



Finding the Balance Between Local Engagement & Urgency to Act on Statewide Climate Action Policy

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By Chris Company, Executive Director, Windham Regional Commission

Vermont asks a lot of its citizen planners. It may soon ask more. I was asked by the Vermont Speaker of the House to serve on the Vermont Climate Council to represent a municipal perspective. It wasn't a position I sought, but I agreed to serve with the approval of the WRC's Executive Board. The perspective I bring to the Council is that of a planning professional with 20 plus years of experience and who has insight into the issues of the 27 towns we serve. I'm not speaking on behalf of the WRC. The Council has been hard at work in a whirlwind process. The legislature gave the Council approximately one year to ostensibly reorient Vermont's and Vermonter's relationship with energy and land use and establish a just transitions strategy to achieve all of the goals set forth in the Global Warming Solutions Act. The Climate Action Plan is due on December 2nd, and the Council still has a number of critical decisions to make. Much work will have to be done by the Council *after* the release of what we're characterizing as an initial plan. Its ongoing development will be an iterative process, including more direct and robust engagement with the public, and taking the time to apply a just transitions lens to all of its recommendations.

Town and regional planning commissions will have a role in the enactment of the Climate Action Plan to both reduce future greenhouse gas emissions as well as to create climate resilient and adaptive communities. Much of what will be asked is not new. For instance, the state's primary planning goal for regions and towns is to maintain Vermont's development pattern of compact settlements surrounded by rural countryside, and to that end most if not all town plans establish this goal as a matter of broad policy. Among other goals is the encouragement of greater climate resilience, especially related to flooding. However, we have seen the challenge planning commissions face in trying to develop strong policy frameworks in support of both of these, as well as their implementation. There's a difference between agreeing with a broad planning concept, and being able to adopt strong, prescriptive policy language and zoning to actually execute the concept. It is my opinion that we as Vermonters need to have an objective conversation about realistic expectations when it comes to adopting and enacting impactful policy with urgency.

It's my professional perspective that the extent to which strategies and actions that are dependent upon land use policy can and will be implemented in a timely manner throughout the state and to the benefit of all Vermonters relies a great deal upon the level of government that is tasked with implementation. This relates to Vermont's land use policy structure. Municipalities are given the option to develop and adopt a plan containing land use policy, and are further given the option to implement the plan through regulatory means (i.e. bylaws). *Municipalities are not required to develop a plan or bylaws.* Those that choose to adopt a plan then have an 8-year plan update or readoption window. Similarly, regional planning commissions are required to adopt a regional plan with an 8-year update or readoption window, but unlike municipalities, we do not have the option of implementing the plan through our own regulatory means; regulatory application of regional plan policies is executed through Act 250 (land use) and Section 248 (energy and energy transmission) proceedings. The choice to plan and the choice to adopt effective plan policies relies largely upon the *political capacity* of municipalities and regions. Furthermore, the *operational capacity* to implement land use policies varies widely among municipalities and among regions, the latter of whom are largely dependent upon performance-based grants through the state that tend to be narrow in focus. This results in the practical reality that:

- 1) the adoption of land use policies that reflect Vermont's climate adaptation and resilience imperatives will be left to the choice and political capacity of municipalities and regions;
- 2) the 8-year plan update or readoption window can extend by nearly a decade municipal or regional action on the imperative in question, which has implications for timeliness;
- 3) the implementation of land use policies and related strategies and actions is left to the choice of municipalities and regions, each of which can have widely-varying operational capacity to execute implementation;
- 4) 1, 2, and 3 above result in a patchwork quilt of both policies and policy implementation throughout the state, the consequence of which is uneven execution statewide that leaves entire communities of Vermonters unaffected by the state imperative in question; and
- 5) this uneven execution raises basic fairness, equity, and justice concerns.

Capacity also comes into play when it comes to state grant and loan programs. Municipalities and regions must have the capacity to access programs (i.e., be aware of grant programs and have the ability to draft and application), make successful application for their use, and administer projects within the bounds of program rules. Lack of capacity can again result in a patchwork of those Vermonters who benefit and those who do not. To the extent program access is competitive, those with greater capacity will tend to win, which has fairness, equity, and justice implications. I refer to this as the "Hunger Games" approach to state funding of municipal initiatives.

This all gets to the balance between local decision-making and the capacity to make and act on decisions deemed essential and urgent. Often, the most consequential decisions are the ones that can be the most difficult for a community to make, and they often require decisions by our

communities' volunteer planners. If an action is deemed essential for the public health, safety, and welfare for Vermonters and the state we share, it seems that we should give objective consideration to what level of government has the ability and capacity for actual implementation in a timely manner, and what partnerships are necessary for effective execution.