

Vermont Land Capability and Development Plan

What it was
How it was used
Why it is relevant

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Charlotte, Vermont
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My role

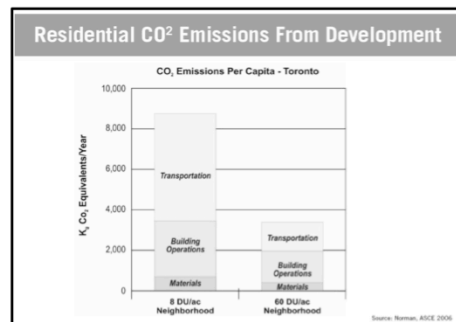
Land Use Planner, ACCD, Member Act 250 Review Committee, 1974-1976

State Planner, State Planning Office, 1976-1978

Planning Consultant, 1978 on

Purpose of H. 120

This bill proposes to make multiple changes to the State land use laws, including Act 250, to incorporate strategies to address and mitigate climate change.

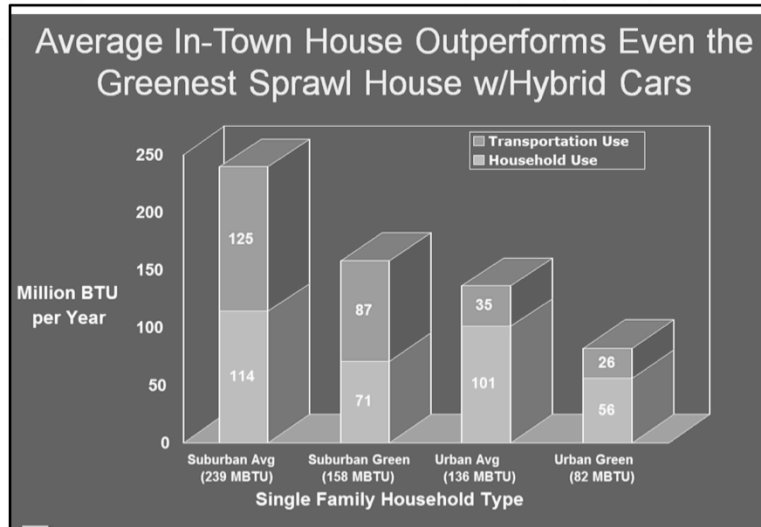


The stated purpose of the bill is addressing climate change.

This chart is a bit dated now, but what it shows in this study from Toronto is that land use has a major role to play in addressing climate change.

Look at the impact on CO₂ of different land use densities – 8 units per acre vs 60 units per acre. Now few places in VT will have 60 units per acre, but one can extrapolate from this chart that higher densities will lead to reduced CO₂ production in the transportation and building sectors – two of the biggest sources of greenhouse gas emissions.

Climate Change & Land Use



And take a look at this chart developed by the Natural Resources Defense Fund. We think that electric cars are a big solution to climate change, but just look at this chart

You can have the greenest house and drive a Prius but if you are living in ex-urbia you are still not green. Both transportation and household usage of BTUs are the lowest in an urban green single family household.

So when we think about climate change, we need to think about how we are using the land as well. And that is why the C&D Plan is important..

Vermont Capability and Development Plan

- **Built on Interim Land Capability and Development Plan**
- **Intended to serve as a guide for State Land Use Plan**
- **Set of maps by county**
- **Legislative Findings – policy statements to guide state, regional and municipal planning**
- **Criterion 9 Subsections**

The Legislative Findings

(a) This act constitutes the capability and development plan provided for in section 6042 of Title 10, and is adopted by the general assembly for the purposes set forth in that section and in section 4302 of Title 24.

(b) This act is not intended and shall not be construed to limit in any way the freedom of any person to sell or otherwise dispose of his land unless by so doing he will create a subdivision as defined by section 6001(18) of Title 10.

Sec. 7. Legislative findings

(a) In order to provide general and uniform policies on land use and development to municipal, regional, and state governmental agencies, for their guidance and consideration, and to provide the basis for the Vermont land use plan to be adopted under section 6043 of Title 10, the general assembly hereby finds and declares as follows:

PLANNING FOR LAND USE AND ECONOMIC DEVELOPMENT

(1) THE CAPABILITY OF THE LAND

The capability of land to support development or subdivision provides a foundation for judgment of whether a proposal of development or subdivision is consistent with policies designed to make reasonable use of the state's resources and to minimize waste or destruction of irreplaceable values. Accordingly, such information regarding the physical characteristics of land as is found in the interim land capability and development plan adopted under section 6041 of Title 10, and as may hereafter be adopted as a rule of the environmental board, shall be considered a part of this capability and development plan.

(2) UTILIZATION OF NATURAL RESOURCES

Products of the land and the stone and minerals under the land, as well as the beauty of our landscape are principal natural resources of the state. Preservation of the agricultural and forest productivity of the land, and the economic viability of agricultural units, conservation of the recreational opportunity afforded by

mitted only when the public interest is clearly benefited thereby.

(3) PUBLIC AND PRIVATE CAPITAL INVESTMENT

(A) A balance of public and private capital investment determines the economic well-being of a town or region. An area of industrial, recreational, or residential growth requires highways, schools, utilities, and services the cost of which is borne in large part by others. A settled area, with a full complement of public services, needs continuing private capital investment to create a tax base to pay for the services. Increased demands for and costs of public services, such as schools, road maintenance, and fire and police protection must be considered in relation to available tax revenues and reasonable public and private capital investment. The location and rate of development must be considered, so that the revenue and capital resources of the town, region or state are not diverted from necessary and reasonably anticipated increased governmental services. Accordingly, conditions may be imposed upon the rate and location of development in order to control its impact upon the community.

(B) Consideration must be given to the consequence of growth and development for the region and the state as well as for the community in which it takes place. An activity or project that imposes burdens or deprivations on other communities or the state as a whole cannot be justified on the basis of local benefit alone.

(4) PLANNING FOR GROWTH

(A) Strip development along highways and scattered residential development not related to community centers, cause increased cost of government, congestion of highways, the loss of prime agricultural lands, overtaxing of town roads and services and economic or social decline in the traditional community center.

(B) Provision should be made for the renovation of village and town centers for commercial and industrial development, where feasible, and location of residential and other development off the main highways near the village center on land which is other than primary agricultural soil.

(C) Planning at all levels should provide for the development

Key to the plan were the legislative findings that spell out the policies for development in Vermont based on land capability and other factors.

Purpose

Sec. 7. Legislative findings

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These policies weren't just there to guide Act 250 regulatory actions, but also to guide planning in the state at the municipal, regional and state levels and to provide the basis for a state land use plan.

The Policies

- **Planning for Land Use & Economic Development**
 - ✓ **Capability of Land**
 - ✓ **Utilization of Natural Resources**
 - ✓ **Public and Private Capital Investment**
 - ✓ **Planning for Growth**
 - ✓ **Seasonal Home Development**
 - ✓ **Policies for Economic Development**
 - ✓ **Areas for Resource Development**
 - ✓ **Planning for Housing**

Develop reflecting the land capability

Protect significant natural resources

Don't overburden town services and facilities

Consider regional impacts

Avoid strip development

Focus commercial, industrial and residential development in village and town centers

Growth should be generally proportionate to the existing size and scale of the community and distribution statewide

Treat seasonal homes as permanent homes

Maximize economic benefit with minimal environmental impact

Provide a diversity of housing types and choice between home ownership and rental

The Policies - 2

- **Resource Use and Conservation**
 - ✓ **Specific Natural Resources**
 - ✓ **Recreation Resources**
 - ✓ **Special Areas**
 - ✓ **Scenic Resources**
 - ✓ **Conservation of Energy**
 - ✓ **Taxation of Land**

Protect availability of outdoor recreation activities for Vermonters

Don't reduce value of sites of educational, historical, cultural, scientific, architectural or archeological value

Don't detract from scenic resources (river corridors, scenic highways, views)

Conserve energy

Set land values based on use of land consistent with Act 250

The Policies - 3

- **Government Facilities and Public Utilities**
 - ✓ **Planning for Growth**
 - ✓ **Public Facilities or Services Adjoining Agricultural or Forestry Lands**
 - ✓ **Planning for Transportation and Utility Corridors**
 - ✓ **Transportation Systems**
 - ✓ **Planning for Waste Disposal**

Plan for government and public utilities and services based on reasonable population and economic growth rates and consider the limits of the state's human, financial and natural resources

Public facilities or services shouldn't reduce the value of adjoining ag or forest lands
Keep transportation and utilities within existing corridors

Modes of transportation should be mutually supportive, balanced and integrated

Transportation should respect natural constraints

Provide for pedestrian and non motorized access

Waste disposal should be environmentally and financially sound

C&D Map: Limits for Development



In addition to policies, the C&D Plan contained a series of maps for each county.

This map from the plan shows limitations for development in Chittenden County, identifying such features as:

- Shallow soils
- Steep slopes
- Floodplains

General Land Use



This map shows where residential, commercial, and industrial development has taken place and where public facilities and services are located.

A note about these maps. They were all prepared by hand. There was no GIS in the State Planning Office at that time. The cartographers were meticulous in their work. Mapping is much quicker, faster, and even more accurate today, so this is no longer the technical challenge that it once was.

How C&D Plan Was Used

1970s

- Act 250 Review Committee
- Local and Regional Plan Reviews
- Executive Order #2 on State Public Investments
- Criterion 9 subsections
- Basis for preparation of State Land Use Plan maps

So what did we do with these policies and maps?

Review Committee of state agency reps: submitted comments from the state agencies to the district environmental commissions. Used the C&D plan maps to flag issues.

Local and Regional Plan Reviews: I was hired to review local and regional plans for their conformance to the C&D Plan policies. This raised a bit of an outcry from the RPCs and towns but it did alert them that there was a new law in town and what they needed to do to comply with it. There wasn't much enforcement, however.

Executive Order #2: Will cover in a minute

Provided the rationale and understanding for the specific language of sections of Criterion 9.

Basis for generation of State Land Use Plan maps.

Executive Order #2

WHEREAS, it is the policy of the State of Vermont, as expressed in No. 250 of the Acts of 1969, to protect and conserve the lands and environment of the state and to ensure that these lands and environment are devoted to uses which are not detrimental to the public welfare and interest; and

WHEREAS, it is the policy of the State of Vermont, as expressed in No. 85 of the Acts of 1973, to base planning for growth on a projection of reasonably expected population increase and economic growth which recognizes the limits of the state's human, financial and natural resources; and

WHEREAS, Vermont's investment in public facilities is instrumental in determining land use patterns, resource management opportunities and private investment;

Gov Tom Salmon issued this Ex Order in 1975.

In the purposes section, the order recognizes the importance to the state of:

1. Protecting critical resources
2. Planning for growth based on reasonable projections of population and economic growth
3. Making public investments that encourage growth where we want it to occur and discourage growth where we don't want it to occur.

E. O. #2

NOW, THEREFORE, I, Thomas P. Salmon, by virtue of the authority vested in me as Governor and in furtherance of the policies set forth in Chapter 151, Title 10, Vermont Statutes Annotated as amended, do hereby authorize and direct the state agencies and departments enumerated below to examine their present policies and procedures concerning public capital investment; further, I direct them to establish policies and guidelines to facilitate the review of all projects, plans, permit applications, grant requests and other like actions or undertakings involving public capital investment, to ensure that the foregoing state policies are addressed and that thereby state investments and programs will foster a rational and coherent pattern of growth in Vermont.

The order required state agencies to examine all their policies and procedures on public capital investment and insure that these investments are made in accordance with the C&D Plan policies.

At the time the order was issued there was an active State Planning Office that undertook the mapping for the C&D Plan and State Land Use Plan and developed population and economic forecasts for the state to be used by all state agencies and regional planning commissions.

When Ex Order #2 was adopted the State Planning Office took on an additional role of overseeing the integration of the C & D plan policies into the work of the state agencies

How did this work? Sewer extension and highway bypasses examples.

The goal – to have a rational and cohesive, as well as efficient pattern of development in Vermont.

Since C & D Plan

- **Section on Legislative Findings Repealed**
- **Section on State Land Use Plan Repealed**
- **Act 200 Adopted (24 VSA Ch 117) with revised goals and specific planning requirements**
- **State Planning Office eliminated**
- **Downtowns, Village Centers, New Town Centers, Growth Centers and Neighborhood Development Area Legislation Adopted (smart growth principles incorporated)**
- **GIS Mapping**

With the change in the law regarding how the C&D Policies can be used and then with the repeal of the C7D Plan, there is no use of these policies in interpreting the Act 250 criteria.

With Act 200 and Downtown and other areas legislation that are sets of legislative findings or goals for the legislation. Often these mirror the language of the C&D Plan, but they don't entirely equal it.

What is the impact today?

- **No state agency plan preparation or review.**
- **No formal regional plan review for consistency with goals and policies of Act 200 except internally within the RPC or within the years immediately following the adoption of Act 200.**
- **No coordination of planning at the municipal or regional level with the state.**
- **No review of state public capital investments to see if they conform to state policies on growth and development.**
- **No check on other state policies and regulations for conformance with adopted statewide goals and policies.**

Conclusions

- **We have most, but not all of, the C & D Plan policies but not connected to Act 250 as when the Legislative Findings of the Capability and Development Plan were in effect.**
- **We have the mapping, but is it being used in Act 250, and is it being used for planning purposes at the state, regional and local levels?**
- **We don't have:**
 - **Coordinated state review**
 - **Coordinated land use planning at state, regional and local levels**
 - **Updated state goals and policies regarding climate change**
 - **A State Planning Office preparing pop & econ projections, coordinating state's investments and planning**

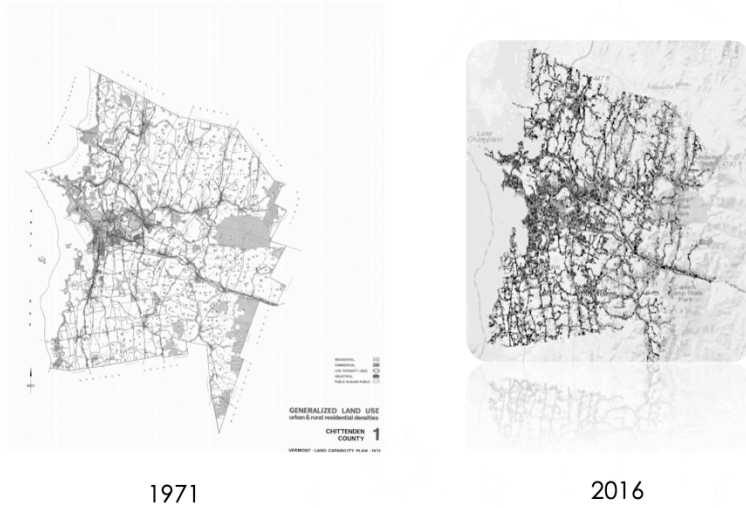
Recommendations:

- **Your goal in this bill is to make changes to Act 250 to address climate change.**
- **What more significant way for this committee to do that then to reinvigorate the Capability and Development Plan.**

Recommendations:

- **Direct state agencies to update the Capability and Development Plan maps**
- **Review the Capability and Development Plan policies in light of climate and other contemporary challenges and amend them.**
- **Readopt revised C&D Plan policies**
- **Direct state agencies to comply with the C&D Policies**
- **Review Ch 117 to insure that goals and policies as well as criteria for plans are consistent with C&D Policies.**
- **Finally, Vermont should have a State Planning Office to coordinate implementation of these policies, prepare population and economic projections, and insure that the state is making progress in achieving its climate action goals.**

Land Development



Paper maps of Land Capability and Development Plan (1971) vs GIS Maps of CCRPC today

Why is this important? Just look at what is happening.

What are we missing?