

Act 250 Capability and Development Plan
A Planning Framework to Modernize Act 250 and
Advance the State's Climate Change Goals
Vermont Planners Association Recommendations

1/14/2022



Overview

Intended as the primary policy guide for Act 250, the Capability and Development Plan, as established in [10 V.S.A. § 6042](#), offers the best vehicle for updating and aligning Act 250 with Vermont's other land use policies and programs. With the completion of the Climate Action Plan (CAP), we now have a unique opportunity to prepare a Capability and Development Plan that aligns Act 250 with the CAP as well as with the long-established municipal and regional planning frameworks in 24 V.S.A Chapter 117 and related energy and hazard mitigation planning. This would enable coordinated, multi-sector land use policies that can best address the combined challenges of climate adaptation and mitigation, infrastructure investment, housing needs, economic development, and natural resource conservation. Funding and support for a robust summer study committee to lay out the process for a 21st Century Capability and Development Plan is needed in 2022 to provide a basis for subsequent Act 250 updates.

Challenge

Act 250 exists outside the policy frameworks of state, regional and local planning processes, including the CAP. A Capability and Development Plan was adopted immediately after Act 250 went into effect in the 1970's and disabled shortly after. Since then, Act 250 has functioned without a plan to guide its legislative, administrative, and regulatory decision-making. In the 50 years since Act 250 was adopted, legislation has modernized municipal and regional planning and created other State environmental permitting, along with energy, hazard mitigation, and infrastructure planning programs with policies governing land use and development. While amendments have been made to Act 250, the fundamental framework has not changed to reflect these significant advancements.

There is no underlying Act 250 policy framework that would coordinate with and help implement the CAP. The CAP identifies the need to invest in infrastructure; update regulations; and improve data collection and analysis to better direct development to "compact centers". For this to work, consistent action must be taken at all levels of government that make decisions on land use and development, including Act 250. A Capability and Development Plan will provide consistent statewide data and mapping related to resource protection and development potential; and help provide uniformity in decision making.

Gaps in the statewide data and analyses called for in the Capability and Development Plan make well-informed decisions at the local, regional and state levels difficult.

Statewide mapping of existing "compact settlements" is necessary to address the Cross-Cutting Pathway #1 in the CAP and can improve the predictability of Act 250 and other permitting programs. We also need consistent statewide mapping and data for the existing sewer and water service areas, along with mapping for other types of infrastructure supporting existing settlements. This is important not only for land use planning, but also to support Vermont's continued economic development and for making progress in meeting climate change goals.

Better mapping of where development must be prevented or discouraged is also needed to more effectively calculate vehicle miles traveled and Green House Gases produced for compact versus dispersed development. This will further support the state's climate goals as described in the CAP.

Vermont lacks a system for producing long-term statewide growth projections that are a necessary component of land use planning and that would be needed to evaluate the capability and development potential of land in Vermont.

In the past, there was insufficient political will for a Capability and Development Plan with the kind of maps and policies that can be used to identify compact development and to protect resource lands statewide. The completion of the CAP has further emphasized the need, while technological and mapping advances make possible a rejuvenated conversation to support a statewide capability and development plan.

Opportunity

Strong momentum behind the Climate Action Plan and the once-in-a-generation infusion of federal ARPA and infrastructure funding provide the right moment for creating a Capability and Development Plan that not only serves the policy basis for a renewed Act 250 but that can align with the other planning frameworks to achieve the land use goals of the Climate Action Plan, as well as Vermont's statewide planning goals.

Mapping and data systems have also advanced significantly since the original Capability and Development plan enabling more objective processes for categorizing and analyzing land use features.

Adopting specific geographic locations for state-recognized policy priorities is politically difficult, but Vermont has programs with a track record of identifying and mapping locations for cross-cutting policy consideration, that reflect local and regional interests, and can serve as models for this undertaking.

- State Designations for Downtowns, Village Centers and New Town Centers along with the associated Neighborhood Development Areas, have brought state, regional and local policies together in support of appropriate investment in concentrated locations where development can have multiple public benefits. (24 V.S.A. Chapter 76A)
- Enhanced Energy Planning programs at the regional and local levels identify appropriate sites for renewable energy generation that influence the facility approval decisions by the state Public Utility Commission. ANR has prepared maps and data for the enhanced energy plan, and this together with the existing mapping by the regional planning commissions provided an effective and cost-effective approach for mapping that aligns state, regional and local land use policy.

Recommendations

1. **Fund staffing and provide political support for a summer study committee** led by the Vermont Center for Geographic Information (VCGI) in coordination with the Natural Resources Board (NRB) with assistance from the Agency of Natural Resources (ANR) and with input from other stakeholders, to lay out the process for a 21st Century Capability and Development Plan and to coordinate it with the data and policy framework for implementing state, regional, and municipal planning efforts, including the Climate Action Plan recommendations related to land use.
2. **Provide VCGI with funding and resources needed to produce annually updated municipal-level population and growth projections** that can serve cross sector policymaking.
3. **Restore funding for local and regional planning** and update the Planning and Development Act
4. **Initiate the Capability and Development Plan in keeping with the summer study committee recommendations and once it is complete, use it to support a legislative process that can refresh and update Act 250.**

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VPA is a non-profit advocacy and educational organization of nearly 200 planners and related professionals. We are dedicated to the advancement of community planning in Vermont at the local, regional, and state levels, to foster vibrant communities and a healthy environment.

Our membership is diverse, including municipal planners, regional planning commission staff, private planning consultants, state planning professionals, etc. We also work to coordinate VPA's advocacy and education with other groups involved in planning policy such as VAPDA (VT Association of Planning & Development Agencies), VLCT, and the Agency of Commerce and Community Development.



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