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UPDATED VERSION – 2/1/2024

Edits in **green**

Regional Planning Updates

\* \* \* Purpose \* \* \*

- To standardize the manner in which RPCs conduct future land use planning in order to create consistency across the state and to specifically define areas eligible for state designation, Act 250 exemption, and prioritized state investment.
- To simplify the regional plan elements to provide greater clarity about the intent of the future land use plan and to reduce the overlapping requirements of several existing elements.
- To amend the public notice requirement of municipal development application subject to quasi-judicial review, and that meet the definition of substantial regional impact and are located in areas planned for growth, to ensure that regional planning commissions and state agencies are aware of larger projects and are able to participate as interested parties given Act 250 exemptions.

\* \* \*

\* \* \* Municipal and Regional Planning Goals \* \* \*

Section **X**. 24 V.S.A. § 4302 is amended to read:

§4302. PURPOSE; GOALS

\* \* \*

(c) In addition, this chapter shall be used to further the following specific goals:

24 (1) To plan development so as to maintain the historic settlement pattern of  
25 compact village and urban centers separated by rural countryside.

26 (A) Intensive residential development should be encouraged primarily in  
27 ~~areas related to community centers~~ Downtowns, Village Centers, Planned Growth  
28 Areas and Village Areas as described in 24 V.S.A. §4348a, and strip development  
29 along highways ~~should be discouraged~~ should be avoided. These areas should be  
30 planned so as to accommodate the majority of housing needed to reach the  
31 housing targets in each region developed per 24 V.S.A. § 4348a(a)(9).

32 (B) Economic growth should be encouraged in locally and regionally  
33 designated growth areas, employed to revitalize existing village and urban  
34 centers, or both, ~~and should be encouraged in growth centers designated under~~  
35 ~~chapter 76A of this title.~~

36 (C) Public investments, including the construction or expansion of  
37 infrastructure, should reinforce the ~~general character and~~ planned growth patterns  
38 of the area.

39 (D) Development should be undertaken in accordance with smart growth  
40 principles as defined in subdivision **2791(13)** of this title.

41 \*\*\*

42 (5) To identify, protect, and preserve important natural and historic features  
43 of the Vermont landscape, including:

44 (A) significant natural and fragile areas as described in 10 V.S.A. chapter  
45 89;

46 (B) outstanding water resources, including lakes, rivers, aquifers,  
47 shorelands, and wetlands;

48 (C) significant scenic roads, waterways, and views;

49 (D) important historic structures, sites, or districts, archaeological sites,  
50 and archaeologically sensitive areas.

51 (6) To maintain and improve the quality of air, water, wildlife, forests, and  
52 other land resources.

53 (A) Vermont's air, water, wildlife, mineral, and land resources should be  
54 planned for use and development according to the principles set forth in 10 V.S.A.  
55 § 6086(a).

56 (B) Vermont's water quality should be maintained and improved  
57 according to the policies and actions developed in the basin plans established by  
58 the Secretary of Natural Resources under 10 V.S.A. § 1253.

59 (C) Vermont's forestlands should be managed so as to maintain and  
60 improve forest blocks and habitat connectors.

61 \*\*\*

62 (11) To ensure the availability of safe and affordable housing for all  
63 Vermonters.

64 (A) Housing should be encouraged to meet the needs of a diversity of  
65 social and income groups in each Vermont community, particularly for those  
66 citizens of low and moderate income, and consistent with housing targets  
67 provided per 24 V.S.A. § 4348a(a)(9).

68 (B) New and rehabilitated housing should be safe, sanitary, located  
69 conveniently to employment and commercial centers, and coordinated with the  
70 provision of necessary public facilities and utilities.

71 (C) Sites for multi-family and manufactured housing should be readily  
72 available in locations similar to those generally used for single-family  
73 conventional dwellings.

74 (D) Accessory apartments within or attached to single-family residences  
75 which provide affordable housing in close proximity to cost-effective care and  
76 supervision for relatives, elders, or persons who have a disability should be  
77 allowed.

78 \* \* \*

79 (14) To encourage flood resilient communities.

80 (A) New development in identified flood hazard, ~~fluvial erosion~~, and  
81 river corridor protection areas should be avoided. If new development is to be  
82 built in such areas, it should not exacerbate flooding and fluvial erosion.

83 (B) The protection and restoration of floodplains and upland forested  
84 areas that attenuate and moderate flooding and fluvial erosion should be  
85 encouraged.

86 (C) Flood emergency preparedness and response planning should be  
87 encouraged.

88 \* \* \*

89 \* \* \* Preparation and Adoption of Regional Plans \* \* \*

90 Section X. 24 V.S.A. § 4345a is amended to read:

91 § 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

92 A regional planning commission created under this chapter shall:

93 (5) Prepare a regional plan and amendments that are consistent with the  
94 goals established in section 4302 of this title, and compatible with approved  
95 municipal and adjoining regional plans. When preparing a regional plan, the  
96 regional planning commission shall:

97 (A) develop and carry out a process that will encourage and enable  
98 widespread citizen involvement and meaningful participation, as defined in 3  
99 V.S.A. § 6002;

100 (B) develop a regional data base that is compatible with, useful to, and  
101 shared with the geographic information system established under 3 V.S.A. § 20;

102 (C) conduct capacity studies;

103 (D) identify areas of regional significance. Such areas may be, but are  
104 not limited to, historic sites, earth resources, rare and irreplaceable natural areas,  
105 recreation areas and scenic areas;

106 ~~(E) use a land evaluation and site assessment system, that shall at a~~  
107 ~~minimum use the criteria established by the Secretary of Agriculture, Food and~~  
108 ~~Markets under 6 V.S.A. § 8, to identify viable agricultural lands;~~

109 (F) consider the probable social and economic benefits and  
110 consequences of the proposed plan; ~~and~~

111 (G) consider the potential environmental benefits and environmental  
112 burdens, as defined in 3 V.S.A. §6002, of the proposed plan; and



136 resources, best promote the health, safety, order, convenience, prosperity, and  
137 welfare of current and future ~~the~~ inhabitants as well as efficiency and economy in  
138 the process of development. This general purpose includes recommending a  
139 distribution of population and of the uses of the land for urbanization, trade,  
140 industry, habitation, recreation, agriculture, forestry, and other uses as will tend  
141 to:

142 (1) create conditions favorable to transportation, health, safety, civic  
143 activities, and educational and cultural opportunities;

144 (2) reduce the wastes of financial, energy, and human resources which  
145 result from either excessive congestion or excessive scattering of population;

146 (3) promote an efficient and economic utilization of drainage, energy,  
147 sanitary, and other facilities and resources;

148 (4) promote ~~the~~ conservation of the supply of food, water, energy, and  
149 minerals;

150 (5) promote the production of food and fiber resources and the reasonable  
151 use of mineral, water, and renewable energy resources; ~~and~~

152 (6) promote the development of housing suitable to the needs of the region  
153 and its communities; and

154 (7) ensure that communities equitably build resilience to address the  
155 effects of climate change through mitigation and adaptation consistent with the  
156 Vermont Climate Action Plan (10 V.S.A. § 592).

157 \* \* \*

158 Section **X**. 24 V.S.A. § 4348 is amended to read:

159 § 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

160 (a) A regional planning commission shall adopt a regional plan. Any plan for  
161 a region, and any amendment thereof, shall be prepared by the regional planning  
162 commission. At the outset of the planning process and throughout the process,  
163 regional planning commissions shall solicit the participation of and collaboration  
164 with municipalities, local citizens and organizations by holding informal working  
165 sessions that suit the needs of local people. These public engagement efforts shall  
166 follow guidance developed to provide meaningful participation and address  
167 environmental justice per 3 V.S.A. chapter 72.

168 (b) A regional planning commission shall submit a draft regional plan to the  
169 Environmental Review Board and Agency of Commerce and Community  
170 Development for preliminary review and comments related to conformance of the  
171 draft with sections 4302 and 4348a of this title. The Agency shall coordinate with  
172 other state agencies and respond within 60 days unless more time is granted by  
173 the regional planning commission.

174 ~~(c)~~(b) The regional planning commission shall hold two or more public  
175 hearings within the region after public notice on any proposed plan or  
176 amendment. The minimum number of required public hearings may be specified  
177 within the bylaws of the regional planning commission.

178 ~~(d)~~ (e) At least 30 days prior to the first hearing, a copy of the proposed plan  
179 or amendment, a report documenting conformance with the goals established in  
180 section 4302 of this title and the plan elements established in section 4348a of this  
181 title, a description of any changes to the Regional Future Land Use Map, and the



182 definition of substantial regional impact with a request for general comments and  
183 for specific comments with respect to the extent to which the plan or amendment  
184 is consistent with the goals established in section 4302 of this title, shall be  
185 delivered physically or electronically with proof of receipt or sent by certified  
186 mail, return receipt requested, to each of the following:

187 (1) the chair of the legislative body of each municipality within the region;

188 (2) the executive director of each abutting regional planning commission;

189 (3) the Department of Housing and Community Development within the  
190 Agency of Commerce and Community Development and the Downtown Board  
191 for a formal review and recommendation;

192 (4) business, conservation, low-income advocacy, and other community or  
193 interest groups or organizations that have requested notice in writing prior to the  
194 date the hearing is warned; and

195 (5) the Agency of Natural Resources, the Agency of Agriculture, Food and  
196 Markets, the Agency of Transportation, the Department of Public Service, the  
197 Department of Public Safety's Division of Emergency Management; and the  
198 Environmental Review Board.

199 (e) ~~(d)~~ Any of the foregoing bodies, or their representatives, may submit  
200 comments on the proposed regional plan or amendment to the regional planning  
201 commission and may appear and be heard in any proceeding with respect to the  
202 adoption of the proposed plan or amendment.

203 (f) ~~(e)~~ The regional planning commission may make revisions to the proposed  
204 plan or amendment at any time not less than 30 days prior to the final public

205 hearing held under this section. If the proposal is changed, a copy of the proposed  
206 change shall be delivered physically, ~~or~~ electronically with proof of receipt, or by  
207 certified mail, return receipt requested, to the chair of the legislative body of each  
208 municipality within the region, and to any individual or organization requesting a  
209 copy, at least 30 days prior to the final hearing.

210 (g) ~~(f)~~ A regional plan or amendment shall be adopted by not less than a 60  
211 percent vote of the commissioners representing municipalities, in accordance with  
212 the bylaws of the regional planning commission, ~~and immediately submitted to~~  
213 ~~the legislative bodies of the municipalities that comprise the region. The plan or~~  
214 ~~amendment shall be considered duly adopted and shall take effect 35 days after~~  
215 ~~the date of adoption, unless, within 35 days of the date of adoption, the regional~~  
216 ~~planning commission receives certification from the legislative bodies of a~~  
217 ~~majority of the municipalities in the region vetoing the proposed plan or~~  
218 ~~amendment. In case of such a veto, the plan or amendment shall be deemed~~  
219 ~~rejected.~~

220 (h) A regional planning commission shall submit its regionally-adopted  
221 regional plan to the **Environmental Review** Board for a determination of regional  
222 plan compliance the following: a report documenting conformance with the goals  
223 established in section 4302 of this title and the plan elements established in  
224 section 4348a of this title, a description of any changes to the Regional Future  
225 Land Use Map, the definition of substantial regional impact, a recommendation  
226 from the Downtown Board. Within 30 days of submittal of the plan,  
227 **Environmental Review** Board staff shall provide a recommendation and the

228 Environmental Review Board shall warn a public hearing noticed at least 15 days  
229 in advance by direct mail or electronically with proof of receipt to the requesting  
230 regional planning commission, posting on the website of the Environmental  
231 Review Board, and publication in a newspaper of general circulation in the region  
232 affected. The regional planning commission shall notify their municipalities and  
233 post on their website the public hearing notice. The recommendation from the  
234 Downtown Board shall receive substantial deference from the Environmental  
235 Review Board with respect to the mapping of proposed Downtowns, Village  
236 Centers, Planned Growth Areas, and Village Areas. The Environmental Review  
237 Board shall issue the determination in writing within 45 days after the receipt of a  
238 request for a determination. If the determination is affirmative, a copy of the  
239 determination shall be provided to the regional planning commission and the  
240 Environmental Review Board. If the determination is negative, the Environmental  
241 Review Board shall state the reasons for denial in writing and, if appropriate,  
242 suggest acceptable modifications. Submissions for a new determination that  
243 follow a negative determination shall receive a new determination within 45 days.  
244 The Environmental Review Board's affirmative determination shall be based  
245 upon finding the regional plan meets the following requirements:

246 (1) consistency with the state planning goals as described in subdivision  
247 4302 of this title with consistency determined in the manner described under  
248 section 4302(f)(1) of this title;

249 (2) consistency with the regional plan elements as described in section  
250 4348a of this title. The requirements of subdivision 4352 of this title related to

251 enhanced energy planning shall be the under the sole authority of the Public  
252 Service Department and shall not be reviewed by the Downtown Development  
253 Board; and

254 (3) compatibility with adjacent regional planning areas in the manner  
255 described under section 4302(f)(2) of this title.

256 (i) Minor Amendments to Regional Future Land Use Plan. A regional  
257 planning commission and a municipality may submit a joint request for a minor  
258 amendment to boundaries of a Designated Area per 24 V.S.A. section XXXX for  
259 consideration by the Environmental Review Board. The joint request may only be  
260 submitted after an affirmative vote of the municipal legislative body and the  
261 regional planning commission board. The Environmental Review Board, after  
262 consultation with the Downtown Development Board and the regional planning  
263 commissions, will provide guidance about what constitutes a minor amendment.  
264 Minor amendments may include any change to a future land use district consisting  
265 of less than 10 acres. A minor amendment to a Designated Area plan shall not  
266 require an amendment to a regional plan as outlined in section 4348 of this title.

267 (j) An affirmative determination of regional plan compliance issued pursuant  
268 to this section shall remain in effect until the end of the period for expiration or  
269 readoption of the plan to which it applies.

270 (k) Regional planning commissions shall be provided up to 18 months from a  
271 negative determination by the Environmental Review Board to obtain an  
272 affirmative determination of regional plan compliance. If a regional planning  
273 commission is unable to obtain affirmative determination of regional plan

274 compliance, member municipalities will lose benefits related to Designations, Act  
275 250, or State infrastructure investments ADD REFERENCES.

276 (l) Upon approval by the Environmental Review Board, the plan shall be  
277 considered duly adopted, shall take effect, and is not appealable. The plan shall be  
278 immediately submitted to the entities listed in paragraph (d) above.

279 (m)-(g) Regional plans may be reviewed from time to time and may be  
280 amended in the light of new developments and changed conditions affecting the  
281 region. As specifically enabled in subsection 4353, minor amendments to the  
282 Designated Areas do not require the amendment of a regional plan. All minor  
283 amendments to Designated Areas shall be compiled and included in the next  
284 iteration of the regional plan.

285 (n)-(h) In proceedings under 10 V.S.A. chapter 151, 10 V.S.A. chapter 159,  
286 and 30 V.S.A. § 248, in which the provisions of a regional plan or a municipal  
287 plan are relevant to the determination of any issue in those proceedings:

288 (1) the provisions of the regional plan shall be given effect to the extent  
289 that they are not in conflict with the provisions of a duly adopted municipal plan;

290 (2) to the extent that such a conflict exists, the regional plan shall be given  
291 effect if it is demonstrated that the project under consideration in the proceedings  
292 would have a substantial regional impact.

293 (o) Regional planning commissions shall adopt a regional plan in  
294 conformance this title by December 31, 2026.

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\* \* \*

297 Section ~~X~~. 24 V.S.A. § 4348a is amended to read:

298 §4348a. ELEMENTS OF A REGIONAL PLAN

299 (a) A regional plan shall be consistent with the goals established in section  
300 4302 of this title and shall include the following:

301 (1) A statement of basic policies of the region to guide the future growth  
302 and development of land and of public services and facilities, and to protect the  
303 environment.

304 (2) A natural resources and working lands ~~land use~~ element, which shall  
305 consist of a map or maps and policies ~~statement of present and prospective land~~  
306 ~~uses~~, that:

307 (A) Indicates those areas of significant natural resources, including  
308 proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas,  
309 floodplains, river corridors, recreation, agriculture, (using the agricultural lands  
310 identification process established in 6 V.S.A. § 8), residence, commerce, industry,  
311 public, and semi-public uses, open spaces, areas reserved for flood plain, forest  
312 blocks, habitat connectors, recreation areas and recreational trails, and areas  
313 identified by the State, regional planning commissions, or municipalities that  
314 require special consideration for aquifer protection; for wetland protection; for the  
315 maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other  
316 conservation purposes.

317 ~~(B) Indicates those areas within the region that are likely candidates for~~  
318 ~~designation under sections 2793 (downtown development districts), 2793a~~

319 ~~(village centers), 2793b (new town centers), and 2793c (growth centers) of this~~  
320 ~~title.~~

321 ~~(C) Indicates locations proposed for developments with a potential for~~  
322 ~~regional impact, as determined by the regional planning commission, including~~  
323 ~~flood control projects, surface water supply projects, industrial parks, office parks,~~  
324 ~~shopping centers and shopping malls, airports, tourist attractions, recreational~~  
325 ~~facilities, private schools, public or private colleges, and residential developments~~  
326 ~~or subdivisions.~~

327 ~~(D) Sets forth the present and prospective location, amount, intensity,~~  
328 ~~and character of such land uses and the appropriate timing or sequence of land~~  
329 ~~development activities in relation to the provision of necessary community~~  
330 ~~facilities and services.~~

331 ~~(B) (E)~~ Indicates those areas that have the potential to sustain agriculture  
332 and recommendations for maintaining them which may include transfer of  
333 development rights, acquisition of development rights, or farmer assistance  
334 programs.

335 ~~(C) (F)~~ Indicates those areas that are important as forest blocks and  
336 habitat connectors and plans for land development in those areas to minimize  
337 forest fragmentation and promote the health, viability, and ecological function of  
338 forests. A plan may include specific policies to encourage the active management  
339 of those areas for wildlife habitat, water quality, timber production, recreation, or  
340 other values or functions identified by the regional planning commission.

341 (3) An energy element, ~~may include~~ including an analysis of resources,  
342 needs, scarcities, costs, and problems within the region across all energy sectors,  
343 including electric, thermal, and transportation; a statement of policy on the  
344 conservation and efficient use of energy and the development and siting of  
345 renewable energy resources; a statement of policy on patterns and densities of  
346 land use likely to result in conservation of energy; and an identification of  
347 potential areas for the development and siting of renewable energy resources and  
348 areas that are unsuitable for siting those resources or particular categories or sizes  
349 of those resources.

350 (4) A transportation element, ~~which may consist~~ ing of a statement of  
351 present and prospective transportation and circulation facilities, and a map  
352 showing existing and proposed highways, including limited access highways, and  
353 streets by type and character of improvement, and where pertinent, anticipated  
354 points of congestion, parking facilities, transit routes, terminals, bicycle paths and  
355 trails, scenic roads, airports, railroads and port facilities, and other similar  
356 facilities or uses, and recommendations to meet future needs for such facilities,  
357 with indications of priorities of need, costs, and method of financing.

358 (5) A utility and facility element, consisting of a map and statement of  
359 present and prospective local and regional community facilities and public  
360 utilities, whether publicly or privately owned, showing existing and proposed  
361 educational, recreational and other public sites, buildings and facilities, including  
362 public schools, State office buildings, hospitals, libraries, power generating plants  
363 and transmission lines, wireless telecommunications facilities and ancillary



364 improvements, water supply, sewage disposal, refuse disposal, storm drainage,  
365 and other similar facilities and activities, and recommendations to meet future  
366 needs for those facilities, with indications of priority of need.

367 (6) ~~A statement of p~~Policies on the:

368 (A) preservation of rare and irreplaceable natural areas, scenic and  
369 historic features and resources; and

370 (B) protection and improvement of the quality of waters of the State to  
371 be used in the development and furtherance of the applicable basin plans  
372 established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

373 (7) A program for the implementation of the regional plan's objectives,  
374 including a recommended investment strategy for regional facilities and services  
375 based on a capacity study of the elements in this section.

376 (8) A statement indicating how the regional plan relates to development  
377 trends, needs, and plans and regional plans for adjacent municipalities and  
378 regions.

379 (9) A housing element that identifies the regional and community-level need  
380 for housing that will result in an adequate supply of building code and energy  
381 code compliant homes where most households spend not more than 30 percent of  
382 their income on housing and not more than 15 percent on transportation. To  
383 establish housing needs, the Department of Housing and Community  
384 Development shall publish statewide and regional housing targets or ranges as  
385 part of the Statewide Housing Needs Assessment. The regional planning  
386 commission shall consult the Statewide Housing Needs Assessment; current and

387 expected demographic data; the current location, quality, types, and cost of  
388 housing; other local studies related to housing needs; and data gathered pursuant  
389 to subsection 4382(c) of this title. If no such data has been gathered, the regional  
390 planning commission shall gather it. The regional planning commission's  
391 assessment shall estimate the total needed housing investments in terms of price,  
392 quality, unit size or type, and zoning district as applicable and shall disaggregate  
393 regional housing targets or ranges by municipality. The housing element shall  
394 include a set of recommended actions to satisfy the established needs.

395 (10) An economic development element that describes present economic  
396 conditions and the location, type, and scale of desired economic development, and  
397 identifies policies, projects, and programs necessary to foster economic growth.

398 (11)(A) A flood resilience element that:

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

405 (ii) recommends policies and strategies to protect the areas  
406 identified and designated under this subdivision (A) and to mitigate risks to public  
407 safety, critical infrastructure, historic structures, and public investments.

408 (B) A flood resilience element may reference an existing regional  
409 hazard mitigation plan approved under 44 C.F.R. § 201.6.

410           (12) A future land use element based upon the elements above, which sets  
411 forth the present and prospective location, amount, intensity, and character of  
412 such land uses in relation to the provision of necessary community facilities and  
413 services and shall consist of a map delineating future land use area boundaries for  
414 the land uses below as appropriate and any other special land use category the  
415 regional planning commission deems necessary, descriptions of intended future  
416 land uses, and policies intended to support the implementation of the future land  
417 use element using the following land use categories:

418           (A) Downtown/Village Centers: These areas are the vibrant, mixed-use  
419 centers bringing together community economic activity and civic assets. Includes  
420 hamlets, villages, new town centers, and larger downtowns seeking benefits under  
421 the State Designation Program. The Downtown/Village Centers are the central  
422 business and civic centers within Planned Growth Areas, Village Areas, or may  
423 stand alone.

424           (B) Planned Growth Areas: Includes the densest existing settlement  
425 and future growth areas with the highest concentrations of population, housing,  
426 and employment in each region and town, as appropriate. They include a mix of  
427 commercial, residential, and civic or cultural sites with active streetscapes,  
428 supported by land development regulations, public water and/or wastewater and  
429 multi-modal transportation systems. These areas include historic or new town  
430 centers, downtowns, and village centers. These areas should substantially meet  
431 the following criteria:

432 (i) The municipality has a duly adopted and approved plan and a  
433 planning process that is confirmed in accordance with section 4350 of this title  
434 and has adopted bylaws and regulations in accordance with sections 4414, 4418,  
435 and 4442 of this title.

436 (ii) The area is generally within walking distance from the  
437 municipality's, or an adjacent municipality's, downtown, village center, new town  
438 center or growth center.

439 (iii) The area excludes identified flood hazard and fluvial erosion  
440 areas, except those areas containing preexisting development in areas suitable for  
441 infill development as defined in § 29-201 of the Vermont Flood Hazard Area and  
442 River Corridor Rule.

443 (iv) The municipal plan indicates that this area is intended for higher  
444 density residential and mixed use development.

445 (v) The area provides for housing that meets the needs of a diversity  
446 of social and income groups in the community as described in the municipality's  
447 plan to achieve their housing targets developed under 24 V.S.A. § 4348a for the  
448 full range of housing.

449 (vi) The area is served by planned or existing transportation  
450 infrastructure that conforms with "complete streets" principles as described under  
451 19 V.S.A. § 309d and establishes pedestrian access directly to the downtown,  
452 village center, or new town center.

453 (vii) Reflects a planned settlement pattern that, at full build-out, is  
454 not characterized by:

- 455 (a) scattered development located outside compact urban and  
456 village centers that is excessively land consumptive;
- 457 (b) development that limits transportation options, especially  
458 for pedestrians;
- 459 (c) the fragmentation of farmland and forestland;
- 460 (d) development that is not serviced by municipal  
461 infrastructure or that requires the extension of municipal infrastructure across  
462 undeveloped lands in a manner that would extend service to lands located outside  
463 compact village and urban centers;
- 464 (e) linear development along well-traveled roads and highways  
465 that lacks depth, as measured from the highway.

466 (C) Village Areas: Includes the traditional settlement area or a  
467 proposed new settlement area, typically comprised of a cohesive mix of  
468 residential, civic, religious, commercial, and mixed-use buildings, arranged along  
469 a main street and intersecting streets that are within walking distance for residents  
470 who live within and surrounding the core. Village Areas may or may not have one  
471 of the following: have water, sewer, or soils that are adequate for wastewater  
472 disposal, and land development regulations. They provide some opportunity for  
473 infill development or new development areas where the village can grow and be  
474 flood resilient. These areas include existing village center designations and  
475 similar areas statewide, but this area is larger than the Village Center designation.  
476 These areas should substantially meet the following criteria:

477 (i) The municipality has a duly adopted and approved plan and a  
478 planning process that is confirmed in accordance with section 4350 of this title  
479 and has adopted bylaws and regulations in accordance with sections 4414, 4418,  
480 and 4442 of this title.

481 (ii) The area excludes identified flood hazard and fluvial erosion  
482 areas, except those areas containing preexisting development in areas suitable for  
483 infill development as defined in § 29-201 of the Vermont Flood Hazard Area and  
484 River Corridor Rule.

485 (D) Transition/Infill Area: Includes areas of existing or planned  
486 commercial, office, mixed-use development, or residential uses either adjacent to  
487 a Planned Growth or Village Area or a new stand-alone Transition Area and  
488 served by, or planned for, water and/or wastewater. The intent of this land use  
489 category is to transform these areas into higher-density, mixed use settlements, or  
490 residential neighborhoods through infill and redevelopment or new development.  
491 New commercial strip auto-oriented development is not allowed as to prevent  
492 negatively impacting the economic vitality of commercial areas in the adjacent or  
493 nearby Planned Growth or Village Area. This area could also include adjacent  
494 greenfields safer from flooding and planned for future growth.

495 (E) Resource-Based Recreation Areas: Includes large-scale resource-  
496 based, recreational facilities, often concentrated around ski resorts, lakeshores, or  
497 concentrated trail networks, which provide infrastructure, jobs, and housing to  
498 support recreational activities.

499           (F) Enterprise: Includes locations of high economic activity and  
500 employment which are not adjacent to Planned Growth Areas. These include  
501 industrial parks, areas of natural resource extraction, or other commercial uses  
502 which involve larger land areas. Enterprise areas typically have ready access to  
503 water supply, sewage disposal, electricity, and freight transportation networks.

504           (G) Hamlet: Small historic clusters of homes and perhaps a school,  
505 church, store, or other public buildings not planned for significant growth; no  
506 public water supply or wastewater systems, and mostly focused along 1-2 roads.  
507 These may be depicted as points on the FLU map.

508           (H) Rural - General: Include areas that promote the preservation of  
509 Vermont's traditional working landscape and natural area features. They allow for  
510 low-density residential and sometimes limited commercial development that is  
511 compatible with productive lands and natural areas. This could also include an  
512 area that a municipality is planning to make more rural than it is currently.

513           (I) Rural - Agricultural and Forestry: Include blocks of forest or  
514 farmland that sustain resource industries, provide critical wildlife habitat and  
515 movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty,  
516 and contribute to economic well-being and quality of life. Development in these  
517 areas should be carefully managed to promote the working landscape and rural  
518 economy, and address regional goals, while protecting the agricultural and forest  
519 resource value. Consistent with Act 171 requirements.

520           (J) Rural - Conservation: Include areas **intended to be conserved that**  
521 **are important to consider for conservation** often with regulations or State or non-

522 profit purchase of property rights limiting development, fragmentation, and  
523 conversion in order to maintain ecological health and scenic beauty. These lands  
524 have significant ecological value, and require special protection due to their  
525 uniqueness, fragility, or ecological importance. They may include protected lands,  
526 areas with specific features like steep slopes or endangered species, wetlands,  
527 flood hazard areas, and shoreline protection areas *more specific direction from the*  
528 *legislature with regard to which resources are the minimum to be included is*  
529 *needed here.* *The areas are largely undeveloped and often include nature-based*  
530 *activities.* Some portion of managed forest land will likely fall into this category.  
531 The mapping of this area is intended to help meet requirements of Act 171 and 10  
532 V.S.A. chapter 89 – ADD STATUTORY REFERENCES.

533 (b) The various elements and statements shall be correlated with the land use  
534 element and with each other. The maps called for by this section may be  
535 incorporated on one or more maps, and may be referred to in each separate  
536 statement called for by this section.

537 \* \* \*

538 \* \* \* Municipal Bylaws \* \* \*

539 Section X 24 V.S.A. § 4462 is amended to read:

540 § 4462. COMBINED REVIEW

541 (a) If more than one type of review is required for a project, the reviews, to the  
542 extent feasible, shall be conducted concurrently. A process defining the sequence  
543 of review and issuance of decisions shall be defined in the bylaw.



544 (b) Local and, if applicable, state development review and permitting shall be  
545 coordinated for land development that constitutes a substantial regional impact, as  
546 defined in subsection XXXX of this title, or for land development which  
547 generates 75 or more peak hour trip ends (according to the latest version of the  
548 ITE Trip Generation Manual) which is located in a geographic area exempt from  
549 Act 250 jurisdiction per section XXXX of this title or 10 V.S.A. § XXXX.

550 (1) Applicants for land development subject to this section are required to  
551 obtain and submit a State Project Review Sheet to the municipality for all  
552 applications requiring approval by the appropriate municipal panel.

553 (2) The municipality shall provide notification to all interested persons listed  
554 in section 4464 of this title for land development subject to this section.

555 (3) The appropriate municipal panel shall give due consideration to comments  
556 from state agencies identified as interested persons in section 4465 of this title in  
557 their decision making.

558 (4) The appropriate municipal panel may issue a decision conditioning a  
559 municipal quasi-judicial decision upon the issuance of a state permit. If a  
560 transportation impact fee is required by the Secretary of Transportation, as  
561 enabled in 10 V.S.A. §6104, the appropriate municipal panel shall condition any  
562 quasi-judicial decision upon payment of this fee. This authority shall not be  
563 deemed a conflict with section 4449(e) of this title.

564 (5) Administration. The administrative officer is enabled with the authority to  
565 enforce a decision of the appropriate municipal panel that conditions municipal

566 approval upon the issuance of a state permit. This authority shall not be deemed a  
567 conflict with section 4449(e) of this title.

568 \* \* \*

569 Section X 24 V.S.A. § 4464 is amended to read:

570 § 4464. HEARING AND REQUIREMENTS; DECISIONS AND CONDITIONS;  
571 ADMINISTRATIVE REVIEW; ROLE OF ADVISORY COMMISSIONS IN  
572 DEVELOPMENT REVIEW

573 (a) Notice procedures. All development review applications before an appropriate  
574 municipal panel under procedures set forth in this chapter shall require notice as  
575 follows.

576 (1) A warned public hearing shall be required for conditional use review,  
577 variances, administrative officer appeals, and final plat review for subdivisions.  
578 Any public notice for a warned public hearing shall be given not less than 15 days  
579 prior to the date of the public hearing by all the following:

580 \* \* \*

581 (D) Written notification to the regional planning commission of the subject  
582 municipality and the Secretary of Transportation for all quasi-judicial  
583 development applications within areas exempted from Act 250 per 10 V.S.A. §  
584 XXXX that meet the definition of substantial regional impact or which generates  
585 75 or more peak hour trip ends.

586 (E) The notice shall be sent to the clerk and the chair of the appropriate  
587 municipal panel of an adjacent municipality, in the case of an application located

588 within 500 feet of a municipal boundary, at least 15 days prior to the public  
589 hearing.

590 \* \* \*

591 (2) Public notice for hearings on all other types of development review, including  
592 site plan review, shall be given not less than seven days prior to the date of the  
593 public hearing, and shall include at a minimum all the following:

594 \* \* \*

595 (C) Written notification to the regional planning commission of the subject  
596 municipality and the Secretary of Transportation for all applications requiring the  
597 approval of an appropriate municipal panel within areas exempted from Act 250  
598 per 10 V.S.A. § XXXX that meet the definition of substantial regional impact or  
599 which generates 75 or more peak hour trip ends.

600 (D) The notice shall be sent to the clerk and the chair of the appropriate  
601 municipal panel of an adjacent municipality, in the case of an application located  
602 within 500 feet of a municipal boundary, at least 7 days prior to the public  
603 hearing.

604 \* \* \*

605 (e) Role of regional planning commissions and Agency of Transportation. The  
606 regional planning commissions and Agency of Transportation, identified as  
607 interested persons in section 4465 of this title, may participate only in proceedings  
608 regarding applications within areas exempted from Act 250 per 10 V.S.A. §  
609 XXXX that meet the definition of substantial regional impact or which generates

610 75 or more peak hour trip ends. The regional planning commissions Agency of  
611 Transportation, should perform the following functions:

612 (1) Review the application, inform the applicant about any state permitting  
613 and any other statutory requirements, including transportation impact fees as  
614 required by 10 V.S.A. §6104, related to the proposed development, and prepare  
615 recommendations on each of the review standards within the commission or  
616 agency's purview for consideration by the applicant. Recommendations may be  
617 shared with the appropriate municipal panel in order to coordinate municipal and  
618 state permit review. The regional planning commission or Agency of  
619 Transportation may meet with the applicant, interested parties, or both, conduct  
620 site visits, and perform other fact-finding that will enable the preparation of  
621 recommendations.

622 \* \* \*

623 Section X 24 V.S.A. § 4465 is amended to read:

624 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

625 (a) An interested person may appeal any decision or act taken by the  
626 administrative officer in any municipality by filing a notice of appeal with the  
627 secretary of the board of adjustment or development review board of that  
628 municipality or with the clerk of that municipality if no such secretary has been  
629 elected. This notice of appeal must be filed within 15 days following the date of  
630 that decision or act, and a copy of the notice of appeal shall be filed with the  
631 administrative officer.

632 (b) As used in this chapter, an “interested person” means any one of the  
 633 following:

634 \* \* \*

635 (6) The Agency of Transportation for all development applications within  
 636 areas exempted from Act 250 per 10 V.S.A. § XXXX which generates 75 or more  
 637 peak hour trip ends.

638 \* \* \*

639 \* \* \* State Designations \* \* \*

640 **ADD**

641

642

643 \* \* \*

644 \* \* \* Act 250 \* \* \*

645 \* \* \*

646 Section X. 10 V.S.A. §6001 is amended to read:

647 § 6001. DEFINITIONS

648 As used in this chapter:

649 (1) “Board” means the Environmental Review ~~Natural Resources~~ Board.

650 (2) ~~“Capability and Development Plan” means the Plan prepared pursuant~~

651 ~~to section 6042 of this title.~~ “Regional plan” means a plan prepared and approved

652 pursuant to Title 24, Chapter 117 § 4348.

653 \* \* \*

654 (10) “Land use plan” ~~means the plan prepared pursuant to section 6043 of~~  
 655 ~~this title~~ has the same meaning as “Regional Plan” under section 6001(2) of this  
 656 title.

657 \* \* \*

658 Section X. Title 10 Subchapter 3 Use and Development Plans

659

660 Strike All

661

662 \* \* \*

663 Section X. 10 V.S.A. §6081 is amended to read:

664 § 6081. PERMITS REQUIRED; EXEMPTIONS

665

666 Need to add language with the process for exempting XXXXX areas from Act  
 667 250 jurisdiction here.

668

669 \* \* \*

670 Section X. 10 V.S.A. §6086 is amended to read:

671 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

672 (a) Before granting a permit, the District Commission shall find that the  
 673 subdivision or development:

674 \* \* \*

675 (9) Is in conformance with a duly adopted ~~capability and development~~

676 ~~plan, and land use~~ regional plan when adopted. ~~However, the legislative findings~~

677 of subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria  
678 in the consideration of applications by a District Commission.

679 \* \* \*

680 Section X. 10 V.S.A. §6104 is amended to read:

681 § 6104 TRANSPORTATION IMPACT FEE; DISTRICT COMMISSION

682 (a) A District Commission may require payment of a transportation impact fee in  
683 accordance with section 6106 of this title to fund, in whole or in part, capital  
684 improvements that are necessary to mitigate the transportation impacts of a  
685 proposed development or subdivision or that benefit the proposed development or  
686 subdivision. The Agency shall review the application and recommend to the  
687 District Commission whether to require mitigation of the transportation impacts  
688 of the development or subdivision. The District Commission may require an  
689 applicant to pay the entire cost of a capital transportation project and may provide  
690 for reimbursement of the applicant by developments and subdivisions  
691 subsequently receiving permits or amended permits under this chapter that benefit  
692 from the capital transportation project. The period for reimbursement shall expire  
693 when the associated capital transportation project ceases to provide additional  
694 capacity.

695 (b) A District Commission may require an applicant for a development or  
696 subdivision within a TID to pay the transportation impact fee established by the  
697 Secretary if the Commission determines that the fee will fund, in whole or in part,  
698 improvements to mitigate transportation impacts of the development or  
699 subdivision.

700 (c) This subchapter shall apply to the exercise of authority by a District  
701 Commission under any permit condition issued pursuant to subdivision  
702 6086(a)(5) of this title in which the District Commission has reserved the right to  
703 conduct proceedings that may result in assessment and collection of impact fees to  
704 support transportation improvements.

705 (d) The authority granted to the District Commissions under this subchapter is in  
706 addition to their other authority.

707 (e) The Secretary of Transportation is enabled to exercise all powers of the  
708 District Commission according to this section, including the ability to require a  
709 transportation impact fee in accordance with section 6106 of this title, in within  
710 areas exempted from Act 250 per 10 V.S.A. § XXXX provided the subject land  
711 development generates 75 or more peak hour trip ends on a State Highway or  
712 Class 1 Town Highway or is required to obtain a permit per 19 V.S.A. §1111.

713 \* \* \*

714 \* \* \* State Investment \* \* \*

715 \* \* \*

716 Section X. 19 V.S.A. §10b is amended to read:

717 §10b STATEMENT OF POLICY; GENERAL

718 (a) The Agency shall be the responsible agency of the State for the  
719 development of transportation policy. It shall develop a mission statement to  
720 reflect:



721 (1) that State transportation policy shall be to encompass, coordinate, and  
722 integrate all modes of transportation and to consider complete streets, as defined  
723 in section 2401 of this title, principles; and

724 (2) the need for transportation projects that will improve the State's  
725 economic infrastructure, as well as the use of resources in efficient, coordinated,  
726 integrated, cost-effective, and environmentally sound ways, and that will be  
727 consistent with the recommendations of the Comprehensive Energy Plan (CEP)  
728 issued under 30 V.S.A. § 202b.

729 (b) The Agency shall coordinate planning, education, and training efforts  
730 with those of local and regional planning entities to:

731 (1) ensure that the transportation system as a whole is integrated; that  
732 access to the transportation system as a whole is integrated; and that statewide,  
733 local, and regional conservation and efficiency opportunities and practices are  
734 integrated; and

735 (2) support employer-led or local or regional government-led  
736 conservation, efficiency, rideshare, and bicycle programs and other innovative  
737 transportation advances, especially employer-based incentives.

738 (c) In developing the State's annual Transportation Program, the Agency  
739 shall, consistent with the planning goals listed in 24 V.S.A. § 4302 and with  
740 ~~appropriate consideration~~ substantial deference to local, regional, and State  
741 agency plans:

742 (1) develop or incorporate designs that provide integrated, safe, and  
743 efficient transportation and that are consistent with the recommendations of the  
744 CEP;

745 (2) consider complete streets principles in all State- and municipally  
746 managed transportation projects and project phases, including planning,  
747 development, construction, and maintenance, except in the case of projects or  
748 project components involving unpaved highways;

749 (3) promote economic opportunities for Vermonters and the best use of the  
750 State's environmental and historic resources; and

751 (4) manage available funding to:

752 (A) give priority to preserving the functionality of the existing  
753 transportation infrastructure, including bicycle and pedestrian trails regardless of  
754 whether they are located along a highway shoulder; and

755 (B) adhere to credible project delivery schedules.

756 (d) The Agency of Transportation, in developing each of the program  
757 prioritization systems schedules for all modes of transportation, shall include the  
758 following throughout the process:

759 (1) The Agency shall annually solicit input from each of the regional  
760 planning commissions and the Chittenden County Metropolitan Planning  
761 Organization on regional priorities within each schedule, and those inputs shall be  
762 factored into the prioritizations for each program area and shall afford the  
763 opportunity of adding new projects to the schedules.

764 (2) Each year, the Agency shall provide in the front of the Transportation  
765 Program book a detailed explanation describing the factors in the prioritization  
766 system that creates each project list.

767 \* \* \*

768 \* \* \* Effective Date \* \* \*

769 \* \* \*

770 Section X. EFFECTIVE DATES

771 This act shall take effect on July 1, 2024.

DRAFT