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UPDATED VERSION – 2/7/2024

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:

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

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

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

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

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

39 ***

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

42 (A) significant natural and fragile areas as described in 10 V.S.A. chapter
43 89;

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

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

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

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

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

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

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

59 ***

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

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

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

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

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

76 * * *

77 (14) To encourage flood resilient communities.

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

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

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

86 * * *

87 * * * Preparation and Adoption of Regional Plans * * *

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

89 § 4345a. DUTIES OF REGIONAL PLANNING COMMISSIONS

90 A regional planning commission created under this chapter shall:

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

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

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

100 (C) conduct capacity studies;

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

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

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

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

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

113 * * *

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

119 * * *

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

124 * * *

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

126 § 4347. PURPOSES OF REGIONAL PLAN

127 A regional plan shall be made with the general purpose of guiding and
128 accomplishing a coordinated, efficient, equitable and economic development of
129 the region which will, in accordance with the present and future needs and
130 resources, best promote the health, safety, order, convenience, prosperity, and
131 welfare of current and future ~~the~~ inhabitants as well as efficiency and economy in
132 the process of development. This general purpose includes recommending a
133 distribution of population and of the uses of the land for urbanization, trade,
134 industry, habitation, recreation, agriculture, forestry, and other uses as will tend
135 to:

- 136 (1) create conditions favorable to transportation, health, safety, civic
137 activities, and educational and cultural opportunities;
- 138 (2) reduce the wastes of financial, energy, and human resources which
139 result from either excessive congestion or excessive scattering of population;
- 140 (3) promote an efficient and economic utilization of drainage, energy,
141 sanitary, and other facilities and resources;
- 142 (4) promote the conservation of the supply of food, water, energy, and
143 minerals;
- 144 (5) promote the production of food and fiber resources and the reasonable
145 use of mineral, water, and renewable energy resources; ~~and~~
- 146 (6) promote the development of housing suitable to the needs of the region
147 and its communities; and
- 148 (7) ensure that communities equitably build resilience to address the
149 effects of climate change through mitigation and adaptation consistent with the
150 Vermont Climate Action Plan (10 V.S.A. § 592).

151 * * *

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

153 § 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

154 (a) A regional planning commission shall adopt a regional plan. Any plan for
155 a region, and any amendment thereof, shall be prepared by the regional planning
156 commission. At the outset of the planning process and throughout the process,
157 regional planning commissions shall solicit the participation of, and collaboration
158 with, municipalities, local citizens and organizations by holding informal working

159 sessions that suit the needs of local people. These public engagement efforts shall
160 follow guidance developed to provide meaningful participation and address
161 environmental justice per 3 V.S.A. chapter 72.

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

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

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

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

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

183 (3) the Department of Housing and Community Development within the
184 Agency of Commerce and Community Development and the Downtown Board
185 for a formal review and recommendation;

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

189 (5) the Agency of Natural Resources, the Agency of Agriculture, Food and
190 Markets, the Agency of Transportation, the Department of Public Service, the
191 Department of Public Safety's Division of Emergency Management; and the
192 Environmental Review Board.

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

197 (f) ~~(e)~~ The regional planning commission may make revisions to the proposed
198 plan or amendment at any time not less than 30 days prior to the final public
199 hearing held under this section. If the proposal is changed, a copy of the proposed
200 change shall be delivered physically, ~~or~~ electronically with proof of receipt, or by
201 certified mail, return receipt requested, to the chair of the legislative body of each
202 municipality within the region, and to any individual or organization requesting a
203 copy, at least 30 days prior to the final hearing.

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

214 (h) A regional planning commission shall submit its regionally-adopted
215 regional plan to the Environmental Review Board for a determination of regional
216 plan compliance per 10 V.S.A XXXX the following: a report documenting
217 conformance with the goals established in section 4302 of this title and the plan
218 elements established in section 4348a of this title, a description of any changes to
219 the Regional Future Land Use Map, the definition of substantial regional impact,
220 a recommendation from the Downtown Board. Within 30 days of submittal of the
221 plan, Environmental Review Board staff shall provide a recommendation and the
222 Environmental Review Board shall warn a public hearing noticed at least 15 days
223 in advance by direct mail or electronically with proof of receipt to the requesting
224 regional planning commission, posting on the website of the Environmental
225 Review Board, and publication in a newspaper of general circulation in the region
226 affected. The regional planning commission shall notify their municipalities and

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

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

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

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

250 (i) Minor Amendments to Regional Future Land Use Plan. A regional
251 planning commission and a municipality may submit a joint request for a minor
252 amendment to boundaries of a State Designated Area per 24 V.S.A. section
253 XXXX for consideration by the Environmental Review Board. The joint request
254 may only be submitted after an affirmative vote of the municipal legislative body
255 and the regional planning commission board. The Environmental Review Board,
256 after consultation with the Department of Housing and Community Development
257 and the regional planning commissions, will provide guidance about what
258 constitutes a minor amendment. Minor amendments may include any change to a
259 future land use district consisting of less than 10 acres. A minor amendment to a
260 State Designated Area shall not require an amendment to a regional plan as
261 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 12 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 June 30, 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 (D) establishes policy statements regarding the preservation of rare and
337 irreplaceable natural areas, scenic and historic features and resources; and

338 (E) establishes policy statements regarding the protection and
339 improvement of the quality of waters of the State to be used in the development
340 and furtherance of the applicable basin plans established by the Secretary of
341 Natural Resources under 10 V.S.A. § 1253.

342

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

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

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

369 ~~(6) A statement of policies on the:~~

370 ~~(A) preservation of rare and irreplaceable natural areas, scenic and~~
371 ~~historic features and resources; and~~

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

375 (6) ~~(7)~~ A program for the implementation of the regional plan's objectives,
376 including a recommended investment strategy for regional facilities and services
377 based on a capacity study of the elements in this section.

378 (7) ~~(8)~~ A statement indicating how the regional plan relates to development
379 trends, needs, and plans and regional plans for adjacent municipalities and
380 regions.

381 (8) ~~(9)~~ A housing element that identifies the regional and community-level
382 need for housing that will result in an adequate supply of building code and

383 energy code compliant homes where most households spend not more than 30
384 percent of their income on housing and not more than 15 percent on
385 transportation. To establish housing needs, the Department of Housing and
386 Community Development shall publish statewide and regional housing targets or
387 ranges as part of the Statewide Housing Needs Assessment. The regional planning
388 commission shall consult the Statewide Housing Needs Assessment; current and
389 expected demographic data; the current location, quality, types, and cost of
390 housing; other local studies related to housing needs; and data gathered pursuant
391 to subsection 4382(c) of this title. If no such data has been gathered, the regional
392 planning commission shall gather it. The regional planning commission's
393 assessment shall estimate the total needed housing investments in terms of price,
394 quality, unit size or type, and zoning district as applicable and shall disaggregate
395 regional housing targets or ranges by municipality. The housing element shall
396 include a set of recommended actions to satisfy the established needs.

397 (9) ~~(10)~~ An economic development element that describes present
398 economic conditions and the location, type, and scale of desired economic
399 development, and identifies policies, projects, and programs necessary to foster
400 economic growth.

401 (10) ~~(11)~~(A) A flood resilience element that:

402 (i) identifies flood hazard and fluvial erosion hazard areas,
403 based on river corridor maps provided by the Secretary of Natural Resources
404 pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and
405 designates those areas to be protected, including floodplains, river corridors, land

406 adjacent to streams, wetlands, and upland forests, to reduce the risk of flood
407 damage to infrastructure and improved property; and

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

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

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

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

427 (B) Planned Growth Areas: Includes the densest existing settlement
428 and future growth areas with the highest concentrations of population, housing,

429 and employment in each region and town, as appropriate. They include a mix of
430 commercial, residential, and civic or cultural sites with active streetscapes,
431 supported by land development regulations, public water and/or wastewater and
432 multi-modal transportation systems. These areas include historic or new town
433 centers, downtowns, and village centers. These areas should substantially meet
434 the following criteria:

435 (i) The municipality has a duly adopted and approved plan and a
436 planning process that is confirmed in accordance with section 4350 of this title.

437 (ii) The municipality has adopted bylaws and regulations in
438 accordance with sections 4414, 4418, and 4442 of this title.

439 (iii) The area is served by municipal sewer and water infrastructure
440 as defined in section 4303 of this title.

441 (iv) The area is generally within walking distance or is an area with
442 that continues a pattern of higher density mixed use development within one-
443 quarter mile of regular transit service from the municipality's, or an adjacent
444 municipality's, downtown, village center, new town center or growth center.

445 (v) The area excludes identified flood hazard and fluvial erosion
446 areas, except those areas containing preexisting development in areas suitable for
447 infill development as defined in § 29-201 of the Vermont Flood Hazard Area and
448 River Corridor Rule.

449 (vi) The municipal plan indicates that this area is intended for higher
450 density residential and mixed use development.

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

455 (viii) The area is served by planned or existing transportation
456 infrastructure that conforms with "complete streets" principles as described under
457 19 V.S.A. § 309d and establishes pedestrian access directly to the downtown,
458 village center, or new town center.

459 (ix) Reflects a planned settlement pattern that, at full build-out, is
460 not characterized by:

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

463 (b) development that limits transportation options, especially
464 for pedestrians;

465 (c) the fragmentation of farmland and forestland;

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

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

472 (C) Village Areas: Includes the traditional settlement area or a
473 proposed new settlement area, typically comprised of a cohesive mix of

474 residential, civic, religious, commercial, and mixed-use buildings, arranged along
475 a main street and intersecting streets that are within walking distance for residents
476 who live within and surrounding the core. Village Areas have water, sewer, or
477 soils that are adequate for wastewater disposal, and land development regulations.
478 They provide some opportunity for infill development or new development areas
479 where the village can grow and be flood resilient. These areas include existing
480 village center designations and similar areas statewide, but this area is larger than
481 the Village Center designation. These areas should substantially meet the
482 following criteria:

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

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

491 (D) Transition/Infill Area: Includes areas of existing or planned
492 commercial, office, mixed-use development, or residential uses either adjacent to
493 a Planned Growth or Village Area or a new stand-alone Transition Area and
494 served by, or planned for, water and/or wastewater. The intent of this land use
495 category is to transform these areas into higher-density, mixed use settlements, or
496 residential neighborhoods through infill and redevelopment or new development.

497 New commercial strip auto-oriented development is not allowed as to prevent
498 negatively impacting the economic vitality of commercial areas in the adjacent or
499 nearby Planned Growth or Village Area. This area could also include adjacent
500 greenfields safer from flooding and planned for future growth.

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

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

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

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

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

526 (J) Rural - Conservation: Include areas that are important to consider
527 for conservation often with regulations or State or non-profit purchase of property
528 rights limiting development, fragmentation, and conversion in order to maintain
529 ecological health and scenic beauty. These lands have significant ecological
530 value, and require special protection due to their uniqueness, fragility, or
531 ecological importance. They may include protected lands, areas with specific
532 features like steep slopes or endangered species, wetlands, flood hazard areas, and
533 shoreline protection areas **MORE SPECIFIC DIRECTION FROM THE**
534 **LEGISLATURE WITH REGARD TO WHICH RESOURCES ARE THE**
535 **MINIMUM TO BE INCLUDED IS NEEDED HERE**. The areas are largely
536 undeveloped and often include nature-based activities. Some portion of managed
537 forest land will likely fall into this category. The mapping of this area is intended
538 to help meet requirements of 10 V.S.A. chapter 89 - **ADD STATUTORY**
539 **REFERENCES**.

540 (b) The various elements and statements shall be correlated with the land use
541 element and with each other. The maps called for by this section may be

542 incorporated on one or more maps and may be referred to in each separate
543 statement called for by this section.