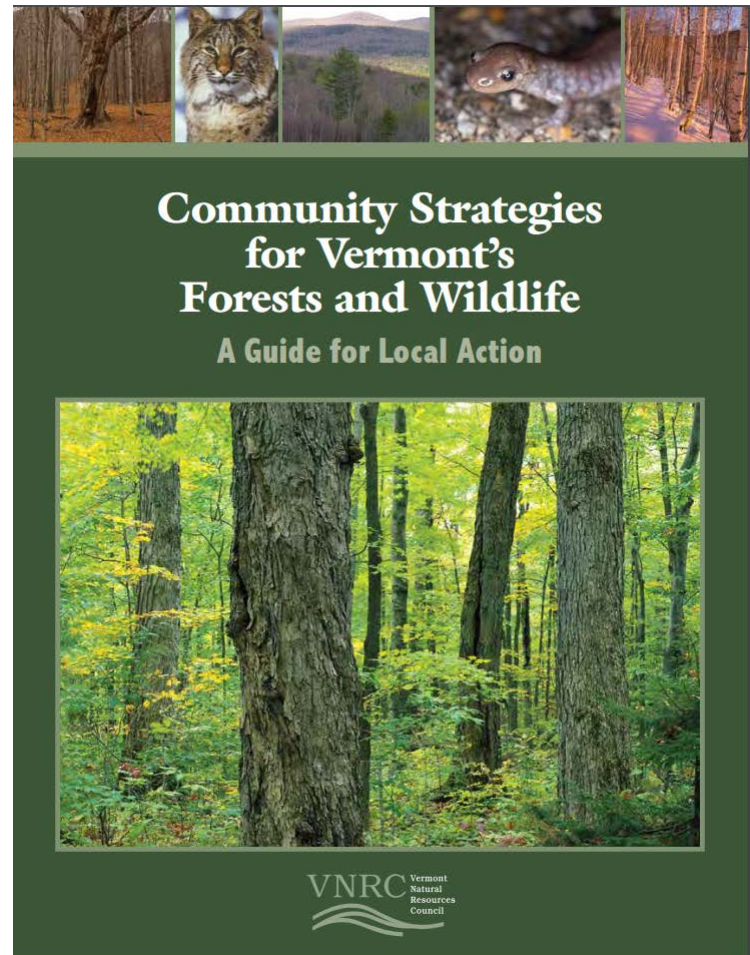
24 V.S.A. §4410-4414

Forest Zoning Districts

Natural Resources
Overlays

Conservation Subdivisions

Road Policies





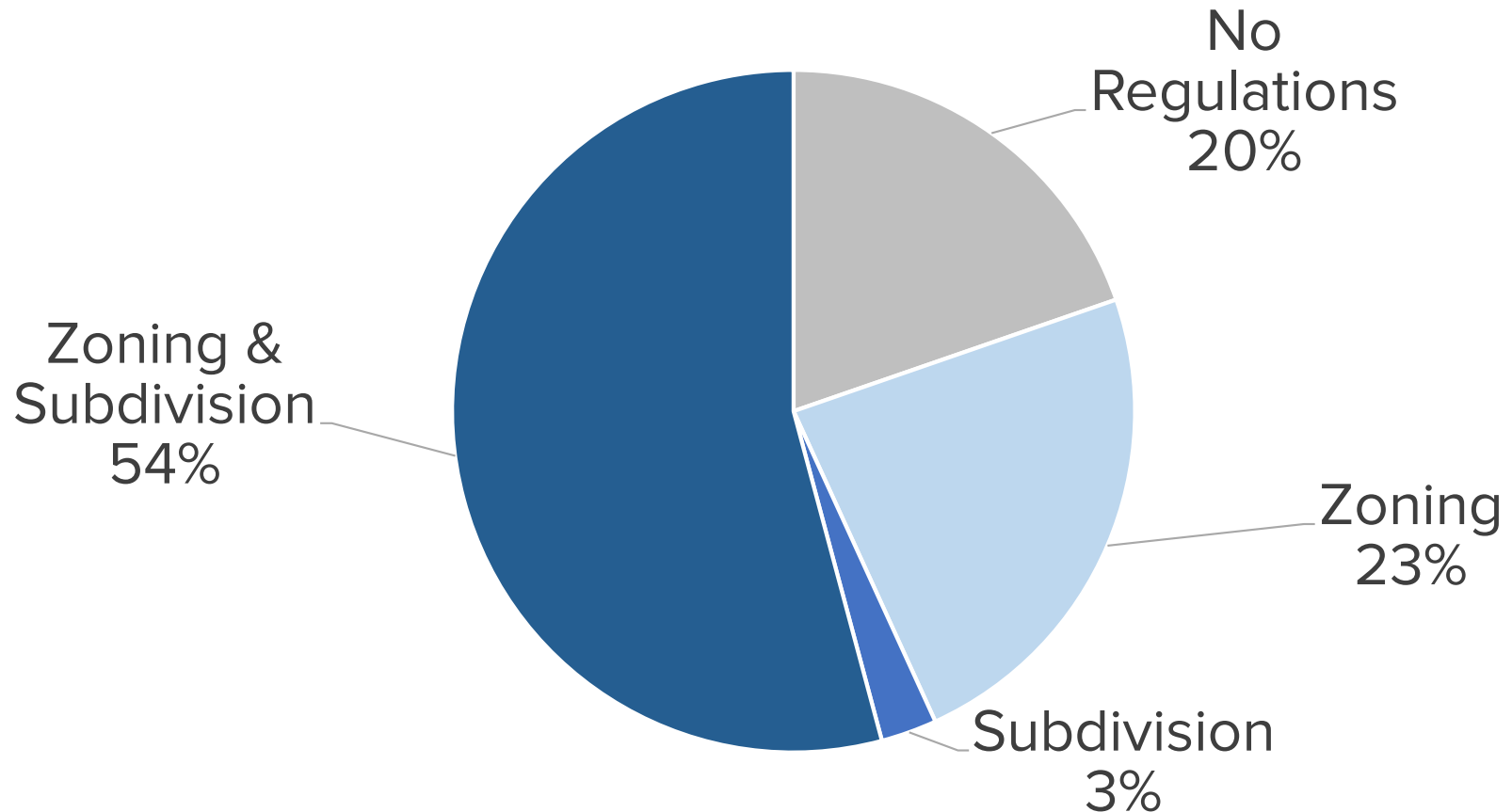
**Parking
For
Drive-Thru
Service
Only**

Thank You

Clarity is critical.

Municipal Regulations in Vermont

(As of September 2015)



Municipal Plans in
Vermont

VOLUNTEERS

5000



\$90

Billion

Property Value

Population



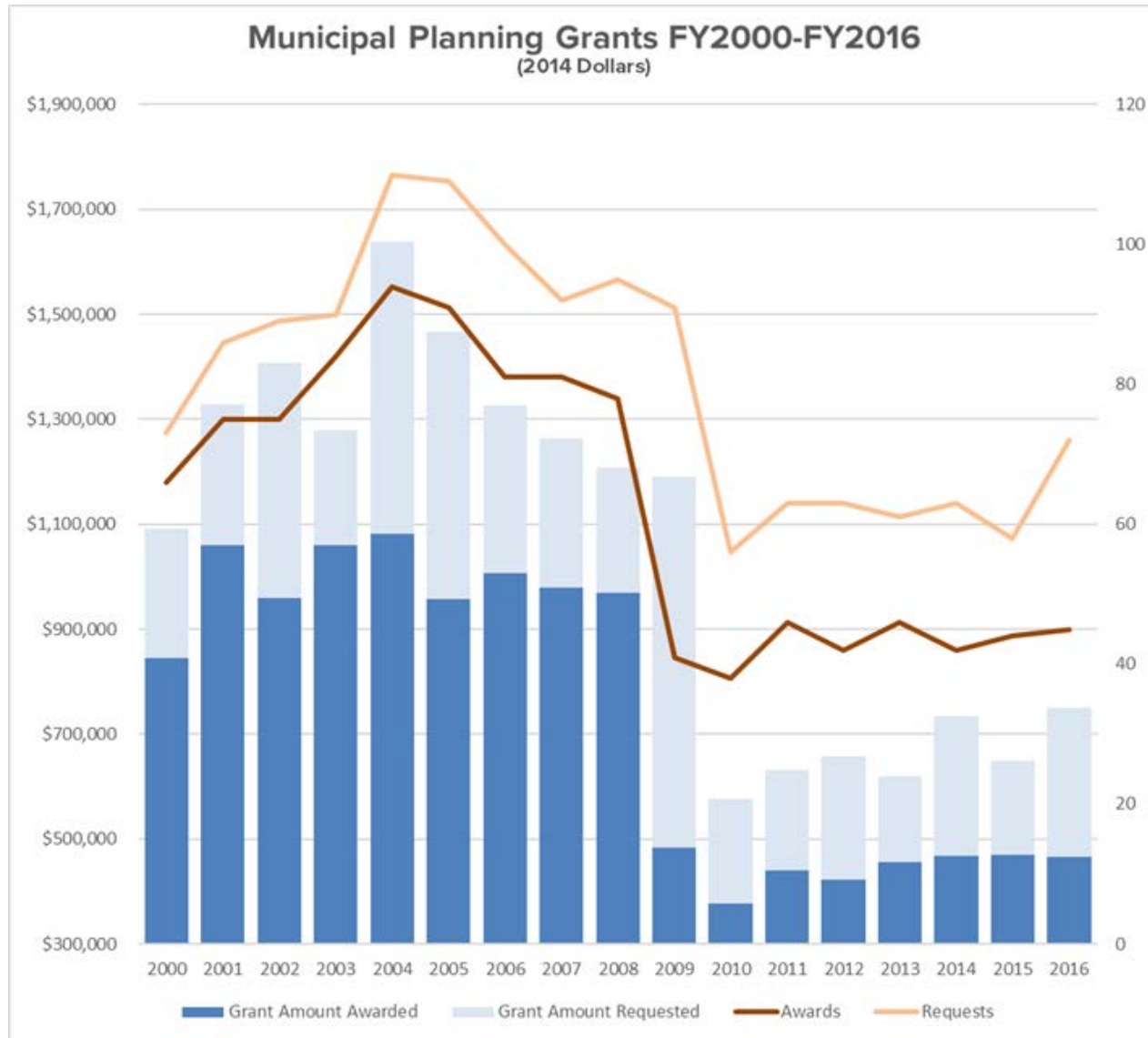
POPULATION OF VERMONT TOWNS

Population

Median population: 1,222



Municipal Planning Grants






The Municipal Plan

State Planning Manual - Module 1
December 2016













Community Planning & Revitalization

Municipal Plans & Bylaws Approved

Plans and Bylaws submitted by Municipalities that have been approved by ACCD staff for posting.

Actions 1 - 100 View: Group by Municipality...

Type	Name	Adoption Date	RPC	Date of Public Hearing
Municipality : ADDISON (3)				
Municipality : ALBANY (1)				
	Albany_Proposed_MunicipalPlan_November_2016		NVDA	12/15/2016
Municipality : ALBURGH (4)				
Municipality : ANDOVER (3)				
	Andover_Adopted_(zoning)Bylaws_September_2007	9/10/2007	SWCRC	
	Andover_Adopted_MunicipalPlan_September_2007	9/10/2007	SWCRC	
	Andover_Adopted_TownPlan_2013		SWCRC	
Municipality : ARLINGTON (4)				
Municipality : ATHENS (1)				
	Athens_Proposed_TownPlan_May_2014		WRC	6/26/2014
Municipality : BAKERSFIELD (4)				
Municipality : BALTIMORE (3)				
Municipality : BARNARD (3)				
	Barnard_Adopted_MunicipalPlan_August_2016	8/24/2016	TRORC	
	Barnard_Adopted_ZoningBylaws_November_2012	11/6/2012	TRORC	
	Barnard_Amended_MunicipalPlan_February_2012	2/1/2012	TRORC	
Municipality : BARNET (5)				
Municipality : BARRE CITY (3)				
Municipality : BARRE TOWN (6)				
Municipality : BARTON (3)				

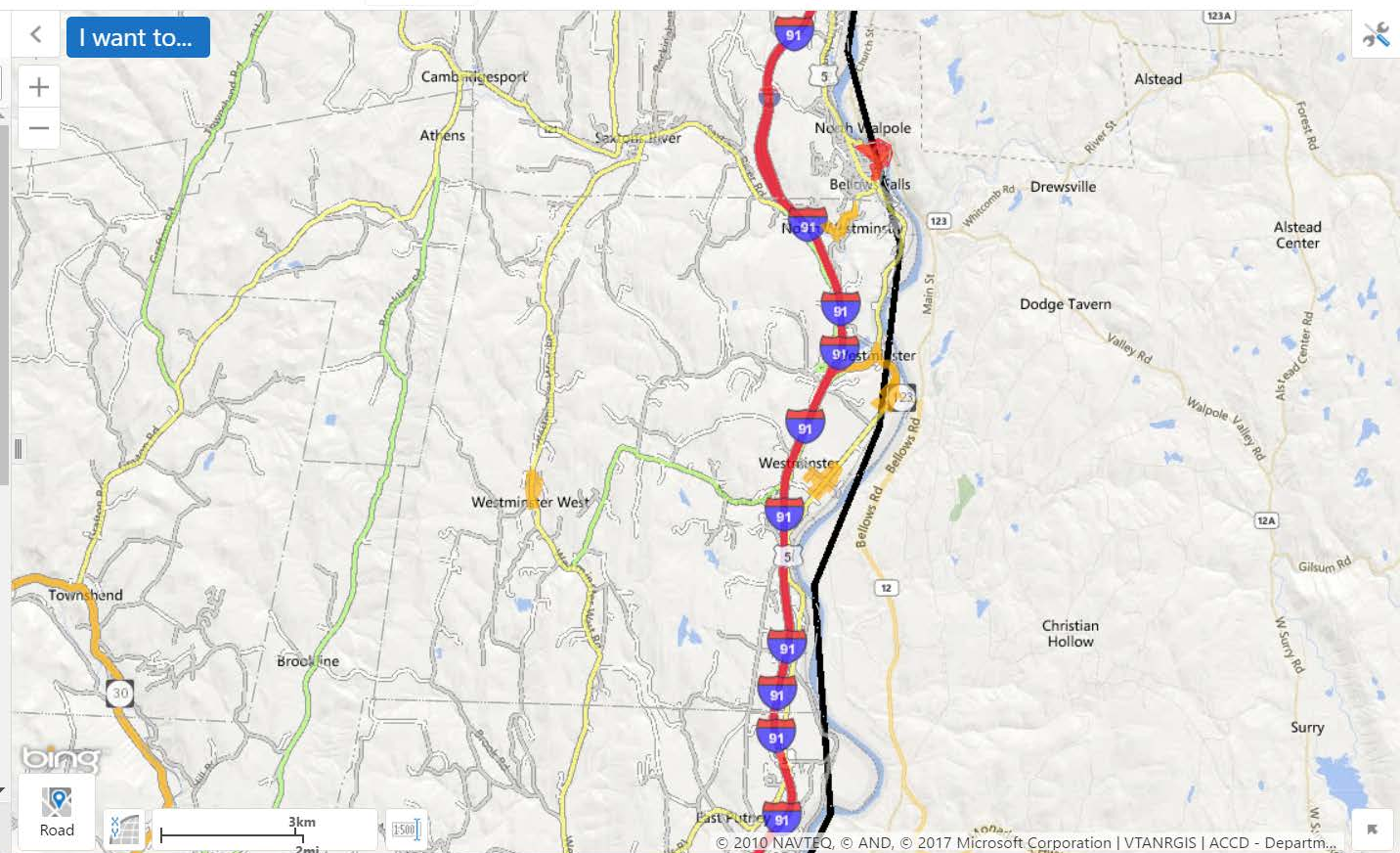


westminster

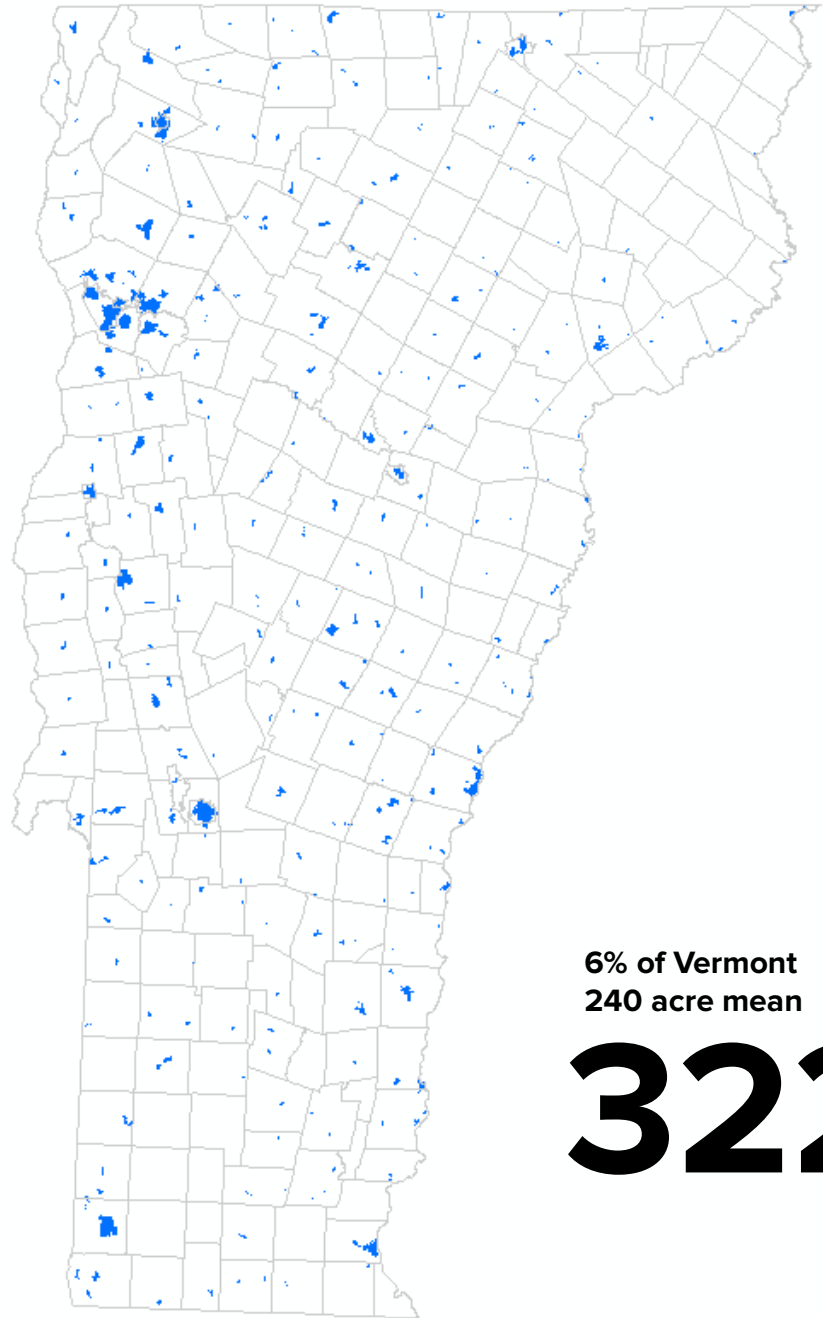
Layers

Planning Resource Atlas

- Designations, Town Plans & Bylaws
 - Designated Downtown
 - 0.5 mile downtown planning buffer
 - Village Centers
 - 0.25 mile village planning buffer
 - Growth Center
 - New Town Centers
 - Neighborhoods
 - Town Plan & Bylaws
 - Municipal Planning Grant Project
 - TIF District Boundaries (uncertified)
- Boundaries
 - Boundaries
- Natural Resources and Physical Features
 - Natural Resources and Physical Features
- Transportation
 - Transportation
 - Roads



Community Centers

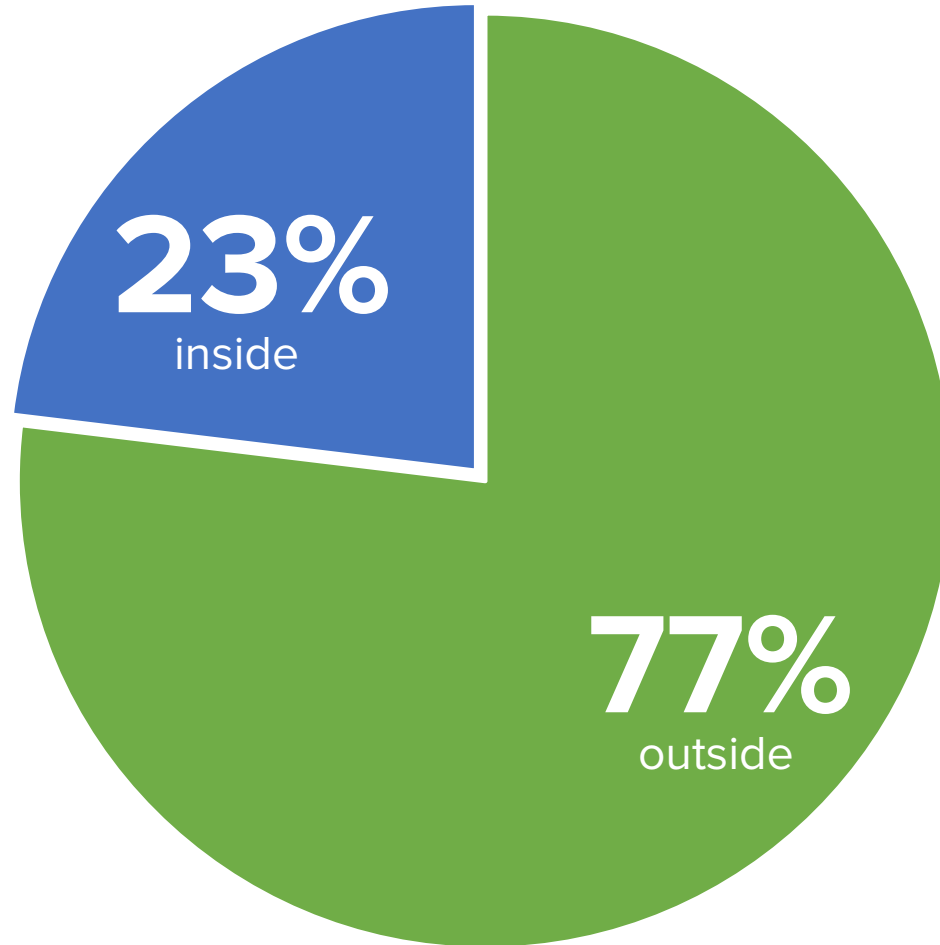


6% of Vermont
240 acre mean

322

Residential Growth 2004-2014

Residential Structures





The Five Designations

Core Designations



Village Centers (Est. 2003)



Downtowns (Est. 1998)



New Town Centers (Est. 2003)

Add-On Designations (must have a core designation to qualify):

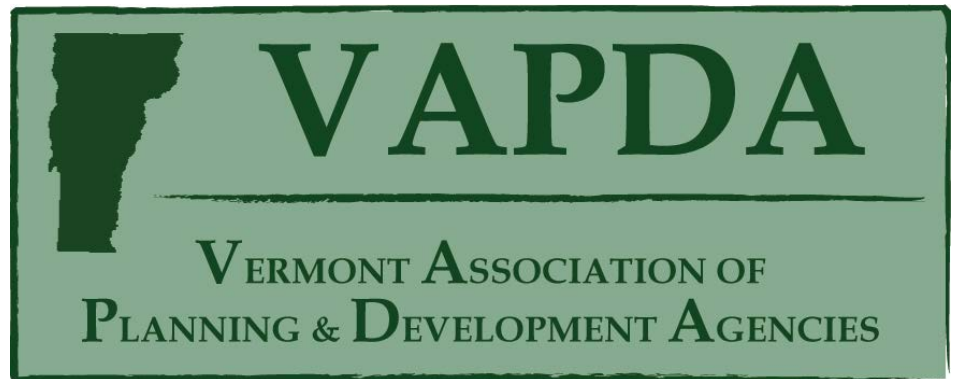


Neighborhood Development Areas (Est. 2013)



Growth Centers (Est. 2006)

VERMONT LEAGUE OF CITIES & TOWNS





Vermont Planning Information Center

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New Resources

Planning & Zoning

Technical Assistance

Grant Funding

Frequently Asked Questions

Calendar of Events

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Green Infrastructure Toolkit

Information useful to Vermont municipalities to explore how to promote the adoption of Green Infrastructure policies and practices to combat the problems caused by urban, suburban and rural stormwater runoff. To learn more click [here](#).

What's New at VPIC!

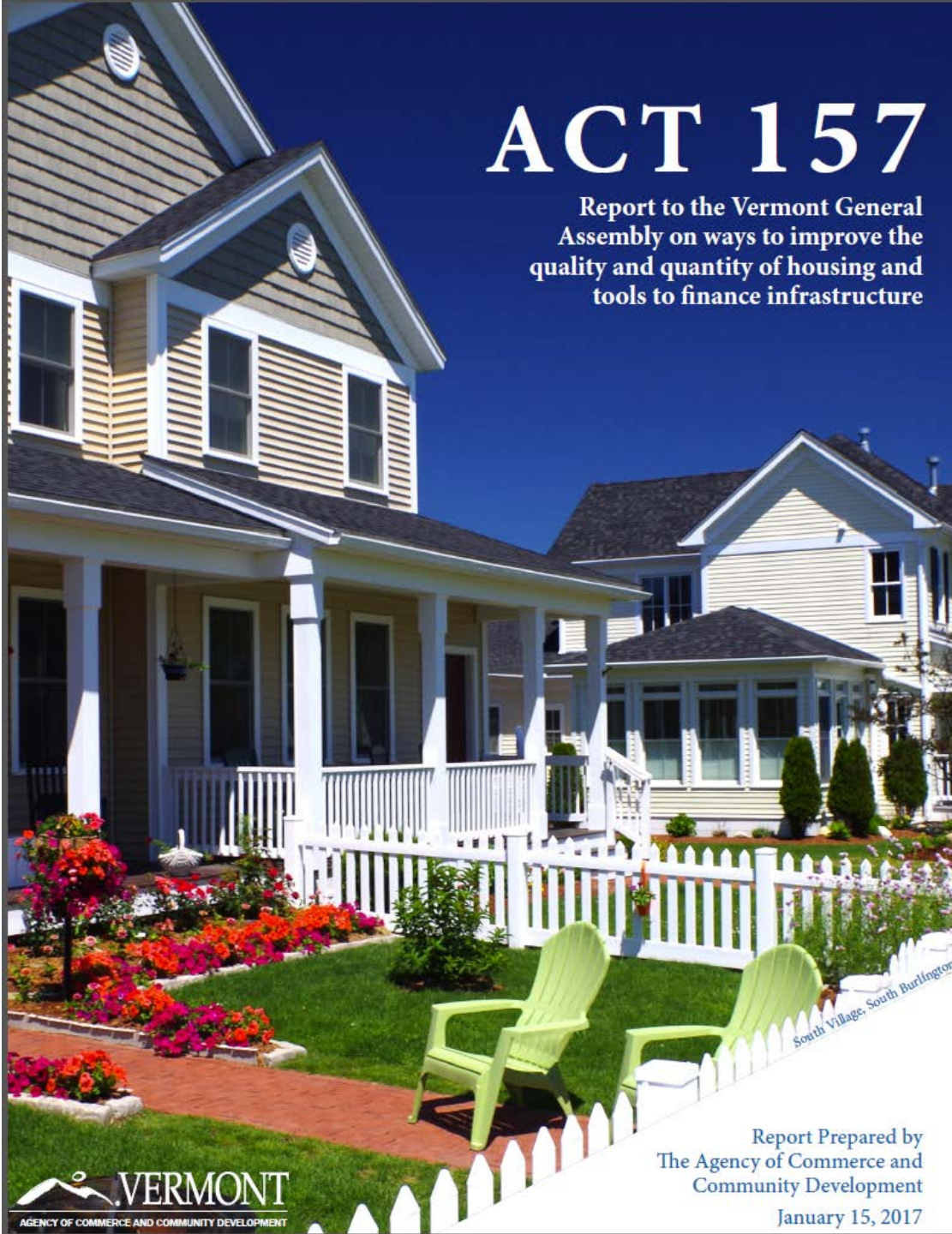
For new data and information click [here](#).

<http://www.vpic.info>



ACT 157

Report to the Vermont General
Assembly on ways to improve the
quality and quantity of housing and
tools to finance infrastructure



South Village, South Burlington