

1 Regional Planning Updates

2 \* \* \* Purpose \* \* \*

3 - To standardize the manner in which RPCs conduct future land use planning in  
4 order to create consistency across the state and to specifically define areas eligible  
5 for state designation, Act 250 exemption, and prioritized state investment.

6 - To simplify the regional plan elements to provide greater clarity about the intent  
7 of the future land use plan and to reduce the overlapping requirements of several  
8 existing elements.

9 - To amend the public notice requirement of municipal development application  
10 subject to quasi-judicial review, and that meet the definition of substantial  
11 regional impact and are located in areas planned for growth, to ensure that  
12 regional planning commissions and state agencies are aware of larger projects and  
13 are able to participate as interested parties given Act 250 exemptions.

14 \* \* \*

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

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

17 §4302. PURPOSE; GOALS

18 \* \* \*

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

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

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

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

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

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

38 \*\*\*

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

41 (A) significant natural and fragile areas as described in 10 V.S.A. chapter  
42 89;

43 (B) outstanding water resources, including lakes, rivers, aquifers,  
44 shorelands, and wetlands;

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

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

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

50 (A) Vermont's air, water, wildlife, mineral, and land resources should be  
51 planned for use and development according to the principles set forth in 10 V.S.A.  
52 § 6086(a).

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

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

58 \*\*\*

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

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

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

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

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

75 \* \* \*

76 (14) To encourage flood resilient communities.

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

80 (B) The protection and restoration of floodplains and upland forested  
81 areas that attenuate and moderate flooding and fluvial erosion should be  
82 encouraged.

83 (C) Flood emergency preparedness and response planning should be  
84 encouraged.

85 \* \* \*

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

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

88 § 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

89 A regional planning commission created under this chapter shall:

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

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

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

99 (C) conduct capacity studies;

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

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

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

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

110 ~~(G)~~ (H) prepare a report explaining how the regional plan is consistent  
111 with the goals established in section 4302 of this title.

112

\* \* \*

113 (11) Review proposed State capital expenditures prepared pursuant to  
 114 Title 32 Chapter 5 and the Transportation Program prepared pursuant to Title 19  
 115 Chapter 1 for compatibility and consistency with regional plans and submit  
 116 comments to the Secretaries of Transportation and Administration and the  
 117 legislative committees of jurisdiction.

118 \* \* \*

119 (17) As part of its regional plan, define a substantial regional impact, as  
 120 the term may be used with respect to its region. This definition shall be given ~~due~~  
 121 ~~consideration~~ substantial deference, where relevant, in State and municipal  
 122 regulatory proceedings.

123 \* \* \*

124 (21) Review and participate as an interested party in the municipal  
 125 development review process for projects defined to have a substantial regional  
 126 impact and are located in areas exempted under Act 250 per 10 VSA XXXX.

127 \* \* \*

128 Section X. 24 V.S.A. § 4347 is amended to read:

129 § 4347. PURPOSES OF REGIONAL PLAN

130 A regional plan shall be made with the general purpose of guiding and  
 131 accomplishing a coordinated, efficient, equitable and economic development of  
 132 the region which will, in accordance with the present and future needs and  
 133 resources, best promote the health, safety, order, convenience, prosperity, and  
 134 welfare of current and future ~~the~~ inhabitants as well as efficiency and economy in  
 135 the process of development. This general purpose includes recommending a

136 distribution of population and of the uses of the land for urbanization, trade,  
137 industry, habitation, recreation, agriculture, forestry, and other uses as will tend  
138 to:

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

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

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

145 (4) promote the conservation of the supply of food, water, energy, and  
146 minerals;

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

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

151 (7) ensure that communities equitably build resilience to address the  
152 effects of climate change through mitigation and adaptation consistent with the

153 Vermont Climate Action Plan (10 V.S.A. § 592).

154 \* \* \*

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

156 § 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

157 (a) A regional planning commission shall adopt a regional plan. Any plan for  
158 a region, and any amendment thereof, shall be prepared by the regional planning

159 commission. At the outset of the planning process and throughout the process,  
160 regional planning commissions shall solicit the participation of local citizens and  
161 organizations by holding informal working sessions that suit the needs of local  
162 people.

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

169 (c)(b) The regional planning commission shall hold two or more public  
170 hearings within the region after public notice on any proposed plan or  
171 amendment. The minimum number of required public hearings may be specified  
172 within the bylaws of the regional planning commission.

173 (d) (e) At least 30 days prior to the first hearing, a copy of the proposed plan  
174 or amendment, a report documenting conformance with the goals established in  
175 section 4302 of this title and the plan elements established in section 4348a of this  
176 title, a description of any changes to the Regional Future Land Use Map, and the  
177 definition of substantial regional impact with a request for general comments and  
178 for specific comments with respect to the extent to which the plan or amendment  
179 is consistent with the goals established in section 4302 of this title, shall be  
180 delivered physically or electronically with proof of receipt or sent by certified  
181 mail, return receipt requested, to each of the following:



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

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

184 (3) the Department of Housing and Community Development within the

185 Agency of Commerce and Community Development and the Downtown Board

186 for a formal review and recommendation;

187 (4) business, conservation, low-income advocacy, and other community or

188 interest groups or organizations that have requested notice in writing prior to the

189 date the hearing is warned; and

190 (5) the Agency of Natural Resources, the Agency of Agriculture, Food and

191 Markets, the Agency of Transportation, the Department of Public Service, the

192 Department of Public Safety's Division of Emergency Management; and the

193 Environmental Review Board.

194 (e) (~~d~~) Any of the foregoing bodies, or their representatives, may submit

195 comments on the proposed regional plan or amendment to the regional planning

196 commission and may appear and be heard in any proceeding with respect to the

197 adoption of the proposed plan or amendment.

198 (f) (~~e~~) The regional planning commission may make revisions to the proposed

199 plan or amendment at any time not less than 30 days prior to the final public

200 hearing held under this section. If the proposal is changed, a copy of the proposed

201 change shall be delivered physically, ~~or~~ electronically with proof of receipt, or by

202 certified mail, return receipt requested, to the chair of the legislative body of each

203 municipality within the region, and to any individual or organization requesting a

204 copy, at least 30 days prior to the final hearing.

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

215        (h) A regional planning commission shall submit its regionally-adopted  
216 regional plan to the Environmental Review Board for a determination of regional  
217 plan compliance the following: a report documenting conformance with the goals  
218 established in section 4302 of this title and the plan elements established in  
219 section 4348a of this title, a description of any changes to the Regional Future  
220 Land Use Map, the definition of substantial regional impact, a recommendation  
221 from the Downtown Board. Within 30 days of submittal of the plan,  
222 Environmental Review Board staff shall provide a recommendation and the  
223 Environmental Review Board shall warn a public hearing noticed at least 15 days  
224 in advance by direct mail or electronically with proof of receipt to the requesting  
225 regional planning commission, posting on the website of the Environmental  
226 Review Board, and publication in a newspaper of general circulation in the region  
227 affected. The regional planning commission shall notify their municipalities and

228 post on their website the public hearing notice. The recommendation from the  
229 Downtown Board shall receive substantial deference from the Environmental  
230 Review Board with respect to the mapping of proposed Downtowns, Village  
231 Centers, Planned Growth Areas, and Village Areas. The Environmental Review  
232 Board shall issue the determination in writing within 45 days after the receipt of a  
233 request for a determination. If the determination is affirmative, a copy of the  
234 determination shall be provided to the regional planning commission and the  
235 Environmental Review Board. If the determination is negative, the Environmental  
236 Review Board shall state the reasons for denial in writing and, if appropriate,  
237 suggest acceptable modifications. Submissions for a new determination that  
238 follow a negative determination shall receive a new determination within 45 days.  
239 The Environmental Review Board's affirmative determination shall be based  
240 upon finding the regional plan meets the following requirements:

241 (1) consistency with the state planning goals as described in subdivision  
242 4302 of this title with consistency determined in the manner described under  
243 section 4302(f)(1) of this title;

244 (2) consistency with the regional plan elements as described in section  
245 4348a of this title. The requirements of subdivision 4352 of this title related to  
246 enhanced energy planning shall be the under the sole authority of the Public  
247 Service Department and shall not be reviewed by the Downtown Development  
248 Board; and

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

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

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

265 (k) Regional planning commissions shall be provided up to 18 months from a  
266 negative determination by the Environmental Review Board to obtain an  
267 affirmative determination of regional plan compliance. If a regional planning  
268 commission is unable to obtain affirmative determination of regional plan  
269 compliance, member municipalities will lose benefits related to Designations, Act  
270 250, or State infrastructure investments ADD REFERENCES.

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

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

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

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

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

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

290

291

\* \* \*

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

293 §4348a. ELEMENTS OF A REGIONAL PLAN

294 (a) A regional plan shall be consistent with the goals established in section

295 4302 of this title and shall include the following:

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

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

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

312 ~~(B) Indicates those areas within the region that are likely candidates for~~  
313 ~~designation under sections 2793 (downtown development districts), 2793a~~  
314 ~~(village centers), 2793b (new town centers), and 2793c (growth centers) of this~~  
315 ~~title.~~

316 ~~(C) Indicates locations proposed for developments with a potential for~~  
317 ~~regional impact, as determined by the regional planning commission, including~~  
318 ~~flood control projects, surface water supply projects, industrial parks, office parks,~~

319 ~~shopping centers and shopping malls, airports, tourist attractions, recreational~~  
320 ~~facilities, private schools, public or private colleges, and residential developments~~  
321 ~~or subdivisions.~~

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

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

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

336 (3) An energy element, ~~may include~~ including an analysis of resources,  
337 needs, scarcities, costs, and problems within the region across all energy sectors,  
338 including electric, thermal, and transportation; a statement of policy on the  
339 conservation and efficient use of energy and the development and siting of  
340 renewable energy resources; a statement of policy on patterns and densities of  
341 land use likely to result in conservation of energy; and an identification of

342 potential areas for the development and siting of renewable energy resources and  
343 areas that are unsuitable for siting those resources or particular categories or sizes  
344 of those resources.

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

353 (5) A utility and facility element, consisting of a map and statement of  
354 present and prospective local and regional community facilities and public  
355 utilities, whether publicly or privately owned, showing existing and proposed  
356 educational, recreational and other public sites, buildings and facilities, including  
357 public schools, State office buildings, hospitals, libraries, power generating plants  
358 and transmission lines, wireless telecommunications facilities and ancillary  
359 improvements, water supply, sewage disposal, refuse disposal, storm drainage,  
360 and other similar facilities and activities, and recommendations to meet future  
361 needs for those facilities, with indications of priority of need.

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

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



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

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

371 (8) A statement indicating how the regional plan relates to development  
372 trends, needs, and plans and regional plans for adjacent municipalities and  
373 regions.

374 (9) A housing element that identifies the regional and community-level need  
375 for housing that will result in an adequate supply of building code and energy  
376 code compliant homes where most households spend not more than 30 percent of  
377 their income on housing and not more than 15 percent on transportation. To  
378 establish housing needs, the Department of Housing and Community  
379 Development shall publish statewide and regional housing targets or ranges as  
380 part of the Statewide Housing Needs Assessment. The regional planning  
381 commission shall consult the Statewide Housing Needs Assessment; current and  
382 expected demographic data; the current location, quality, types, and cost of  
383 housing; other local studies related to housing needs; and data gathered pursuant  
384 to subsection 4382(c) of this title. If no such data has been gathered, the regional  
385 planning commission shall gather it. The regional planning commission's  
386 assessment shall estimate the total needed housing investments in terms of price,  
387 quality, unit size or type, and zoning district as applicable and shall disaggregate

388 regional housing targets or ranges by municipality. The housing element shall  
389 include a set of recommended actions to satisfy the established needs.

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

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

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

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

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

405 (12) A future land use element based upon the elements above, which sets  
406 forth the present and prospective location, amount, intensity, and character of  
407 such land uses in relation to the provision of necessary community facilities and  
408 services and shall consist of a map delineating future land use area boundaries for  
409 the land uses below as appropriate and any other special land use category the  
410 regional planning commission deems necessary, descriptions of intended future

411 land uses, and policies intended to support the implementation of the future land  
412 use element using the following land use categories:

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

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

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

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

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

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

440 (v) The area provides for housing that meets the needs of a diversity  
441 of social and income groups in the community.

442 (vi) The area is served by planned or existing transportation  
443 infrastructure that conforms with “complete streets” principles as described under  
444 19 V.S.A. § 309d and establishes pedestrian access directly to the downtown,  
445 village center, or new town center.

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

448 (a) scattered development located outside compact urban and  
449 village centers that is excessively land consumptive;

450 (b) development that limits transportation options, especially  
451 for pedestrians;

452 (c) the fragmentation of farmland and forestland;

453 (d) development that is not serviced by municipal  
454 infrastructure or that requires the extension of municipal infrastructure across  
455 undeveloped lands in a manner that would extend service to lands located outside  
456 compact village and urban centers;

457 (e) linear development along well-traveled roads and highways  
458 that lacks depth, as measured from the highway.

459 (C) Village Areas: Includes the traditional settlement area or a  
460 proposed new settlement area, typically comprised of a cohesive mix of  
461 residential, civic, religious, commercial, and mixed-use buildings, arranged along  
462 a main street and intersecting streets that are within walking distance for residents  
463 who live within and surrounding the core. Village Areas may or may not have one  
464 of the following: water, sewer, or land development regulations. They provide  
465 some opportunity for infill development or new development areas where the  
466 village can grow and be flood resilient. These areas include existing village center  
467 designations and similar areas statewide, but this area is larger than the Village  
468 Center designation.

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

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

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

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

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

497           (I) Rural - Agricultural and Forestry: Include blocks of forest or  
498 farmland that sustain resource industries, provide critical wildlife habitat and  
499 movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty,  
500 and contribute to economic well-being and quality of life. Development in these  
501 areas should be carefully managed to promote the working landscape and rural

502 economy, and address regional goals, while protecting the agricultural and forest  
503 resource value. Consistent with Act 171 requirements.

504 (J) Rural - Conservation: Include areas intended to be conserved often  
505 with regulations or State or non-profit purchase of property rights limiting  
506 development, fragmentation, and conversion in order to maintain ecological  
507 health and scenic beauty. These lands have significant ecological value, and  
508 require special protection due to their uniqueness, fragility, or ecological  
509 importance. They may include protected lands, areas with specific features like  
510 steep slopes or endangered species, wetlands, flood hazard areas, and shoreline  
511 protection areas *more specific direction from the legislature with regard to which*  
512 *resources are the minimum to be included is needed here.* and are intended to  
513 remain largely undeveloped for the benefit of future generations. Some portion of  
514 managed forest land will likely fall into this category. The mapping of this area is  
515 intended to help meet requirements of Act 171 and 10 V.S.A. chapter 89 – ADD  
516 STATUTORY REFERENCES.

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

521 \* \* \*

522 \* \* \* Municipal Bylaws \* \* \*

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

524 § 4462. COMBINED REVIEW

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

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

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

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

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

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



548 (5) Administration. The administrative officer is enabled with the authority to  
549 enforce a decision of the appropriate municipal panel that conditions municipal  
550 approval upon the issuance of a state permit. This authority shall not be deemed a  
551 conflict with section 4449(e) of this title.

552 \* \* \*

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

554 § 4464. HEARING AND REQUIREMENTS; DECISIONS AND CONDITIONS;  
555 ADMINISTRATIVE REVIEW; ROLE OF ADVISORY COMMISSIONS IN  
556 DEVELOPMENT REVIEW

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

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

564 \* \* \*

565 (D) Written notification to the regional planning commission of the subject  
566 municipality and the Secretary of Transportation for all quasi-judicial  
567 development applications within areas exempted from Act 250 per 10 V.S.A. §  
568 XXXX that meet the definition of substantial regional impact or which generates  
569 75 or more peak hour trip ends.

570 (E) The notice shall be sent to the clerk and the chair of the appropriate  
571 municipal panel of an adjacent municipality, in the case of an application located  
572 within 500 feet of a municipal boundary, at least 15 days prior to the public  
573 hearing.

574 \* \* \*

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

578 \* \* \*

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

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

588 \* \* \*

589 (e) Role of regional planning commissions and Agency of Transportation. The  
590 regional planning commissions and Agency of Transportation, identified as  
591 interested persons in section 4465 of this title, may participate only in proceedings  
592 regarding applications within areas exempted from Act 250 per 10 V.S.A. §

593 XXXX that meet the definition of substantial regional impact or which generates  
594 75 or more peak hour trip ends. The regional planning commissions Agency of  
595 Transportation, should perform the following functions:

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

606 \* \* \*

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

608 § 4465. APPEALS OF DECISIONS OF THE ADMINISTRATIVE OFFICER

609 (a) An interested person may appeal any decision or act taken by the  
610 administrative officer in any municipality by filing a notice of appeal with the  
611 secretary of the board of adjustment or development review board of that  
612 municipality or with the clerk of that municipality if no such secretary has been  
613 elected. This notice of appeal must be filed within 15 days following the date of  
614 that decision or act, and a copy of the notice of appeal shall be filed with the  
615 administrative officer.

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

618 \* \* \*

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

622 \* \* \*

623 \* \* \* State Designations \* \* \*

624 **ADD**

625 \* \* \*

626 \* \* \* Act 250 \* \* \*

627 \* \* \*

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

629 § 6001. DEFINITIONS

630 As used in this chapter:

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

632 (2) ~~“Capability and Development Plan” means the Plan prepared pursuant~~  
633 ~~to section 6042 of this title.~~ “Regional plan” means a plan prepared and approved  
634 pursuant to Title 24, Chapter 117 § 4348.

635 \* \* \*

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

641 \* \* \*

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

643

644 Strike All

645

646 \* \* \*

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

648 § 6081. PERMITS REQUIRED; EXEMPTIONS

649

650 Need to add language with the process for exempting XXXXX areas from Act

651 250 jurisdiction here.

652

653 \* \* \*

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

655 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

656 (a) Before granting a permit, the District Commission shall find that the

657 subdivision or development:

658 \* \* \*

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

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

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

663 \* \* \*

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

665 § 6104 TRANSPORTATION IMPACT FEE; DISTRICT COMMISSION

666 (a) A District Commission may require payment of a transportation impact fee in  
667 accordance with section 6106 of this title to fund, in whole or in part, capital  
668 improvements that are necessary to mitigate the transportation impacts of a  
669 proposed development or subdivision or that benefit the proposed development or  
670 subdivision. The Agency shall review the application and recommend to the  
671 District Commission whether to require mitigation of the transportation impacts  
672 of the development or subdivision. The District Commission may require an  
673 applicant to pay the entire cost of a capital transportation project and may provide  
674 for reimbursement of the applicant by developments and subdivisions  
675 subsequently receiving permits or amended permits under this chapter that benefit  
676 from the capital transportation project. The period for reimbursement shall expire  
677 when the associated capital transportation project ceases to provide additional  
678 capacity.

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

684 (c) This subchapter shall apply to the exercise of authority by a District  
 685 Commission under any permit condition issued pursuant to subdivision  
 686 6086(a)(5) of this title in which the District Commission has reserved the right to  
 687 conduct proceedings that may result in assessment and collection of impact fees to  
 688 support transportation improvements.

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

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

697 \* \* \*

698 \* \* \* State Investment \* \* \*

699 \* \* \*

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

701 §10b STATEMENT OF POLICY; GENERAL

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

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

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

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

715 (1) ensure that the transportation system as a whole is integrated; that  
716 access to the transportation system as a whole is integrated; and that statewide,  
717 local, and regional conservation and efficiency opportunities and practices are  
718 integrated; and

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

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



726 (1) develop or incorporate designs that provide integrated, safe, and  
727 efficient transportation and that are consistent with the recommendations of the  
728 CEP;

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

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

735 (4) manage available funding to:

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

739 (B) adhere to credible project delivery schedules.

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

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

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

751 \* \* \*

752 \* \* \* Effective Date \* \* \*

753 \* \* \*

754 Section X. EFFECTIVE DATES

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

DRAFT