

Draft Date: 2/18/2026

DRAFT VAPDA AMENDMENTS TO TITLE 24 & 32

Sec. XX. 24 V.S.A. § 4348 is amended to read:

§ 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

(b) 60 days prior to holding the first public hearing on a regional plan, a regional planning commission shall submit a draft regional plan to the Land Use Review Board for review and comments related to conformance of the draft with sections 4302 and 4348a of this title and chapter 139 of this title. The Board shall coordinate with other State agencies and the Community Investment Board, and respond within 60 days unless more time is granted by the regional planning commission.

Commented [CD1]: Improve process. This change brings the CIB comments into the same timeframe as state agencies to allow the LURB and RPC to better consider their comments. Current language puts the CIB comments after the LURB preliminary review.

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

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(h)(4) The Land Use Review Board's affirmative determination shall be based upon finding there is reasonable evidence that the regional plan meets the following requirements:

(E) Confirmation that the regional future land use map contains sufficient opportunity in downtown center, village center, planned growth area, and village area future land use areas to accommodate a substantial majority of the regional housing targets pursuant to subdivision 4348a(a)(9) of this title.

Commented [CD2]: Improve process. This clarifies that RPCs are required to draw future land use areas that (in addition to complying with statute) are compatible with regionally approved local plans.

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(n) Regional plan amendments and Tier 1B area status requests. Regional plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the region. Tier 1B area status requests may be made separate from the regional plan approval process.

(1) A regional planning commission shall hold one public hearing. At least 15 days in advance of the hearing the regional planning commission shall provide notice of the public hearing to parties listed in

Commented [CD3]: Improve process. This provides a simpler and quicker process for regional plan amendments.

4348(d)(1) and the Land Use Review Board. The public hearing notice shall include a description of changes to the plan including changes to future land use maps, and/or any changes to Tier 1B status. Adoption of an amendment shall not change the expiration date of the plan.

(2) After adoption of the regional plan amendment, the regional planning commission shall submit a request to the LURB for an affirmative determination of regional plan compliance for the regional plan amendment and approval of any Tier 1B area status requests. Stand-alone requests for Tier 1B status shall be submitted to the LURB after public hearing per (n)(1) of this section. The LURB shall hold a public hearing within 30 days after receiving the request for an affirmative determination of regional plan compliance or Tier 1B area status and make the determination within 30 days after the hearing.

Additional Change needed:

1. Regional plans expiring in 2026 shall have their plan expiration dates extended until December 31, 2026.

2. Adjust other parts of Section 4348 to address amendment vs. adoption.

Sec. XX. 24 VSA § 4352. Optional determination of energy compliance; enhanced energy planning

(e) Process for issuing determinations of energy compliance.

(1) When no changes are made to the enhanced energy plan that impacts a previously issued determination of energy compliance, the Commissioner may extend a determination of energy compliance for regional plan amendments or adoptions. Regional Planning Commissions shall provide the Commissioner with a certification documenting that the plan amendment or plan adoption does not negatively impact the findings of a previous determination of energy compliance and that the plan or plan amendment conforms with the most recent standards for issuing a determination of energy compliance. The Commissioner shall issue a written decision extending the determination of energy compliance to the new plan or plan amendment within 30 days of the regional planning commission application.

Commented [CB4]: New language to provide RPCs with plans expiring in 2026 time to make edits to their plans this year to address clarification changes adopted this session.

Commented [CD5]: This simplifies the extensive energy approval process by only requiring it when necessary because of regional plan changes, or changes to the requirements.

Sec. XX. 24 V.S.A. § 4348a is amended to read:
 §4348a(12). ELEMENTS OF A REGIONAL PLAN

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(12) A future land use element, based upon the elements in this section, compatible with regionally approved municipal plans, that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses; consistent with the smart growth principles in section XXXX of this title; and policies intended to support the implementation of the future land use element using the following land use categories:

Commented [CD6]: Align definitions. This clarifies that RPCs are required to draw future land use areas that (in addition to complying with statute) are compatible with regionally approved local plans.

Commented [CD7]: Align definitions. This ensures that the smart growth principles (located on page 9 of this document) are the over-arching guidelines that RPCs follow when applying the other statutory requirements. This creates an additional level of protection against sprawl. It also provides an opportunity to delete language in other areas that is already covered by the smart growth principles- helping with consistency between sections of statute.

(A) Downtown or village centers. These areas are the mixed-use centers bringing together community economic activity and civic assets. They include downtowns, villages, and new town centers previously designated under chapter 76A and downtowns and village centers seeking benefits under the Community Investment Program under section 5804 of this title. The downtown or village centers are the traditional or ~~and~~ historic ~~central-core business~~ that includes a mix of two or more cultural, and civic, commercial or residential uses. centers within planned growth areas, village areas, or may stand alone. Municipalities may have more than one center, including emerging centers that anchor planned growth or village areas. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws. It is the intent that almost every town in Vermont should have at least a village center in which additional housing units are supported.

Commented [CD8]: Align definitions. The remaining changes are meant to clarify that centers that meet the smart growth principles and other statutory guidelines but may not have historic districts can be mapped as centers. This helps to ensure that all communities can access the incentives for smart growth that are available in the designation program.

(B) Planned growth areas. These areas include the high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. These areas either surround or are adjacent to Downtown Centers or Village Centers. They include a mix of historic ~~and~~ or non-historic commercial,

residential, ~~and~~ civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. These areas include ~~new town centers, downtowns, village centers,~~ growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet ~~the smart growth principles definition in chapter 139 of this title~~ and the following criteria:

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

(vi) The area provides ~~for~~ opportunity for development, infill development and redevelopment that is needed to meet the regional and municipal housing targets that meets the current and future needs of a diversity of social and income groups in the community.

Commented [CD9]: Helps to further define by tying to targets specifically, rather than just housing as a broad concept.

(vii) The area is served by planned or existing transportation infrastructure that conforms with "complete streets" principles as described under 19 V.S.A. chapter 24 ~~and establishes pedestrian access directly to the downtown, village center, or new town center.~~ Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title.

Commented [CD10]: Align definitions. Amend to make it more consistent with other areas of statute. Multi-modal access covered in iii above. Complete streets and the smart growth principles also cover pedestrian access.

(C) Village areas. These areas include the ~~traditional~~ existing settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, ~~and~~ or mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the downtown center or village center ~~core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation.~~ Village areas shall meet the following criteria:

Commented [CD11]: Village areas are separate land use areas and do not contain the centers

(iv) The municipality has either ~~municipal~~ public water or wastewater. If no public wastewater is available, the area must have soils that are adequate for wastewater disposal.

(v) The area has some opportunity for infill development or new development areas where the village can grow, support the development of housing to meet the regional and municipal housing targets, and be flood resilient.

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(F) Enterprise areas. These areas include locations of high economic activity and employment ~~that are not adjacent to planned growth areas~~. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.

* * *

(J) Rural; conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping that require special consideration for aquifer protection; for wetland protection; for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes. ~~The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. Any portion of this area that is approved by the LURB as having Tier 3 area status shall be identified on the future land use map as an overlay upon approval.~~

~~(d) With the exception of preexisting, nonconforming designations approved prior to the establishment of the program, the areas eligible for designation benefits upon the Land Use Review Board's approval of the regional plan future land use map for designation as a center shall not include development that is disconnected from a downtown or village center and that lacks an existing or planned pedestrian connection to the center via a complete street.~~

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Commented [CD12]: Adds specificity to 'new development areas where the village can grow'

Commented [CD13]: Many of these areas are in fact adjacent to planned growth areas, taking advantage of infrastructure that is available.

Commented [CD14]: Improve process. This is causing confusion and concern. Neither 10 VSA Chapter 89 or Tier 3 are influenced by the regional plan maps, and the regional plan maps do not control or impact them. The LURB will maintain their own jurisdiction maps, including Tier 3.

Commented [CD15]: Align definitions. Part of the effort to delete language that is outside of the future land use definition, and ensure it is already included in the definition. Similar language is included in future land use definition of centers. The goal will still be met while eliminating some confusion.

Sec. XX. 24 V.S.A. chapter 139 is amended to read:

CHAPTER 139. STATE COMMUNITY INVESTMENT PROGRAM
§ 5801. DEFINITIONS

(8) “Planned growth area” means an area on the regional plan future land use maps meeting the requirements of section 4348a(12)(B) of this title and which may be designated as a neighborhood required under section 4348a of this title, which may encompass a downtown center or village center on the regional future land use map and may be designated as a center or neighborhood, or both.

Commented [CD16]: Planned Growth Areas do not contain centers- they are separate from centers.

(10) “Sprawl repair” means the redevelopment of lands with buildings, traffic and circulation, parking, or other land coverage in a pattern that is consistent with smart growth principles in section XXXX of this title.

(12) “State Designated Downtown Center or and Village Center” or “designated center” means a contiguous downtown center or village center a portion of which is listed or eligible for listing in the national register of historic places area approved as part of the LURB review of regional plan future land use maps, which may include an approved preexisting designated downtown, village center, or designated new town center established prior to the approval of the regional plan future land use maps.

Commented [CD17]: This change does several things:
1.Helps with goal to bring all standards under the future land use definitions
2.Clears up internal inconsistency. Eligibility for Step 2 benefits already requires this historic test. This will clarify it is not needed for Step 1 basic benefits.
3.Ensure that all communities can access Step 1 center designation while still reserving the most benefits for centers that are historic in nature.

(13) “State designated neighborhood” or “designated neighborhood” means a village area or planned growth area contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps. that is compact and adjacent and that is contiguous to a center.

(15) “Village area” means an area on the regional plan future land use maps meeting the requirements of section 4348a(12)(B) of this title and which may be designated as a neighborhood adopted pursuant to section 4348a of this title, which may encompass a village center on the regional future land use map.

Commented [CD18]: Same as previous- village areas do not include the centers.

§ 5803. DESIGNATION OF DOWNTOWN CENTERS AND VILLAGE CENTERS

(a) Designation established. A regional planning commission may apply to the LURB for approval and designation of all downtown centers and village centers by submitting the regional plan future land use map adopted by the

regional planning commission. ~~The regional plan future land use map shall identify downtown centers and village centers as the downtown and village areas eligible for designation as designated centers.~~ The Department and State Board shall provide comments to the LURB and regional planning commission on areas eligible for center designation as provided under this chapter in section 4348.

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~~(c) Exclusions. With the exception for preexisting, nonconforming designations approved prior to the establishment of the program under this chapter or areas included in the municipal plan for the purposes of relocating a municipality's center for flood resiliency purposes, the areas eligible for designation benefits upon the LURB's approval of the regional plan future land use map for designation as a Center shall not include development that is disconnected from a Center and that lacks a pedestrian connection to the Center via a complete street.~~

Commented [CD19]: Align definitions. Same as page 5. Part of the effort to delete language that is outside of the future land use definition, and ensure it is already included in the definition. Similar language is included in future land use definition of centers. The goal will still be met while eliminating some confusion.

~~(f) (1) Step One.~~

~~(A) Requirements. Step One is established to create an accessible designation for all villages centers throughout the State to become eligible for funding~~

~~and technical assistance to support site-based improvements and planning. All downtown centers and village centers shall automatically reach Step One upon approval of the regional plan future land use map by the LURB. Regional plan future land use maps supersede preexisting designated areas that may already meet the Step One requirement.~~

~~(2) Step Two.~~

~~(A) Requirements. Step Two is established to create a mid-level designation for villages or downtown centers throughout the State to increase planning and implementation capacity for community-scale projects. A center reaches Step Two if it:~~

~~(3) Step Three.~~

~~(A) Requirements. Step Three is established to create an advanced~~

designation for downtown centers throughout the State to create mixed-use centers and join the Vermont Downtown Program. A center reaches Step Three if the Department finds that it meets the following requirements:

POTENTIAL NEW SECTIONS

Sec. XX. 24 V.S.A. §4303 - add

(27) “Smart growth principles” means growth that:

Commented [CD20]: This restores this section of statute that was deleted, with some minor updates to incorporate new future land use area names, and flood resiliency (I).

(A) Maintains the historic development pattern of downtown and village centers, planned growth areas and village areas separated by rural countryside.

(B) Develops compact mixed-use centers, planned growth areas and village areas at a scale appropriate for the community and the region.

(C) Enables choice in modes of transportation.

(D) Protects the State’s important environmental, natural, and historic features, including natural areas, water quality, scenic resources, and historic sites and districts.

(E) Serves to strengthen agricultural and forest industries and minimizes conflicts of development with these industries.

(F) Balances growth with the availability of economic and efficient public utilities and services.

(G) Supports a diversity of viable businesses in downtowns and villages.

(H) Provides for housing that meets the needs of a diversity of social and income groups in each community.

(I) Provides opportunities to develop in areas outside of floodplains and river corridors.

Commented [CB21]: New language added

(J) Reflects a settlement pattern that, at full build-out, is not characterized by:

(i) scattered development located outside compact downtown and village centers, planned growth areas and village areas that is excessively land consumptive;

(ii) development that limits transportation options, especially for pedestrians;

(iii) the fragmentation of farmland and forestland;

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

(v) linear development along well-traveled roads and highways that lacks depth measured from highway, as allowed by geographic constraints.

~~Sec. XX 24 VSA 4476 Formal review of regional planning commission decisions – delete formal review under old regional review panel **section**~~

Commented [CD22]: Legacy language related to the former Council of Regional Commissions that no longer exists and should have been deleted when the other sections related to this were deleted years ago. It conflicts with newly adopted LURB process..