Module 1:

The Municipal Plan

PLANNING MANUAL SEPTEMBER 2016

VERMONT
AGENCY OF COMMERCE & COMMUNITY DEVELOPMENT
DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT

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This manual was developed in accordance with Section 4304 of Title 24, Vermont Statutes Annotated.

Acknowledgments

Thanks to our local and regional partners and our sister agencies for coming together to work as a team to rethink the municipal planning process and make the Planning Manual a nimbler and more useful resource for Vermont communities. Their support, guidance, feedback, and energy helped move this project across the finish line.

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A final thanks to John E. Adams for leading this project and the Department's Community Planning and Revitalization team for all their hard work building strong communities. I am amazed by your enthusiasm, innovation, and determination to make great places that residents and businesses want to call home.

The Department of Housing and Community Development looks forward to working with communities, regional planning commissions, and our state partners to use the Planning Manual to improve Vermont's quality of life. Anything new needs tuning and adjustment, and your experience working with the new Planning Manual is important to our Department. We welcome your comments, suggestions, and feedback on how we can improve the manual and better serve communities.

Noelle MacKay, Commissioner
Department of Housing and Community Development
March 2016

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BETHEL

Introduction

This Edition of the Vermont Planning Manual

- Helps communities make plans that are user-friendly and concise;
- Presents a new approach to creating a vision that clearly identifies where and what communities want to maintain, evolve, or transform;
- Focuses on what matters most — identifying the actions that will turn that vision into reality.

WE ALREADY HAVE A PLAN...

86 percent of Vermont municipalities already have a plan and are not starting from scratch. This manual provides up-to-date information and guidance whether you are completely overhauling the plan or adopting a minor amendment. We've even included a chapter to help you evaluate your existing plan.

Why Plan?

Planning for economic development, housing needs, infrastructure, and environmental health are fundamental responsibilities of Vermont's municipalities. In many ways, local planning is like retirement planning — many of us avoid charting a roadmap for our retirement future because it's overwhelming and easy to postpone. However, shelving important decisions that radically influence our future doesn't solve the problem, it makes it worse.

Developing a picture for the future and setting clear goals helps communities and individuals connect many smaller actions and measure achievement toward the larger goal. A guiding plan allows decisions to be made by considering the future of the community as a whole. Without it, short-term, shortsighted decisions can erode a community's quality of life, reduce its property values, and lead to higher taxes or wasteful spending.

> "Among material resources, the greatest, unquestionably, is the land. Study how a society uses its land, and you can come to pretty reliable conclusions as to what its future will be."
>
> ***E.F. Schumacher, Economist***

While often not recognized, town plans play a significant role in whether or not communities are able to continue maintaining infrastructure, attract residents and businesses, or support vital institutions. In most communities, volunteer planning commissioners are tasked with the work that professional staff planners provide in larger communities. Developing a town plan can be a daunting task for volunteers, and this manual is devoted to making that effort a little easier and more worthwhile.

To update this Planning Manual, which was last overhauled in 1988, we conducted statewide surveys and focus groups with volunteer and professional planners. Responses indicated that communities wanted more practical guidance that focused on what matters most: creating a shared vision and identifying actions that will turn this vision into a reality. It was clear that if Vermonters want a vibrant, healthy, and dynamic place to live, work, and invest, communities need up-to-date guidance on developing clear, concise, and effective plans.

Challenging tasks are made easier when broken down into manageable pieces. For this reason, the 2016 Planning Manual creates a new, 5-step process to help communities create plans that are clear and that won't end up just sitting on a shelf. It describes how to create a shared vision of what the community would like to maintain or work to evolve or transform over time. The manual explains how to prioritize realistic and achievable implementation actions and link them to programs that support implementation. Finally, it provides guidance on how to evaluate existing plans and identify ways to make them better.

Four good reasons to plan that are important to everyone in your community:

1. Paints a Clear Picture of the Future

Residents, institutions, and businesses want to understand the key issues facing their community and the direction they are heading. They want to know if the community plans to stay predominately rural, or if the vision calls for building new neighborhoods around a vital town center, or some combination of both. Developing this shared vision allows people to come together, set goals, and evaluate progress over time.

2. Makes Great Places

Vermont is already rich in great places to live, work, and play, but to keep them that way, communities need to take deliberate steps to maintain, improve, and revitalize them. Modern technology allows more people to live and work anywhere, and many choose the location first and find work once they get there. They look for places that focus on providing a high quality of life through the built, cultural, and natural environments. They choose walkable neighborhoods and authentic places over "Anywhere, USA" development patterns typical of auto-oriented suburbs. Similarly, more individuals and families seek to live in complete, connected communities and not just a subdivision or a remote house lot. Your plan provides the key to making and maintaining great places.

3. Establishes Transparent, Consistent, and Predictable Public Policy

When businesses or residents want to expand, relocate, or invest in a Vermont community, they should be able to look at the community's plan and corresponding policies and regulations and understand the ground rules. They should be able to quickly determine where and how much they can build, and when they do, it should come as no surprise to their neighbors. A clear vision and plan establishes the foundation for the local regulations that everyone can understand and align with their own expectations for change.

4. Promotes Wise Investments and Helps Manage Future Costs

Like all people, Vermonters want it all — good public services, a high quality of life, and low taxes. When a community lacks a vision and plan for development, it can produce the opposite — low-quality services and loss of amenities at high costs. Development that is spread out and unplanned may initially feel rural and low maintenance, but over time, if allowed to continue, it will require significant expenditures to extend and maintain services and facilities throughout sparsely settled areas of the community. Planning can help manage the costs of community services, concentrating them to serve people and businesses more efficiently; then, every investment, public and private, can produce multiple social and economic benefits for all.

There are many other good reasons to plan, some of which are also covered in the next section of the manual, "What Is a Municipal Plan?"

What Is A Municipal Plan?

"A plan is a vision, a vision tempered by reality and a course of action."

Darby Bradley, former president, Vermont Land Trust, 1990–2006

Municipal Plans

The one document essential to defining and implementing a community's vision is the comprehensive municipal plan. The plan provides a framework toward attaining community aspirations through public investments, land use regulations, and other implementation programs such as a state-designated downtown or village center, business improvement districts, or land conservation programs. It can also qualify the community for state grants to fund improvements or receive specialized technical assistance.

Municipal plans can be used as

A long-term guide: The plan can be used to measure and evaluate public and private initiatives that affect the future physical, social, and economic health of the community.

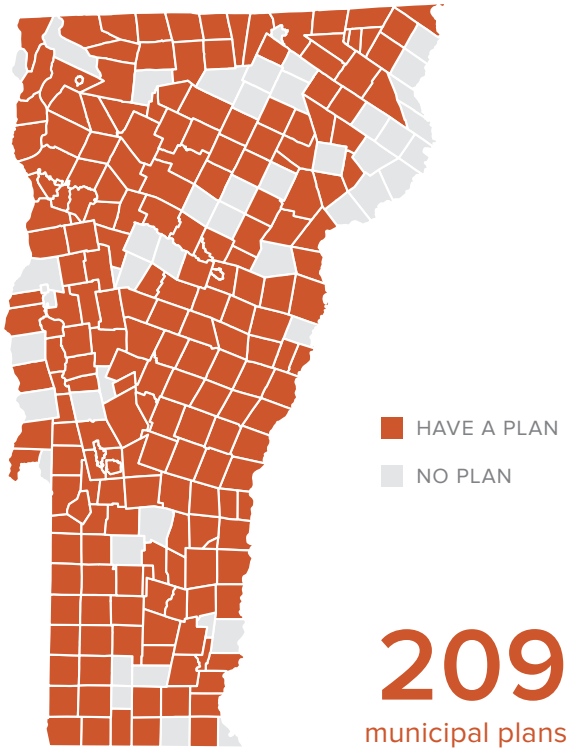
A basis for decision-making, community programs, and taxpayer investments: The plan can help a community identify priorities for funding, establishing a capital improvement program, and directing other public and private local initiatives, such as farmland protection, housing development, or recreational facilities creation or improvement.

An action plan that identifies implementation steps: The plan details the programs and projects over the short term (one to two years), midterm (three to five years), and long term (six years or more) to achieve goals and objectives. Well-articulated implementation strategies can help leverage grant funding and other support for those actions.

A basis for municipal regulations: The plan serves as the foundation for zoning and subdivision regulations and bylaws to protect shorelands and flood-hazard areas from development. It underpins the official town map and guides local regulatory decisions.

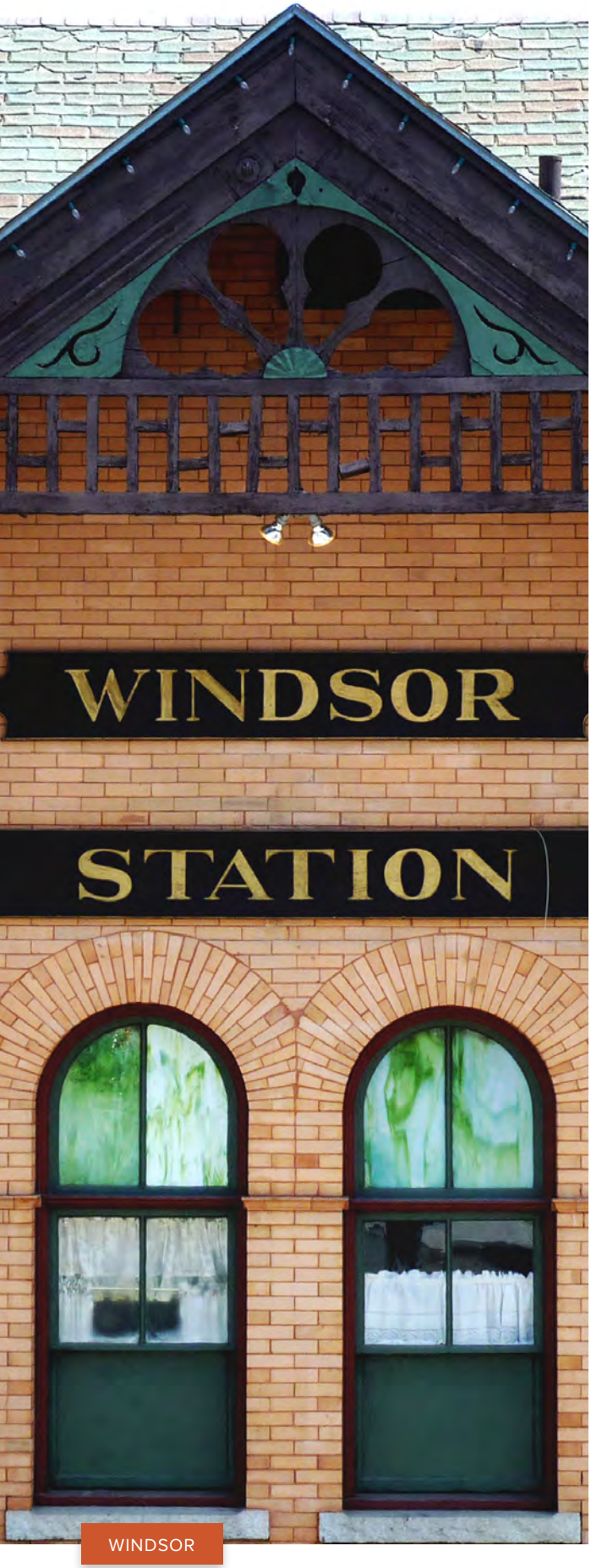
HOW MANY MUNICIPAL PLANS ARE THERE IN VERMONT?

A municipality is political unit, such as a city, town, or village, incorporated for local self-governance.



209
municipal plans

86%
of municipalities have a plan



WINDSOR

A source of information: The plan is a valuable source of facts and figures on things like population changes, economic trends, and future housing and infrastructure needs; it also locates and describes important historic and natural resources. Having this information well organized and easily accessible is quite valuable to numerous stakeholders: local boards, commissions, citizens and businesses, the press, and governmental organizations, including neighboring towns, state agencies, and regional planning commissions.

DID YOU KNOW THAT EVEN THE TOWN OF GLASTENBURY HAS A PLAN?

With two roads, eight houses, and a population ranging between four and 20 (depending on the day), even the tiny unincorporated Town of Glastenbury has a plan. If you are a small town debating whether or not you can undertake this process, take inspiration from this community that has had a plan since 1991. Being small has its advantages — like holding meetings on someone's porch or hosting barbecues during your public hearings.

A source for strategic planning and studies: Few plans can address every issue in sufficient detail. Therefore, municipal plans often recommend further studies to develop policies or strategies to meet specific needs like creating more housing or managing stormwater.

A tool for coordination: Municipal plans are important in conveying a community's vision for broader initiatives such as the development of intermunicipal, regional, and state agency plans and programs.

A source for community standards in state regulatory proceedings: Act 250, Vermont's statewide land use law, the Section 248 permitting process for energy projects, and other state regulatory processes reference municipal plans as part of the permit process described in Appendix 2.

FIVE YEAR PLAN, 20 VISION

Many municipal plans have thorough inventories describing the present but do not adequately address what the municipality strives to be in the future, nor do they state specific policies or programs to help residents make their desired future a reality. Plan for what you want your community to be like in 20 years!

Municipal plans in Vermont are necessary to:

Empower local decisions by making it possible to adopt

- Zoning regulations
- Subdivision regulations
- Flood-hazard and other free-standing regulations
- A capital budget and program and charge impact fees

Influence state regulatory proceedings:

- Act 250 applications must conform to the municipal plan
- Applications for a Section 248 Certificate of Public Good must give due consideration to the municipal plan

Qualify and receive priority for certain state and federal programs, including

- Municipal planning grants*
- State designation programs*
- Downtown and village tax credits (and other benefits of designation)*
- Bicycle and pedestrian facilities funding
- Brownfield redevelopment funds
- Community development and affordable housing funds

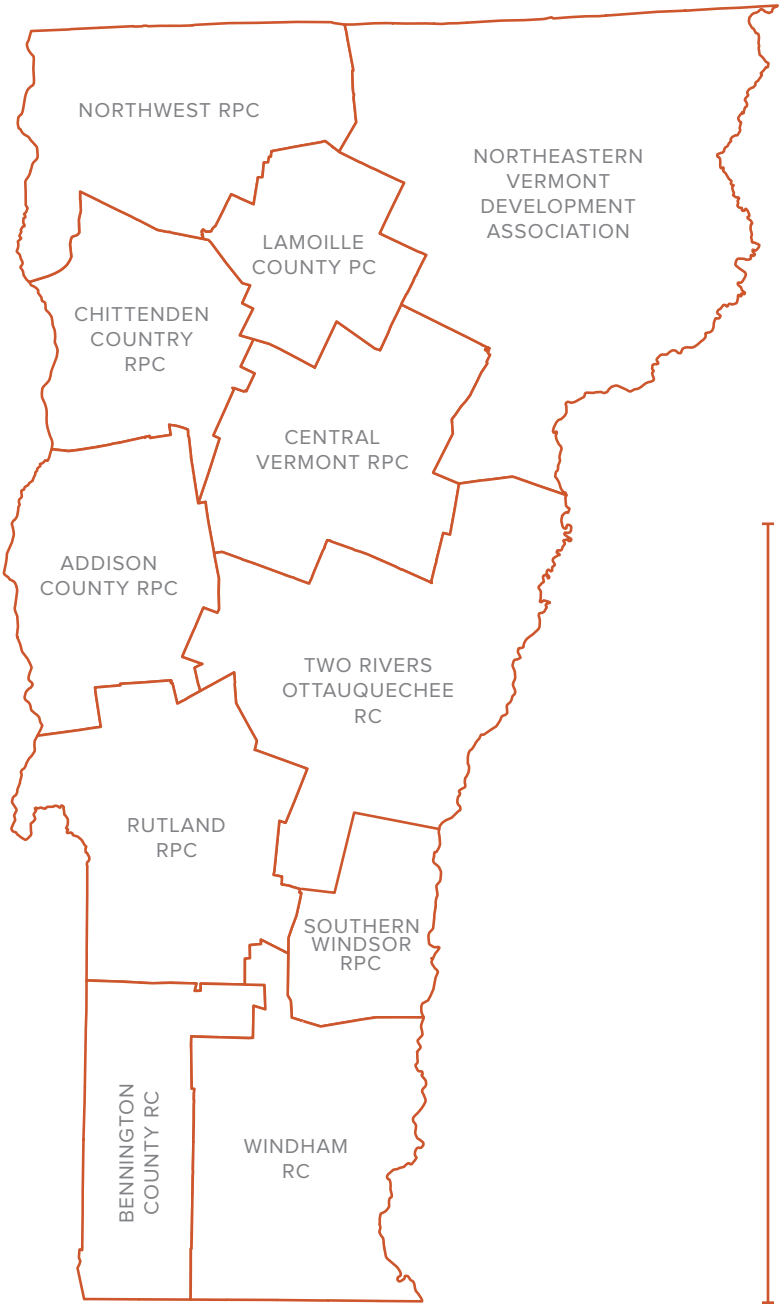
*Requires a confirmed planning process that includes approval of the municipal plan by the regional planning commission.

TOWNSHEND

Regional and Statewide Planning

Each of Vermont's 11 Regional Planning Commissions adopts a plan that in most respects parallels the content of municipal plans. According to Vermont law, a municipal plan is compatible with the regional plan and the plans of adjoining municipalities if the plan will not significantly reduce the desired effect of those other plans.

Vermont law enables a municipality to adopt a regional plan or a portion of a regional plan as the community's municipal plan. While this provision is currently rarely used, regional plans are sometimes structured to help simplify local plans. This allows municipalities to rely on the data, analysis, and recommendations in the regional plan for those elements that have a regional scope such as housing, energy, economic development, and transportation and allows the municipality to focus its plan on the vision, land use, and local priorities that matter most to the community.



COORDINATION ACROSS DIFFERENT SCALES OF PLANNING IN VERMONT

State Planning Goals

The state has 14 specific planning goals.

Regional Plans

Regional plans must be consistent with the state planning goals.

Municipal Plans

In order to have a regionally approved plan, municipal plans must be compatible with the regional plan and consistent with the state planning goals.

Statewide Planning Goals

Vermont statute includes 14 goals that municipal, regional, and state plans are to further. While the goals are discussed throughout Module 1 of the manual, this checklist provides all the goals in one place and can help you track whether the plan is compatible with the state planning goals.

To be approved by the regional planning commission, local plans must be consistent with the statewide planning goals, meaning, the local plan is making substantial progress toward attainment of its goals. Regional planning commissions evaluate local plans periodically and will consult with the municipalities to discuss the results. These consultations typically occur before a municipality begins its municipal plan update and give the local planning commission guidance on inconsistencies and opportunities to improve the plan and assure regional approval.

State Level Plans

While not directly linked to local plans, and often developed in response to federal agency requirements, some state agencies adopt plans that affect local and regional planning — especially by defining priorities for state funding, including various state transportation plans to improve the reliability of networks (Agency of Transportation), the Hazard Mitigation Plan to reduce threats to public safety (Division of Emergency Management and Homeland Security), the HUD Consolidated Plan to guide investments in housing and economic development (Department of Housing and Community Development), and Tactical Basin Plans that identify investments to improve water quality (Department of Environmental Conservation).

SMART GROWTH PRINCIPLES

One of the state planning goals is to have development undertaken in accordance with smart growth principles. The 10 smart growth principles are:

- Mix land uses
- Take advantage of compact building design
- Create a range of housing opportunities and choices
- Create walkable neighborhoods
- Foster distinctive, attractive communities with a strong sense of place
- Preserve open space, farmland, natural beauty, and critical environmental areas
- Strengthen and direct development towards existing communities
- Provide a variety of transportation choices
- Make development decisions predictable, fair, and cost effective
- Encourage community and stakeholder collaboration in development decisions

Municipal Planning Process: Actors and Roles

The Planning Commission

The planning commission is responsible for preparing, updating, and distributing the plan, holding public hearings on the plan, and submitting it to the legislative body for consideration. Specific requirements for preparation and adoption are listed in Appendix 1.

As part of the process, the planning commission must solicit public input, weigh options, and recommend policy decisions that will chart the future of the community and which may eventually have the force and effect of law. For these reasons, planning commission members must always act in the public interest and put the general welfare of the community above any personal interests.

The Legislative Body

According to the statute, the legislative body (either the selectboard, city council or board of trustees) is responsible for reviewing the plan, holding public hearings on the plan, and adopting the plan. The legislative body may make changes to the plan in accordance with statutory provisions.

ETHICAL PRINCIPLES IN PLANNING

The American Planning Association has produced a guide outlining ethical principles to guide participants in the planning process.

Planning Commissioners should:

- Recognize the rights of citizens to participate in planning decisions;
- Strive to give citizens (including those who lack formal organization or influence) full, clear, and accurate information on planning issues and the opportunity to have a meaningful role in the development of plans and programs;
- Strive to expand choice and opportunity for all persons, recognizing a special responsibility to plan for the needs of disadvantaged groups and persons;
- Assist in the clarification of community goals, objectives, and policies in plan-making;
- Ensure that reports, records and any other non-confidential information that is, or will be, available to decision-makers is made available to the public in a convenient format and sufficiently in advance of any decision;
- Strive to protect the integrity of the natural environment and the heritage of the built environment;
- Pay special attention to the interrelatedness of decisions and the long-range consequences of present actions.

> "When it comes to planning, if you're not doing it with people, they think you are doing it to them."
>
> ***Roger Millar, PE, AICP, deputy secretary, Agency of Transportation, State of Washington***

The Community

The community's involvement throughout the planning process is essential in creating a plan that will have support for implementation. All members of your community have the right to participate in planning decisions and the creation of a municipal plan. Planning commissions and local legislative bodies must strive to give community members (including those who lack formal organization or influence) full, clear and accurate information on planning issues and the opportunity to have a meaningful role in the development of the municipal plan.

Key Elements of a Successful Planning Process

Even when all the actors involved in the planning process play their parts, plans can fail to deliver the expected results. There are four critical factors that will ensure your municipal plan is successfully implemented.

1. Diversity on the Planning Commission

Much of the "heavy lifting" involved in developing a plan that reflects the community's values rests on the shoulders of the planning commission. The best way to build this into the process is to assure the makeup of the planning commission mirrors the values, concerns, and interests of various constituencies within the community. Members should represent all walks of life, including those in planning-related professions such as architects, developers, attorneys, and engineers, as well as general community and neighborhood representatives. Members should come from different parts of the community and from different economic backgrounds. Diverse membership helps ensure that all areas and points of view within the community receive ample representation.

2. Community participation

Getting broad participation and "buy-in" is a challenge but is absolutely critical for the long-term success of any plan. Holding a few public meetings advertised in the local paper is not enough. Planning is a process and not an event: There must be a variety of different opportunities to involve individuals across the community and incorporate their ideas, thoughts, and concerns. When people feel like they are listened to and are part of the final product, their participation builds the consensus necessary to win political support for implementation. Be sure to involve municipal officials, such as those on conservation commissions, development review/zoning boards, and even the listers and town clerk. People representing local businesses and institutions like colleges, hospitals, and neighborhood and community groups may also be willing to offer assistance in reaching sectors of the community that generally don't attend public meetings.

3. Communication and listening skills

There are many decisions that need to be made when mapping, customizing, and adopting the plan. The community will be asked to carefully balance what is in their best interest and what is in any given property owner's best interest. Successfully striking the right balance between competing interests and building consensus around these often difficult decisions takes leaders who are good communicators and great listeners — sensitive to the moods, values, attitudes, and concerns of the community. They must communicate with clarity, value brevity, and understand the benefits of having open, frank discussions. They must be open-minded and trusted in the community, understand and acknowledge the concerns raised, and know how to adjust and align expectations.

4. Willingness to ask for help

If your community needs assistance in preparing the plan, your Regional Planning Commission (RPC) stands ready to help. RPCs have professional planning staff with experience in a variety of topics and understand what is required to get plans adopted and goals implemented in your community. They may be able to help you think through possible solutions or find the resources necessary to get started. Experienced private consultants are also available. The Department of Housing and Community Development (DHCD) maintains a list of consultants that have indicated an interest in working with Vermont municipalities on planning and planning-related projects. You may be able to obtain a municipal planning grant from DHCD to help pay for the work and should consider creating a local planning fund that can be used to hire the needed technical assistance or as a match for leveraging grant funds.

HOW CAN A PROFESSIONAL PLANNER HELP US?

Professional planners can:

- Provide technical expertise in mapping, data analysis, and modeling;
- Coordinate public outreach and communications;
- Support and organize the work of many groups and individuals;
- Draft goals, policies, and implementation strategies for local review;
- Research and help navigate through the more complicated areas of planning;
- Expedite implementation and enforcement.

Work Plans, Public Engagement and Budgets

As you have read, the process to develop a plan involves many participants, requires expertise, and often involves discussion of issues upon which not everyone agrees. A major plan overhaul can take a year or more to complete. To get the most out of the planning process — and not end up with a list of good ideas on a shelf — it is important that you give yourself time to prepare. "Planning to plan" is guaranteed to save you time, money, and other resources.

Getting Started

In Vermont, adopted plans have five-year expiration dates, upon which your community needs to either adopt a new plan or readopt/amend the old plan. We recommend thinking about your game plan at least two years before a plan expires to make sure you have time to secure any necessary resources and to think through the process by developing a work plan.

Any work plan should begin by understanding what you already have: inventorying existing plans/ planning studies, reviewing the regional plan, and familiarizing yourself with the necessary plan requirements. Most communities are not starting from scratch and will build off existing work. Refer to the final chapter of this module, "Working With Existing Plans" to identify deficiencies or areas that need attention in your next plan. Remember that in most municipalities, your regional planning commission may have recently reviewed the community's plan and identified gaps and opportunities to improve the plan.

Your municipality should then determine the extent of the work ahead: Is this going to be a new plan or just a revision with some updates? With guidance from the regional planning commission, the local planning commission normally takes the lead in making this determination.

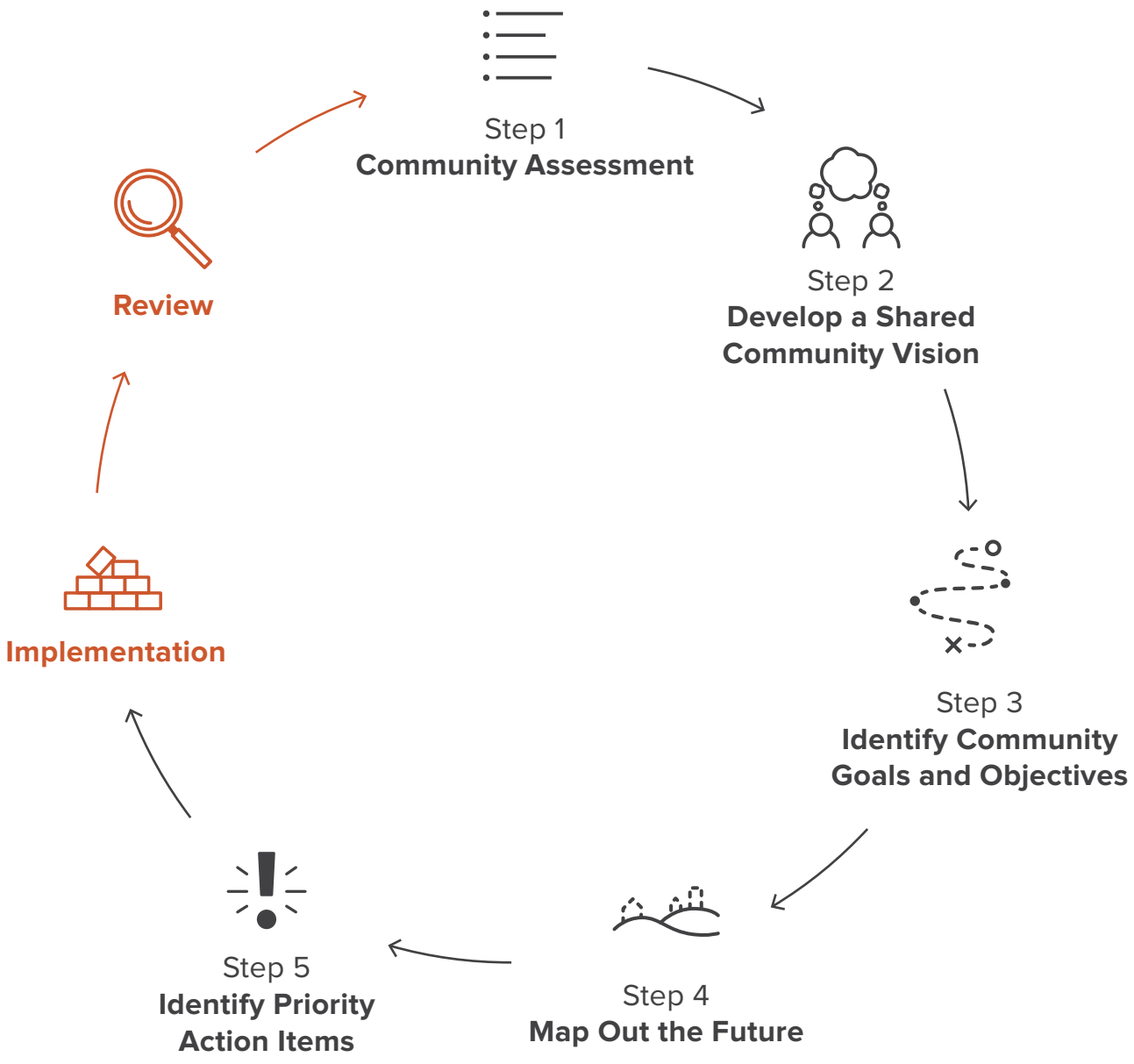
Outlining the Planning Process

Next, outline the process your community will follow to arrive at a plan. While this manual proposes 5 Steps, some communities may have good reasons to do things differently. For example, you may choose to launch an extensive public participation effort –– through public forums, community surveys, newspaper, and television –– at the beginning of the process, before collecting assessment data described in Step 1 of the manual.

BURLINGTON

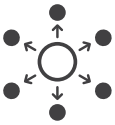
The Planning Process

The following outlines a 5-step planning process. The time each step takes will vary widely depending on the methods a community selects and on the hours being devoted to the work by volunteers and any staff or consultants.



Developing Strategies to Inform and Invite Engagement

As part-time volunteers, it's easy to short-change the importance of keeping community stakeholders informed. Devote some time to mapping out a communications strategy to engage the entire community in the planning process. The planning commission should use a variety of tools available to keep stakeholders informed. The following framework will help you consider what types of outreach may be needed to reach community stakeholders.



Inform

Keeping the town website up-to-date with meeting announcements and minutes is a basic requirement, but you must also provide the entire community with balanced and objective information to help them understand the challenges, opportunities, options, and costs. It's important to use a variety of other outlets and media formats to inform the community about your work. Examples: social media like Facebook and Front Porch Forum, newspaper articles and editorials, handouts, television/radio, and posters. Laying out the facts and options is especially important at the beginning, in Step 1, and end of the planning process, Step 5, and for special events.

Consult

Seek community feedback, inviting information and opinions from a wide range of groups, including nonprofit service providers, businesses, special interest groups, and other volunteer boards and town leaders. Examples: online or mail-out surveys, open houses, focus groups, participatory mapping, social gatherings, and walk-and-talk sessions. Use to obtain public input for Step 1 and Step 4.

Involve

Encourage a back-and-forth community conversation to identify concerns and issues where opinions are shared. Examples: workshops with stakeholder advisory groups, public forums, board meetings, neighborhood meetings, one-on-one meetings. This is especially important if the individual or group is likely to be affected by proposed changes. In most cases, this extra effort is appreciated and it can help avoid unnecessary opposition. Use for Step 3 and Step 5.

Collaborate

Identify preferred solutions and priorities and incorporate stakeholder recommendations into decisions as much as possible. Examples: scenario planning and charrettes — these are usually part of a multistage process that enables solutions to evolve while people discuss the issues and learn from each other. Use for Step 2.

Attracting busy community members to meetings is always a challenge, but providing food for all and activities for children helps remove barriers and creates a welcoming environment.

TOOLS TO GET THE WORD OUT AND GATHERING INPUT

A successful community participation process must go beyond hearing from "the usual suspects." Get creative and reach out to all types of people.

Meeting notices

This traditional format works well in high-traffic, public places like schools, town offices, transfer stations, or stores.

Direct mail

Some people are overwhelmed by the amount of email they receive and may inadvertently overlook your message. Others don't check their email often or don't have Internet access. Thus, flyers and postcards are still a good way to get your message out. This is most effective when the message is clear and short — no more than a page. A low-cost approach that will work in some towns is to include your information in the utility bill.

Telephone

While it's easy to overlook an email, it's much harder to miss a phone call or message. The phone is a great tool to remind people about meetings, or to follow up on issues or concerns.

Partner with local restaurants

Print your educational materials on placemats or drink coasters.

Newspaper articles and editorials

Most Vermonters read print or online versions of their local newspaper, making them a terrific place to share your information.

Walk-and-talk sessions

Meeting around tables, seated in chairs, has its place, but walking and talking side by side is a good way to set people at ease and encourage a free exchange of ideas.

Front Porch Forum

Increasingly busy schedules mean that residents want convenient and quick ways to stay informed about your work and easily comment on your ideas. Front Porch Form, or another type of electronic bulletin board, is a quick and cost-effective way to distribute and gather information from the community.

Public forums

Providing food and refreshments — especially near mealtime — can help draw a bigger crowd to informal discussions. However, individuals who are more comfortable speaking in public can sometimes dominate these meetings.

Open houses

These gatherings are typically a more informal way to gather feedback using displays, handouts, a repeating slideshow, interactive maps, and other activities to educate or gather input.

Town websites

Post your meeting agendas, minutes, fact sheets, maps, reports, contact information, and other relevant information here. While websites are an excellent tool to share information, remember that not everyone in town has Internet access.

MORE TOOLS TO GET THE WORD OUT AND GATHERING INPUT

Social media

Platforms like Facebook and Twitter are all about engagement and participation. This makes it a particularly useful vehicle to both inform and gather feedback. However, beware: Social media done badly can work against you.

Photography contests

Invite residents to submit photos of special places in town and share the photos in a slideshow to help identify visual preferences shared by the community. Offering prizes can encourage participation and can help raise awareness for your planning effort.

Online surveys

These are a good way to gather citizen feedback and gauge public opinion. Questions should be simple and jargon-free. Online tools like SurveyMonkey or Zoomerang are easy to use and create attractive reports and graphics to share what you leaned.

Focus groups

These small group meetings (usually from 6 to 10 people) are designed to gather the unique perspectives/opinions of a specific group. Participants often are selected based on their knowledge of a particular subject, but they can also involve a broader cross section of community members. The back-and-forth exchange of information can lead to creative ideas and solutions.

Webinars

These are a low-cost way to allow citizens to participate in meetings without leaving home.

Advisory committee

This option is usually used to provide input or recommendations on more challenging or controversial issues. The committee may represent a cross section of the community or may include special interests like local business owners, issue advocates, or residents of a neighborhood or village with knowledge or concerns about a particular issue.

Charrettes

This method helps expedite a planning process and focus community attention on a specific issue at hand rather than spreading the process out over a much longer period of time (see Step 1 for more details).

A Strengths, Weaknesses, Opportunities and Threats ("SWOT") Analysis

This approach offers a simple but effective way to get a group working together and responding to the community assessment by articulating community values and shared concerns. Once opinions about current conditions have been listed and discussed, and the main points of agreement identified, you will be better prepared to think about a vision for the future.

To learn more, check out these useful resources:

- Participation Tools for Better Community Planning, Local Government Commission, 2013. This guidebook updates the original guide with the incredible array of new tools that have emerged in the 21st century to inform and engage with the public during the local planning process.
- Communication and Citizen Participation Techniques, Washington State Municipal Research and Service Center, 2015. A short, helpful, easy-to-read overview including tips on running an effective meeting.
- Vermont Digital Economy Project Guides, Vermont Council on Rural Development. Information and examples on using digital communication tools with an emphasis on guidance for local governments.

Creating a Timeline and Assigning Responsibility

Once a general process is outlined, it is time to create a schedule and timeline that outlines how the steps in the process will be accomplished, specifies who is responsible for them (whole commission, individual commissioners, staff, consultants), and how much time they will take. Before assignments are made, contact the regional planning commission to discuss what assistance is available.

Creating a Budget

Establish a budget for the planning process that includes costs for all the items identified in the outline, including tasks and materials like mapping, hiring consultants, surveys, conducting workshops, and graphic design. Funding sources could include municipal budgets, contributions, or grant funds. Vermont's municipal planning grant program was specifically created to support municipal planning efforts. Additional technical assistance may be provided by RPCs, nonprofit organizations, and state agencies.

A WORKING GROUP TO STEER THE PLAN

Creating a plan steering committee made up of diverse members of local boards and commissions as well as other community leaders helps to keep various groups and citizens informed and engaged throughout the process. A separate steering committee can also be helpful if the planning commission has other pressing duties that draw attention away from the plan.

Anticipate planning expenses well in advance to accommodate municipal budgeting and state planning grant cycles. If seeking a grant, have a contingency plan in place in case the grant is not awarded. When you anticipate contracting for specific technical assistance, the planning commission should contact two or more consultants or contractors in the field and discuss the project with them for advice about how to structure the project and to obtain general cost estimates. In most cases, you will want to issue a more formal request for proposals or qualifications when the time comes to hire a consultant, but at the earlier budgeting stage you should reach out to likely consultants for their thoughts about the project, including the budget.

BRATTLEBORO

Contents and Format of the Plan

Vermont Law requires the inclusion of 12 elements in any adopted municipal plan. If these elements are missed, there is a chance that the plan, if challenged, might not be considered legally valid. If this determination were made in court, your municipality would not be able to use the plan to influence Act 250 or Public Service Board Section 248 Proceedings. It also could not be used as a basis for local zoning.

The required elements of the plan are all listed in a checklist provided in Appendix 1, as well as outlined throughout the 5 steps of this manual. The elements have varying degrees of importance for different communities facing their own set of issues. Plans may cover issues beyond the required 12 elements (e.g., including a major topic like public health or climate change).

While a municipal plan must address all 12 required elements, the planning commission may decide how it will address each element. Most communities develop plans by the topic areas of the required elements such as "Land Use," "Transportation," "Housing," or "Natural Resources." Others may organize their plan around a few major goals. Review other plans to determine the layout most appropriate for your community. Strive to make your plan as clear and concise as possible so the plan will be used as a guide for the land owners, developers, investors, volunteers and officials in your community, most of whom have little time to read and understand lengthy, complex documents.

LOOK TO OTHER PLANS FOR INSPIRATION

No need to reinvent the wheel! Other communities have worked hard to make useful, attractive, informative action-oriented plans. You can search for examples of Vermont's municipal plans here, but don't limit yourself to Vermont. Search the Web for "municipal plans," "comprehensive plans" or "master plans," or ask regional planning commission staff to recommended good examples. No matter how small your town, you can find bits and pieces of great ideas even in big city plans!

Recommendations for creating user-friendly plans include the following:

- **Focus on achieving the vision of the future, not documenting the past or the present.** A common fault of many plans is an overemphasis on documenting the current state of the community instead of providing a clear picture of the goals and vision for the future and implementation steps to realize that community vision. You should think of the community assessment outlined in Step 1 as the documentation of facts and trends meant to help make informed decisions throughout the planning process. Consider keeping this information about the past and present in a "Fact Book" and including it as an appendix to your plan, while keeping the main body of the text focused on the vision and action steps.
- **Structure your plan around your big ideas.** Every plan has a few big ideas that are necessary to achieve the community vision. Make sure these ideas are highlighted and not buried or scattered in the document. Most of the required plan elements are likely to fit within these important themes and designing the plan content around the big ideas will help keep the plan concise.
- **Utilize maps, images, and graphics.** Information can be much more easily understood by relying on more than just the written word. Well thought out graphics can be effective communication tools that have the added benefit of being easily shared through social media. Many communities have artists, designers, and students who have graphic communication skills and may be willing to help.
- **Take out unnecessary information or unfeasible ideas.** Removing unnecessary information and actions that are too costly or politically impossible ensures the plan is user-friendly and credible.

SPRINGFIELD

The Five Steps

This manual outlines a 5-step method designed to help communities meet state planning requirements while focusing on the issues that matter most to them. Most of Vermont's cities and towns have an existing plan that just needs an update rather than a complete overhaul. If your municipality has a plan in place, you can start with the "Working with Existing Plans" section of the manual for guidance on how to assess your existing plan.

MIDDLEBURY

Step 1: **Conduct a Community Assessment**

A community assessment evaluates resources, conditions, and trends in your community, providing the information necessary to identify your assets, needs, challenges, and opportunities. Along with highlighting the legal requirements for the assessment portion of your plan, this chapter highlights key considerations regarding the information your community should analyze when developing or updating a plan.

WHERE TO GET DATA?

The Department of Housing and Community Development maintains a web page that outlines where you can find data by topic area.

Beginning your planning process with a community assessment helps you determine where you are now and where you are headed. The assessment assists you in making informed decisions throughout the planning process and keeps your vision grounded in reality. However, the assessment (unlike the vision and action items) should not be the focus of any final plan document. We recommend keeping the assessment separate from the other parts of the plan as a "Fact Book" in the plan appendix. This way you can make the plan shorter and more user-friendly and help assure that the shared community vision and the path to realize that vision aren't lost in a sea of maps, facts, and figures.

MAPS AND "GIS"

Statute requires that plans include a number of maps (detailed in the corresponding sections) to display information about your municipality. Almost all maps are now created using Geographic Information Systems software, or "GIS." GIS lets us see, question, analyze, and interpret large amounts of data to understand relationships, patterns, and trends. ANR's Natural Resources Atlas has a 'Planning Theme' that is preloaded with a lot of the planning information you need. You can easily make and analyze your own maps or request expert assistance from your Regional Planning Commission. The Vermont Center for Geographic Information is another indispensable map-making resource that maintains the state's largest database of geospatial information.

Don't be overwhelmed by Step 1. The vast majority of the information you need is readily available and there are many resources available to help you! Regional Planning Commission staff can be especially helpful during this step.

What do we need to know about our community?

An endless range of information and data can inform municipal plans. To avoid information overload and "analysis paralysis," this section directs you to the information and assessments required by statute along with some key considerations under each topic. Depending on the issues your community faces, you may go more in-depth in any of the categories outlined below. If the picture of the town gets lost in a sea of data and tables, remember that the point of the assessment is to help you describe and better understand your town — where it has been, where it is now, and trends for the future. Data and information that does not provide insights should be left out.

Assessment involves both inventory — the collection and presentation of data and analysis — as well as an interpretation of the meaning of the data by looking for trends and asking what the data means for the community.

This manual proposes the following topics for assessment: (1) demographics; (2) economic conditions; (3) natural resources and physical conditions; (4) transportation; (5) utilities facilities and services; (6) energy; (7) historic and cultural resources; (8) housing; (9) flood resilience and hazard mitigation; (10) land use; and (11) regional context. Other ways to categorize the topics for assessment may be equally valid. Italicized items under each topic signify a statutory requirement of municipal plans from 24 V.S.A. §4382.

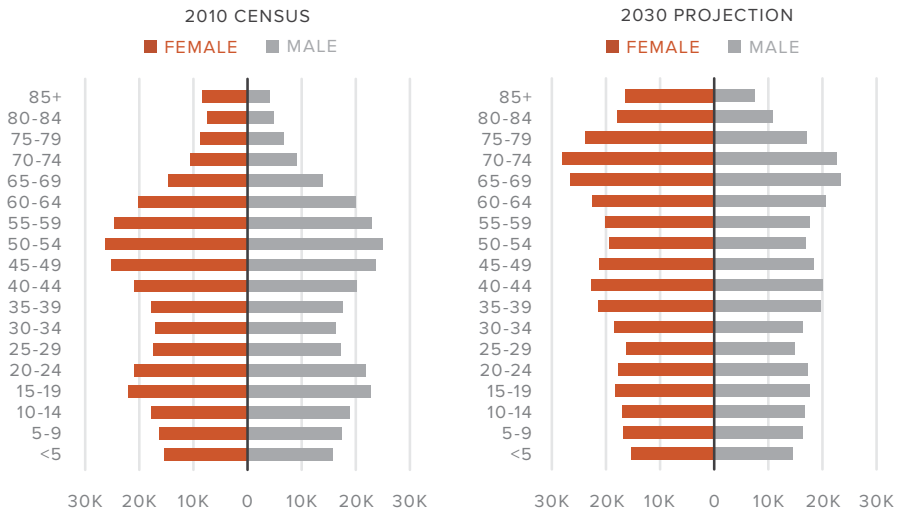
Demographics

While there is no explicit requirement to include demographic information in your plan, other plan requirements depend on a deep understanding of your community's make up. Historic and current information on the size and characteristics of your community's population enable you to understand the trends in the municipality and the region such as the future demand for services, facilities, and economic improvements, including schools, housing, recreation facilities, land use, economic development, transportation, police and fire protection, and public utilities.

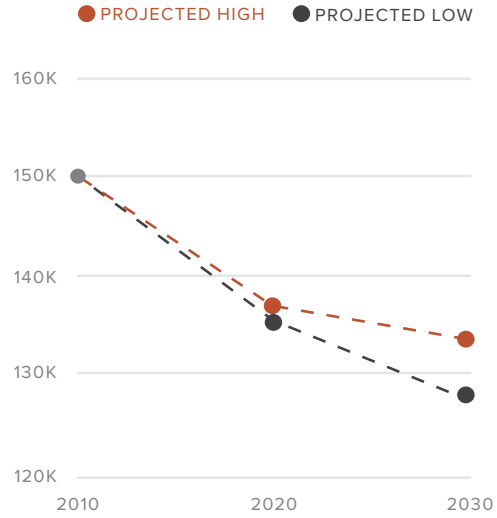
POPULATION PROJECTIONS

The Agency of Commerce and Community Development has developed population projections for Vermont municipalities from 2010–2030.

Total Vermont population by age



Vermont school age population over time



Key Considerations

- Population trends: projected population growth
- Population characteristics: sex, age groups, ethnicity
- Income, poverty levels
- Special-needs populations

Comparing the demographic characteristics and trends in your community with the those of your region helps you gain some context for how your community's population might change in the future. This is especially important for Vermont towns that have small populations. For example, let's say the population of a town has remained steady over the past 10 years, while the surrounding towns have all increased by 5 percent over the same time period. It would be a notably different situation if the surrounding towns had all experienced a population decrease over that time period. In the first instance, there is likely an opportunity to grow, while in the second, there may be a risk of shrinking. In both cases, the regional context provides crucial information.

Identify notable demographic trends in your community that will inform visioning (Step 2) and identification of the goals and measurable objectives (Step 3.) As you work through the different assessment sections, gather information on the needs of various populations and highlight instances in which needs are not being met.

CRAFTSBURY

Economic Conditions

Your plan is required to include: *An economic development element that describes present economic conditions.*

Creating a clear picture of current economic conditions will help you at later steps in the process when your community needs to identify the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to support your goals.

The health of the economy has a direct influence on the well-being of the residents, community facilities and services, and the environment. Planning for ways to support the local economy can help businesses and organizations create jobs aligned with the skills and aims of residents; establish a balanced tax base to meet the needs of the community; protect economic resources; and identify necessary services and products.

In order to describe current economic conditions in your community, you must gather relevant data. Keep the following key considerations in mind as you decide what data points to use.

Key Considerations

- Employment trends: workforce, employment, employers, jobs, wages
- Place of work: labor-market area, commuting patterns; job center/bedroom community
- Current and past trends in regional and local economic sectors, clusters, employers
- Economic strengths, weaknesses, opportunities, threats

As you gather and analyze the data, consider it alongside other relative information such as population trends, labor force characteristics, regional economic conditions, natural resource production potential, public services, utilities, transportation, and land availability. The analysis should point out problems, opportunities, and needs. For example, it may be that a community would like to see a certain type of industry develop in the area, but without wastewater capacity or access to three-phase power, it may be impossible for that industry to develop without significant infrastructure costs. Having a clear picture of these factors will help your community develop a stronger vision with attainable goals.

Remember to take an inventory of existing economic plans, programs, initiatives, and organizations in your community. These may include regional economic development strategies, local market studies, workforce development programs, business organizations, agricultural and forestry initiatives, and downtown, village, and growth-center designations. Vermont also has a Statewide Comprehensive Economic Development Strategy you may want to review as part of your assessment. Your plan's economic development element should build on any good work already being done and highlight existing plans, programs, and initiatives that can be used to help your community identify economic development goals.

REGIONAL DEVELOPMENT CORPORATIONS

There are 12 Regional Development Corporations (RDCs) throughout Vermont. They provide local technical assistance to the businesses and employers within the communities they serve. This entails, but is not limited to, real estate and site selection assistance, project finance coordination, workforce development programming, and general business advocacy.

NORTHFIELD

The emphasis placed on economic development in recent years has provided Vermont with some great examples of what communities can do by taking an in-depth look at their economic conditions and future outlooks. The economic study undertaken in the Mad River Valley (see sidebar below) is a great example of what documenting existing economic conditions can look like. Keep in mind that the type of economic activity that is appropriate for different communities will vary widely. Focus on the opportunities that are the best fit for your community. Conducting an in-depth analysis like that of the Mad River Valley may be beyond what your community can complete as you put together your plan, but you may decide that conducting such a study down the road becomes a priority action item of your plan.

MAD RIVER VALLEY ANNUAL DATA REPORT

The towns of Fayston, Waitsfield, and Warren joined together to create the Mad River Valley Planning District in 1985. The district collects economic data and produces an annual report to help inform their planning efforts.

In 2014, the planning district made economic development a priority and used a Municipal Planning Grant to hire consultants to study the issue in more depth. This project focused on understanding and quantifying the valley's economic profile and economic health by assessing relevant data, conducting interviews with residents and businesses, identifying industry sectors of strategic importance, establishing an economic baseline, and exploring initiatives that support its economic future. Check out their work here.

This table from the report highlights some of the challenges and opportunities in the Mad River Valley.

WHAT CAN'T BE FIXED	WHAT *COULD* BE ADDRESSED	WHATS "TRICKY"
• Access to I-89 • Energy supply (natural gas availability) • Paving the Mad River Path • Climate (more rain) • Larger industrial sites • Space for larger-scale housing development	• Workforce housing, seasonal rentals for laborers • Cost of renovating within existing footprints, structures • Creating a programmable space with event capacity • Wastewater capacity • New energy technologies (digesters) to reduce costs • Permitting support for expanded non-ski activities at ski areas • Easing business-related permitting (change-of-use, signs) • Conversations about creating more accessible, point-to-point, lower-gradient trails	• "Boringness" • Customer service attitudes • Increased availability of trail information where landowner permission is informal or not publicized • Investments in private property upgrades • Assisting landowners and farmers with lease agreements or access • Standing and impact of abutters in permit process

Natural Resources and Physical Conditions

Your plan is required to include: *A statement of policies on the preservation of rare and irreplaceable natural areas.*

Documenting the natural resources and physical conditions in your community will help you identify opportunities and constraints in other areas of your plan, such as land use, housing, transportation, and economic development. In addition, assessing your natural features and physical conditions will highlight areas that provide important ecological functions and must be protected for the public's health, safety, and welfare. This assessment will also inform your community's statement of policies on the preservation of rare and irreplaceable natural areas that will be part of Step 3. Note: "Flood resilience and hazard mitigation" is covered in a separate section of this step. It is recommended that you collect data and maps that cover the key considerations listed below.

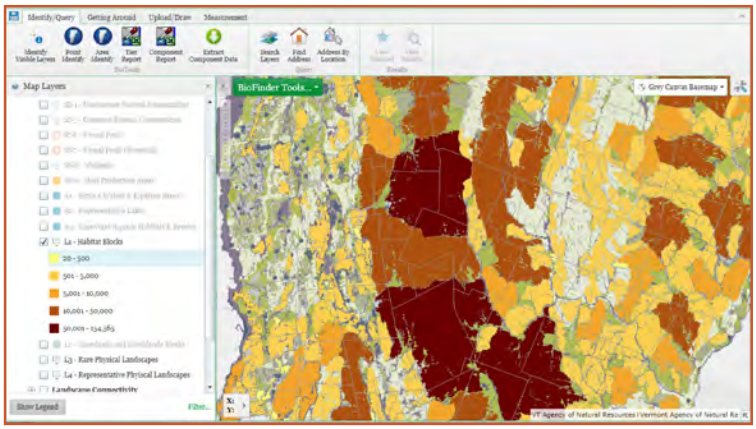
Key considerations

- Topography and drainage: elevations, steep slopes, development suitability, watersheds, stormwater
- Soils & earth resources: primary agricultural soils, forest soils; mineral deposits; development suitability
- Water resources: surface waters, groundwater, river corridors, wetlands, shore lands
- Wildlife habitat: habitat blocks, core habitat areas, travel corridors, rare/threatened/endangered species habitat, vernal pools
- Climate (prevailing weather patterns) and climate change

Mapping and analyzing natural resources and physical conditions has never been easier. The Agency of Natural Resources maps out and analyzes many of these resources in your municipality and across the state in an online tool they've created called Biofinder [see sidebar]. Layering these features on top of each other in a map can help you identify key resources and areas your community may want to conserve and protect. The Biofinder can even generate a report (as a spreadsheet or PDF file) describing the components of biological diversity and the total number of acres for each component within your municipality.

AGENCY OF NATURAL RESOURCES BIOFINDER

BioFinder includes 21 overlapping data sets representing terrestrial and aquatic biological, ecological, and natural heritage data at various scales and aspects. An analysis then identifies the locations of greatest overlap for priority ranking at the statewide scale.



Your assessment should inventory any existing open-space plans, programs, initiatives, and organizations in your community. These resources may be helpful in setting your goals (Step 3) and identifying the most effective actions that will help you reach your goals. Mapping out specific areas, places, and resources that are already conserved or that are the focus of conservation efforts is also helpful in guiding natural resources protection priorities.

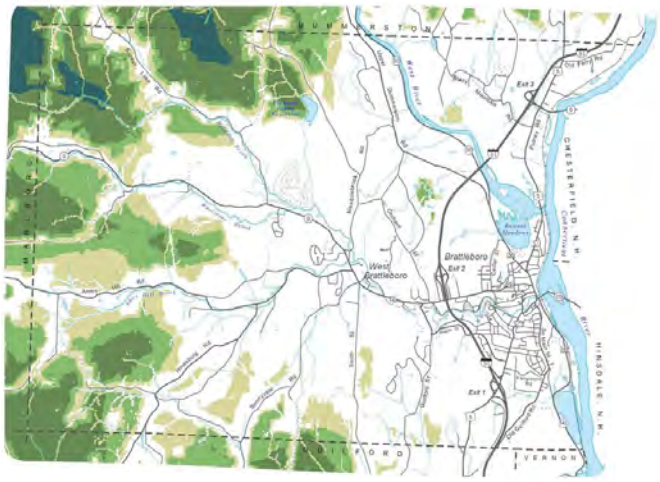
Your assessment should inventory any existing open-space plans, programs, initiatives, and organizations in your community. These resources may be helpful in setting your goals (Step 3) and identifying the most effective actions that will help you reach your goals. Mapping out specific areas, places, and resources that are already conserved or that are the focus of conservation efforts is also helpful in guiding natural resources protection priorities.

You should also look at trends over time and identify how the health and quality of your natural resources may have changed over the years. For example, a community may have an impaired water body that has been improving over the years due to cleanup efforts. If you can identify water-quality data and show how that water quality has been improving, your community may use this information to set a measurable water-quality target in Step 3 and identify the most appropriate actions to get you to those targets.

Topographic information is important for planning future land use, transportation, and public facilities and services. Your topography influences accessibility, can provide natural boundaries between areas, and often determines land use. (Areas with slopes of 15 percent, 20 percent, and over 25 percent are mapped on the Agency of Natural Resources Atlas.)

Try to understand your community's natural environment from a larger regional perspective. Regional Plans and Basin Plans can help you see how your community fits in the bigger picture.

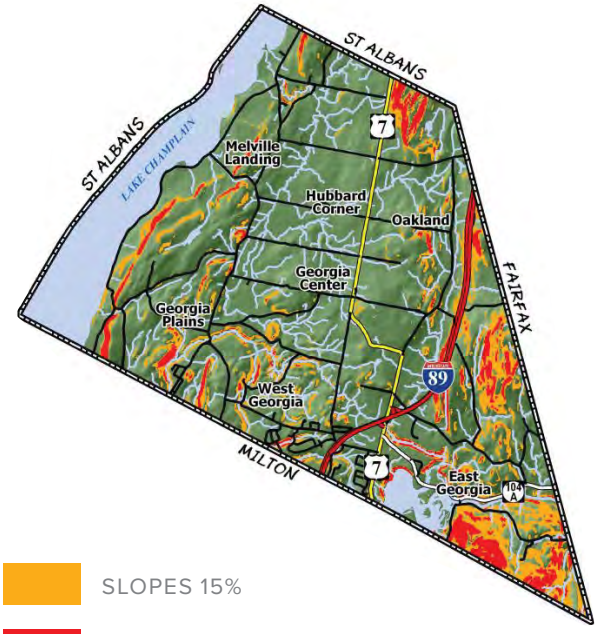
BRATTLEBORO WILDLIFE SUITABILITY MAP



LEAST SUITABLE WILDLIFE HABITAT

MOST SUITABLE WILDLIFE HABITAT

GEORGIA STEEP SLOPES MAP



SLOPES 15%

SLOPES 25%

Transportation

Your plan is required to include: *A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads, and port facilities, and other similar facilities or uses, with indications of priority of need.*

The infrastructure that allows people and things to move from one place to another plays an important role in quality of life and is essential to our economy. Transportation issues vary widely from place to place, from maintenance of rural roads to parking, transit, and streetlights. It's important to remember that the transportation network in your community also includes places like a Main Street, where people can interact, socialize, and gather; or in rural areas, design features like stone walls and tree lines along roads, which are important parts of what makes your community special. Keep in mind the needs of all people in your community, particularly those without automobiles. You can start by collecting data and maps that cover the key considerations listed below.

"Speed in locomotion should be a function of human purpose. If one wants to meet and chat with people on an urban promenade, three miles an hour will be too fast; if a surgeon is being rushed to a patient a thousand miles away, three hundred miles an hour may be too slow. What an effective network requires is alternative modes of transportation, at varying speeds and volumes, for different functions and purposes."

Lewis Mumford

Key Considerations

- Vehicles: ownership, use, vehicle miles traveled, electric vehicle–charging stations, parking
- Highway system/network: legal and functional road classifications, ownership, infrastructure (e.g. culverts, bridges, road surface), maintenance costs, suitability for cyclists
- Traffic volumes and patterns: congestion areas, high accident locations
- Sidewalk and recreation paths: existing networks, use, connections or links to other networks
- Public transit: facilities, services, service areas
- Rail: available freight and passenger services, facilities; planned improvements
- Airports: available services, facilities, airport zones, planned improvements

In addition to collecting data and maps that cover the above mentioned considerations, look at existing traffic studies, corridor-management plans, access-management policies, "complete streets" policies (see sidebar on next page), and any planned improvements that are in the works. These resources should highlight the transportation issues facing your community.

In the process of assessing your transportation infrastructure, identify the primary function of the different pieces and evaluate how they are working. An arterial road may have the primary function of moving vehicles quickly from place to place, while the opposite is true in a downtown area where slower speeds and certain levels of congestion support local retailers and improve safety for pedestrians and cyclists. Documenting this can inform the transportation and land use policies your community will choose later in the planning process. For example, if a road is identified as an arterial road with the goal of moving high volumes of traffic, a community may choose to limit curb cuts and uses that generate vehicle trips, as they will degrade the function of the road. If a street is in a village center or downtown, the primary function should be to create a safe and vibrant social space for people to meet, shop, walk, and enjoy themselves. In order to work toward improving the function of these streets, a community may want to focus retail, office, and housing uses in this area, along with streetscape investments that slow traffic and create a unique place to which people are drawn.

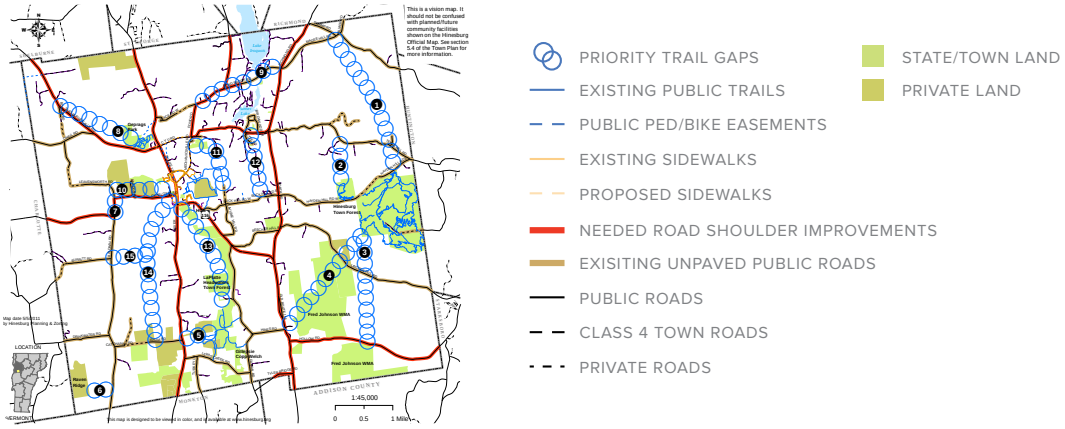
COMPLETE STREETS

Complete Streets is a philosophy and approach to planning, design, construction, and maintenance of our roadway network to consider all users, including pedestrians, bicyclists, and transit riders. The Department of Health has developed useful guidelines for municipalities to use as they plan for transportation improvements. Vermont law requires that *except in the case of projects or project components involving unpaved highways, for all transportation projects and project phases managed by a municipality, including planning, development, construction, or maintenance, it is the policy of this state for municipalities to consider "complete streets" principles, which are principles of safety and accommodation of all transportation system users, regardless of age, ability, or modal preference. 19 V.S.A. § 309d.*

Keep in mind that transportation infrastructure is expensive to build and maintain. Documenting the costs associated with building and maintaining infrastructure is helpful in guiding future decisions regarding how and where to invest. For example, knowing the life cycle costs and liabilities of taking on a new municipal road as well as anticipated tax revenue from development can inform policies on whether or not your community is willing to own and maintain certain roads proposed for different types of developments.

HINESBURG TRAIL NETWORK VISION

Using an assessment and mapping of their existing infrastructure, Hinesburg mapped out their vision and priorities for future bicycle and pedestrian infrastructure.



Utilities, Facilities, and Services

Your plan is required to include: *A map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational, and other public sites, buildings, and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities.*

An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system.

This part of the assessment will help you later in making the required recommendations to meet future needs for community facilities and services, with indications of priority of need, costs, and method of financing.

Community facilities and services are provided by the municipality (or are available within the municipality) for the health, benefit, safety, and enjoyment of the general public. They include schools, parks and recreation facilities, libraries, public water supply and waste disposal systems, solid waste management, police and fire protection, health and human services, and general administrative services. Community facilities and services have a significant effect on the municipality's ability to grow and maintain itself in an orderly and healthy way. You can start the assessment of your community facilities by collecting data and maps that cover the key considerations listed below. Unlike the other parts of your assessment, where a lot of the data is generally accessible online through the links on the Department of Housing and Community Development Web page, the community facilities piece may require a bit more legwork as some of the information may only be available in your municipal office.

Key Considerations

- Local government: administration, staffing, tax base
- Public water supplies: facilities, service area, treatment capacity, mapped source protection areas
- Municipal wastewater treatment: facilities, service area, reserve capacity, allocation
- Public safety: fire, rescue, police; facilities, equipment, services; crime rates, calls, response times
- Public works: facilities, equipment, programs
- Municipal recreational: facilities, services, programs
- Public cemeteries: capacity
- Solid waste management: facilities, services
- Telecommunications: available facilities, services; wireless/broadband coverage
- Educational facilities: Current and projected enrollment of pre-K, elementary, secondary, higher education, adult; capacities
- Child care facilities: services, child care programs, capacities
- Health care facilities: services, programs; community health initiatives
- Social services: programs

If the facilities are at capacity, further development may strain them, causing financial burdens and environmental problems. If facilities are inadequate, they may prevent the municipality from adequately meeting existing needs and accommodating future growth. If they are oversized and underutilized, they may encourage unplanned growth or higher tax burdens on residents and businesses.

Evaluate these facilities and services in terms of their:

- quality;
- ability to deliver services;
- capacity to meet future needs based on population, economic, and land use trends;
- effect on orderly and efficient municipal and regional development;
- other standards the municipality and region may set.

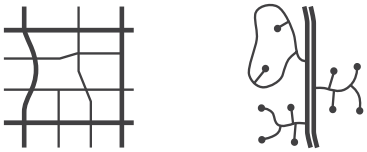
Your assessment should inventory any existing plans as they relate to your community facilities (such as any planned upgrades, replacements, mergers, etc.) Additionally, you should look at operating and capital budgets as they relate to your tax base in order to understand the future outlook of funding for all of these facilities. Documenting the costs of expanding, maintaining, and eventually replacing some facilities/services is helpful information that will inform your community's decisions regarding any future expansions/contractions. It's also a good idea to identify potential opportunities for merging or regionalizing services when applicable.

Many of these utilities, facilities, and services are likely engaged in their own strategic plans. Reach out to relevant groups or bodies (such as school boards, cemetery commissions, etc.) and get them to provide input into the assessment. Asking them what their plans are is also a good opportunity to let them know about your planning process and how what they do fits in.

CASE STUDY: BUILDING BETTER BUDGETS

Smart Growth America conducted a national examination of the fiscal benefits of smart growth development and surveyed 17 studies comparing different development scenarios.

SMART GROWTH TYPICAL SUBURBAN

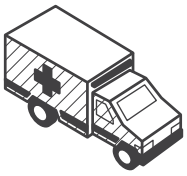


Smart growth development

costs ⅓ less

for upfront infrastructure.

Smart growth development saves an average of 38 percent on upfront costs for new construction of roads, sewers, water lines and other infrastructure.



Smart growth development

saves an average of 10%

on ongoing delivery of services.

The survey concluded that smart growth development saves municipalities an average of 10 percent on police, ambulance and fire service costs.

Smart growth development produces

10X more tax revenue

than conventional suburban development.

The survey concluded that on an average per-acre basis, smart growth development produces 10 times more tax revenue than conventional suburban development.

Energy

Your plan is required to include: *An analysis of energy resources, needs, scarcities, costs, and problems within the municipality.*

This part of the assessment will help you later in developing … *a statement of policy on the conservation of energy, including programs to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.*

Energy planning can bring a wide variety of benefits to your community, including cost savings, energy independence, local influence over energy facility siting, a clean environment, and local jobs. Many communities across the state now have energy committees that can help pull together the energy-related information you need in your plan.

Key Considerations

- Consumption/use: existing, projected by sector (e.g. municipal, residential, commercial/industrial, transportation); cost
- Utilities, fuel providers: service areas, customers base
- Facilities, infrastructure: generation facilities, transmission corridors, substations, distribution lines, three-phase power
- Renewable energy: type, potential (e.g., mapped solar, wind, hydro)
- Energy efficiency: municipal policies, programs; planned upgrades, improvements

Much of this information is likely available in your regional plan, with some exceptions, such as energy use and efficiency data as it relates to your municipal facilities. You should also take an inventory of any existing municipal energy programs, planned facilities/efficiency improvements, and policies. Gathering this information and data should give you a picture of energy use, future needs, and potential opportunities to meet those needs.

ENERGY PLANNING & IMPLEMENTATION GUIDEBOOK FOR VERMONT COMMUNITIES

The Vermont Natural Resources Council has developed a guidebook specifically designed to help municipalities with the energy-planning component of their plans. Learn about useful tools, best practices, and case studies by downloading this helpful resource.

There are a number of tools (see Energy Planning & Implementation Guidebook sidebar) that can help you establish measurable targets and evaluate the costs and savings associated with various actions as they relate to energy and efficiency needs. Choosing the right tools and analysis can be effective at guiding your actions in Step 3 (goals and objectives) and Step 5 (implementation). For example, an analysis may provide a community with energy use and audit data for municipal buildings alongside the costs and savings of making various improvements to these buildings. Having this information can guide them in setting the right targets for energy savings and in selecting the most-effective actions to hit those targets.

While municipalities are prohibited from regulating electric transmission or generation facilities [see Appendix 2], mapping out the best locations for renewable energy facilities is useful in guiding energy development to certain areas of your town. Combining this information while mapping out and detailing important scenic resources may also be helpful in communicating clearly where your community would not like to see development.

Significant Cultural, Historic and Scenic Resources

Your plan is required to include: *A statement of policies on the preservation of scenic and historic features and resources.*

Vermont's scenic landscapes and historic buildings, villages and downtowns, and cultural ties to long-standing traditions contribute to the special sense of place residents enjoy and visitors admire. Identifying and highlighting the key features that contribute to the special character of your community will guide what your historic and scenic preservation goals will be (Step 3) and how best to meet those goals (Step 5). In addition to the visible resources, remember to document the less-visible evidence of historic and prehistoric peoples and cultures.

Keep the following key considerations in mind as you collect information on your scenic and historic features and resources.

Key Considerations

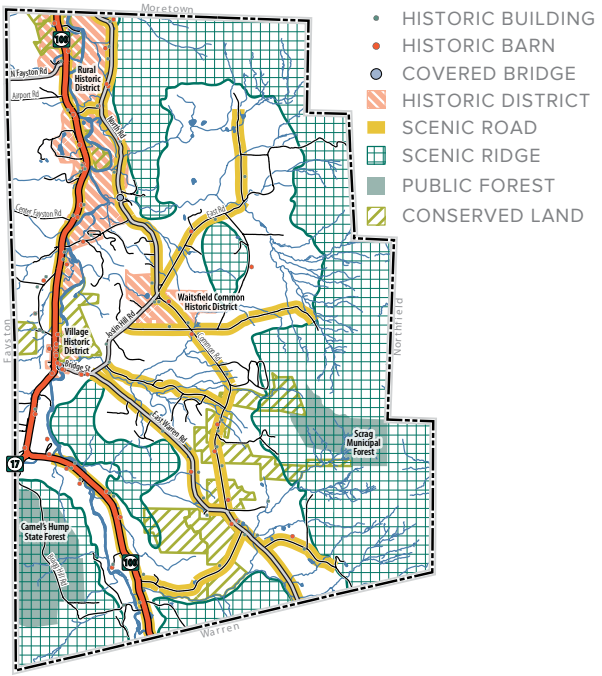
- Historic sites, structures, districts, cultural landscapes
- Archeological resources
- Scenic viewsheds, ridgelines, road corridors; designated scenic byways
- Places that have special meaning

It's also a good idea to take an inventory of existing plans, programs, initiatives that preserve these resources. In addition to identifying resources, your community can then see which of the resources may have preservation measures or incentives in place and that may be more vulnerable to negative changes. Identifying those at-risk resources may help inform community goals and actions later on in the process. For example, an assessment may map out scenic open fields, steep hillsides, and ridgelines, as viewed from public vantage points, and note the lack of standards that would help preserve them. A community may decide that maintaining these resources is part of their vision and choose to include a plan objective of avoiding undue adverse impact to mapped scenic resources and to later adopt an overlay with site design standards that apply to development within these areas.

Regional Plans often contain a list and map of these resources that you may want to use in your assessment. Additionally, the Vermont Division for Historic Preservation adopts a State Preservation Plan every five years that can help identify resources and strategies for maintaining and enhancing your cultural resources. The Division also maintains an online database of data about historic resources from barns to properties on the national register of historic places that can be searched by municipality.

Beyond the resources identified in inventories and studies, communities can identify places that have special collective meaning — places that engender shared experiences and emotions. The visioning process in Step 2 may bring to light several resources missed in the assessment.

WAITSFIELD MAP OF HISTORIC AND CULTURAL RESOURCES



Housing

Your plan is required to include: *A housing element that shall include a recommended program for addressing low- and moderate- income persons' housing needs as identified by the regional planning commission [in the regional plan]. The program should account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing.*

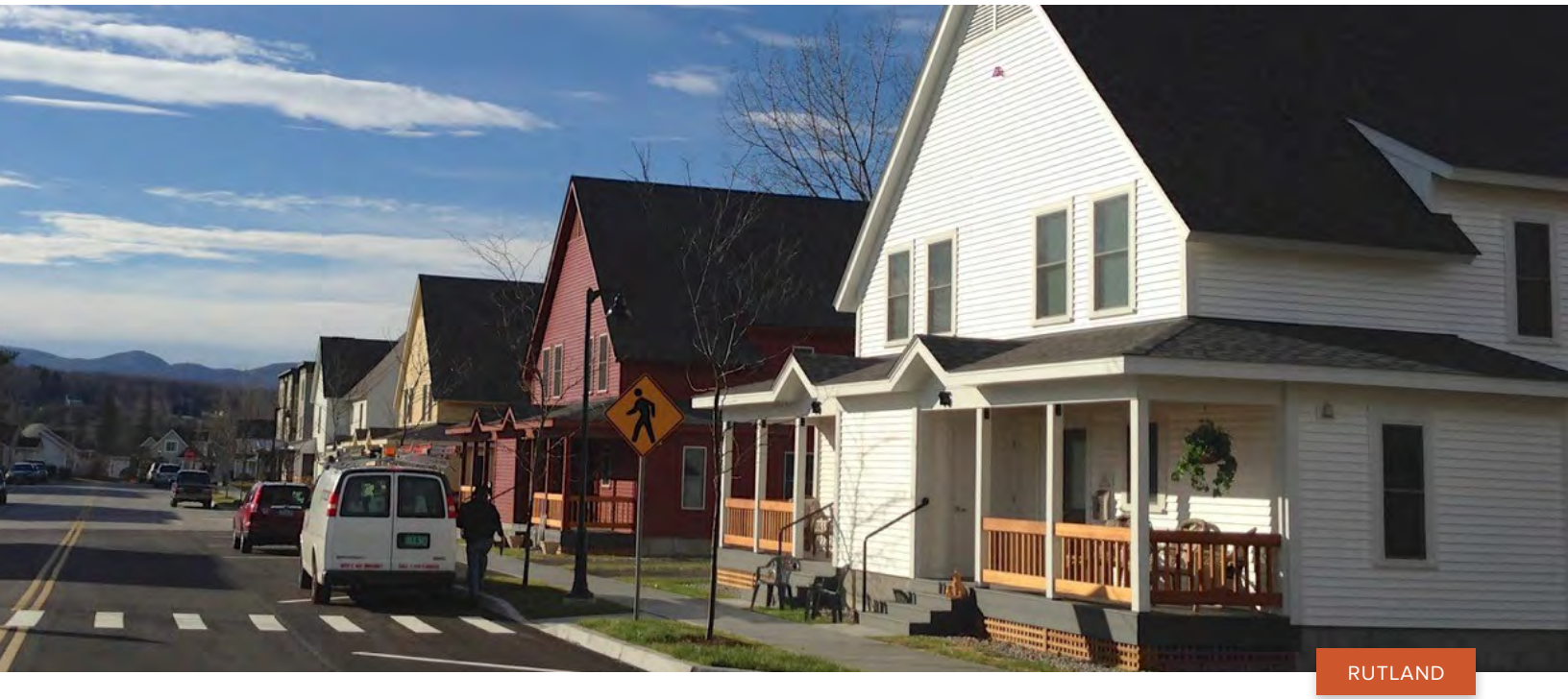
A robust housing plan can ensure that the housing in your community is of the quality, affordability, and variety to promote community health. Without housing that is desirable and affordable at all income levels, it is difficult to attract people and business and maintain a vibrant, healthy community.

In order to include a housing element with a corresponding recommended program (to be determined later), you will want an understanding of your current housing stock and future housing needs.

You will want to start by referring to your regional plan and looking at the housing needs they have identified for your community. In some instances, the data and analysis they have included may suffice for your housing assessment, although it may be that you need more specific or current information depending on when the regional plan was last adopted. Collect and analyze housing data for the following key considerations.

Key Considerations

- Households: changes in number, average size, age of householder
- Housing trends: numbers, market conditions, vacancy rates
- Housing stock: type, age, condition (e.g., energy efficiency, lead-based paint)
- Housing affordability: median sale prices, rental rates in relation to household income
- Housing needs: regional, local/fair share (e.g. affordable, workforce, special needs, temporary/emergency shelter)
- Housing locations: location in relation to services, facilities; transportation costs of living in different areas



RUTLAND

Analyzing projected population changes, current housing stock and availability, economic development, and the resulting incomes of your community's residents can go a long way toward determining what your housing needs are and what development should be prioritized. There are some great resources that have compiled this data and explain how you can use it. Check out the Vermont Housing Data website (see sidebar) and needs-assessment guide for the information you need.

VERMONT HOUSING DATA WEBSITE

The Vermont Housing Data website includes useful local data as well as a Vermont Housing Needs Assessment Guide. These two resources make it easy for you to build a housing data profile for your community that includes trends over time at the local, county, and statewide level. The assessment guide is a tool specifically designed to help communities include what they need in their local plans.

Consider the types of housing available in your municipality and the larger region, including whether there are opportunities for homeownership as well as rental units with an appropriate number of bedrooms. Analyze median home prices and rents rather than averages, as a median is less likely to be skewed by a small number of higher- or lower-priced properties. Current vacancy rates can tell you much about the availability of housing. A particularly low vacancy rate may mean that housing is scarce and it will be difficult to attract people to the community, something that will hinder employers from attracting workers. Also consider the availability of subsidized housing for workers making lower wages and whether the waiting list for such housing options is long.

Take an inventory of existing housing plans, programs, initiatives, and organizations in your community. These may include housing action plans, such as Burlington's programs to incentivize housing; the Neighborhood Development Area program; or a local housing trust fund, like Montpelier's. In addition to knowing what your community needs are, you will want to know what's already being done, so that when it comes time to recommend some actions, you can build on what is working for your community.

Flood Resilience and Hazard Mitigation

Your plan is required to include: *A flood resilience plan that identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including flood plains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.*

Using the latest maps of flood hazard areas and river corridors (fluvial erosion hazard areas) will help you set goals and objectives during Step 3 when it is time to recommend policies and strategies to protect the areas identified [flood hazard and fluvial erosion hazard areas] and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

Key Considerations

- Mapped river corridors and special flood hazard areas
- Other mapped hazard areas
- Properties and infrastructure vulnerable to flood damage or other hazards
- Wetlands, flood plains, farm and forest land that provide or could provide capacity for slowing and storing floodwaters.

Vermont's long-term economic development strategy is to support reinvestment and growth in and around Vermont's historic centers – many of which are near rivers or lakes and vulnerable to damage from floods. The way land is developed helps or hinders a community's ability to avoid and respond to disasters. However, in most Vermont communities, it's not practical or possible to relocate buildings, roads and other infrastructure to locations outside of river corridors. Improving public safety and reduce damage from flooding in these areas is a challenge for many communities, as there are often competing and conflicting interests.

You can start to address flood resilience by generating data on your municipality from the Flood Ready website with the easy-to-use Community Risk Assessments (see next page). This tool will instantly generate flood risk data, regarding: buildings in located flood hazard areas, mitigation actions and dates, and the status of Local Hazard Mitigation and Emergency Operations plans. Review this information to evaluate community readiness and to see what may be needed to avoid preventable flood damages and costs.

To help communities further consider their options, DHCD together with ANR and the RPCs developed a Flood Resilience Checklist to assess how well your community is positioned to avoid or reduce flood damage, reduce insurance rates and to protect people and property. This information can help ensure your plan advances an integrated strategy of policies, programs and investments to: protect people and property; strengthen Vermont's preparedness at individual, community and regional scales; ensure a coordinated, fast and efficient response after a disaster; reduce the repetitive repair costs to infrastructure that impact local, state and federal budgets; ensure businesses stay open and Vermont's economy remains strong after a flood.

Expanded Community Report for Enosburg

Emergency Relief and Assistance Fund (ERAF) - State Post-Disaster Funding

Flood Hazard Mitigation Actions	Action Dates		Responsible	ERAF Status
1. 2013 Road and Bridge Standards	03/18/2013		Enosburg	Yes
2. Local Emergency Operations Plan	09/08/2015		Enosburg	Yes
3. National Flood Insurance Program	06/19/1996		Enosburg	Yes
4. Local Hazard Mitigation Plan	In Process	Interim	Enosburg	Yes
5. River Corridor Protection				No
ERAF Rate for Actions 1 - 4:12.5%,	Actions 1 - 5: 17.5%	**ERAF Rate for:**	**Enosburg**	**12.5%**

21	Buildings in the Special Flood Hazard Area (SFHA) (estimated from e911 sites).
3	Flood Insurance Policies in SFHA (Zone A, AE, AO, A 1- 30)
14%	Percent of buildings in the SFHA with flood insurance in force.
0	Critical or public structures in SFHA or 0.2% flood hazard area (est. from e911 sites.)
3%	Percent of buildings in the SFHA.
06/19/1996	National Flood Insurance Program (NFIP) (Enrollment Date)
Vector	Flood Insurance Rate Map Standard (Digital FIRM (DFIRM), Rough Digital, Paper)
Enosburg	NFIP Status: Regular Program
	Community Rating System (CRS)
Yes	Local Emergency Operations Plan (LEOP) ERAF Status valid for Enosburg?
09/08/2015	LEOP - annual update after Town Meeting and before May 1.
Yes	Local Hazard Mitigation Plan (LHMP) ERAF Status valid for Enosburg?
04/21/2008	LHMP - Valid for 5 years from FEMA final approval date
Returned from FEMA	LHMP - Status of review (Plans currently in review are valid for ERAF).
No	River Corridor Protection in Enosburg?
	River Corridor Interim Protection Status for ERAF valid for Enosburg?
08/19/2013	Municipal Plan - Valid for 5 years from adoption date
05/27/2013	Zoning Adoption / Amendment Date
	Hazard Area Regulation Adoption / Amendment Date
Yes	2013 Road and Bridge Standards
67.380	Town Highway Mileage in Enosburg
03/18/2013	Enosburg_Road and Bridge Standards and Adoption Date
	Enosburg_Certificate of Compliance with Road and Bridge Standards and Date
	Town Highway Network Inventory Date
80%	Town Highway Structures Grant Rate (State match 80% or 90%)
70%	Class 2 Roadways Grant Rate (State match 70% or 80%)
District 8	Project Manager email for VTrans Maintenance District 8

Note: if you have updated information - please let us know:

1. Road Standards and Certificates - contact your VTrans District Project Manager: District 8
2. Local Emergency Operations Plans or Local Hazard Mitigation Plans contact your Regional Planner
3. For other questions please contact VT DEC **Flood Ready Atlas**- River Corridor and Flood Hazard Maps

FLOOD READY VERMONT

Land Use

Your plan is required to include: *A land use plan consisting of a map and statement of present land uses, including information on the amount, intensity, and character of such land uses.*

Documenting existing land uses in the community will illustrate the pattern of development and give you valuable information for mapping out your future land use (see Step 4). A clear analysis of past and existing patterns of land use also can also give you a sense of where future development is likely to occur given your community's existing conditions and current regulations (or lack of regulations). Having this information will be essential in guiding the actions you will be selecting in Step 5.

To start documenting land uses, first determine the types of land uses that you want to show. You may want to use the land uses explained in the "Vermont Transect" identified in Step 4 of this module, or you can use land use cover data available from the United States Geological Survey. If available, digital parcel data linked to the grand list is very useful. In addition to portraying subdivided lands, large land holdings, and other land ownership patterns, you can color code different land uses and conduct statistical analyses in GIS software. Other helpful sources of information include aerial photography and building permit records that can tell you where development has been happening in recent years.

Key Considerations

- Historic/existing settlement patterns
- Changes in land use/land cover
- Subdivision and development trends: parcel numbers, size, rate, type, location
- Existing/proposed downtown, growth center, village, neighborhood designations
- Design considerations: design review districts, historic districts
- Regional trends planned pattern of development and existing zoning

WESTMINSTER

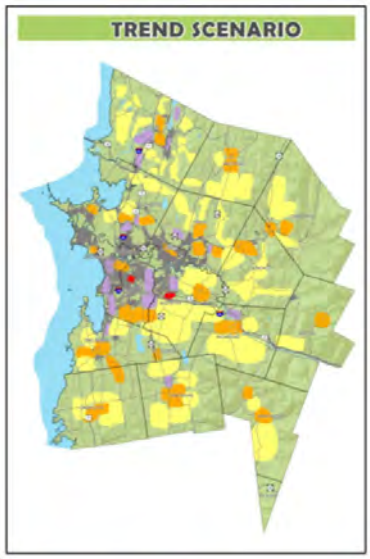
GIS software can help you analyze current land use and give you data such as percentage area of types of land use, neighborhood density, and age of housing (depending on information available in your grand list). By using this data and looking at development and land use change over the years, you can conduct various build-out scenarios.

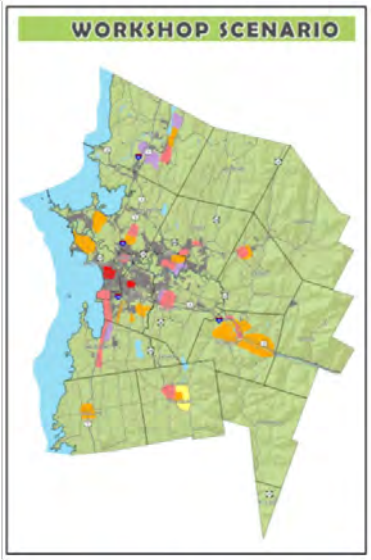
A build-out scenario uses past development patterns to forecast likely development into the future. Based on your community's population projection from your demographic assessment, housing data, economic development trends, natural resources and physical features, and development regulations, you can project what your community will look like in 20 years. Many of these analyses include considering multiple scenarios, comparing likely future outcomes with certain assumptions modified. Mapping out this projection and painting a picture of your community's future based on existing trends is a great way to start the process of coming up with your shared community vision (Step 2). It lets you say "Here's what our community will look like if recent trends continue and we don't do anything." From there it becomes easier to answer questions like (1) "Is this what we want our community to look like?" (2) "How would we like it to be different?" and (3) "What do we need to change so that the future of our community looks more like our vision than the projection of current trends?"

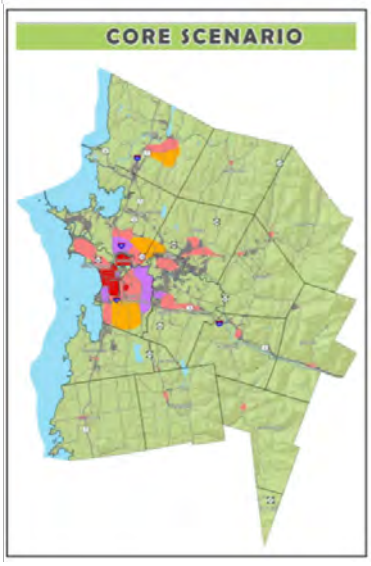
There are a variety of methodologies and tools available to you to help conduct build-out scenarios. Some tools, like CommunityViz can enable you to visualize scenarios in 3-D. Others, like Envision Tomorrow, can even model the fiscal impacts of various build-out scenarios. Scenarios can be developed with varying degrees of detail and resources (see sidebar for example of scenario planning in Chittenden County.). Regional Planning Commission (RPC) staffs have created build-out scenarios and analyses for several communities in Vermont. Your RPC can help advise you on what method might be the best fit.

CHITTENDEN COUNTY SCENARIO PLANNING REPORT

Download report here.







Regional Context

You plan is required to include: *A statement indicating how the plan relates to development trends and plans for adjacent municipalities.*

Reviewing the plans and bylaws of adjacent municipalities along with looking at your regional plan and recent development activity can help you understand potential future impacts on your community and your plans. Additionally, for plans to be regionally approved they need to be compatible the regional plan and compatible with approved plans of other municipalities in the region.

Key Considerations

- Land uses along town boundaries
- Major regional initiatives/projects
- Development trends

It's likely that you've included regional considerations/trends throughout different parts of your assessment (such as housing and natural resources.) You should consider taking a step back and looking at the regional context from a big picture perspective. Ask yourself – is there anything happening in the area that we are missing that is important for us to think of?

Regional Planning Commission staff are a great resource to check in with and your community's Regional Planning Commission representative is also likely a good person to help gather the best and most relevant data and information that will help you. Meeting with or calling officials or planning commissions from neighboring municipalities is also a good way to find out what their plans are and what changes are expected in the future. Some towns don't have plans, or they may not be up to date, and in person communication may be the only way to get the information you are looking for.

You might use this part of your assessment to identify possible opportunities for regional cooperation. Towns across the state have worked together to undertake multi-town initiatives related to affordable housing, economic development, public safety, highway maintenance, recreation and conservation.

How do we use this assessment information?

Once you have assembled and analyzed the information outlined in each of these sections, it should be consolidated and presented in a format that is accessible to the public and those participating in the community visioning process and future steps of the planning process.

Making the assessment information widely available and accessible before other steps in the process helps people be more informed as they provide input. You may want to put it into a digital format, post it on your town website, and distribute the link through Front Porch Forum and Facebook, and send it to municipal committee email lists and invite people to distribute. Having paper copies available front and center at your library and town offices is also advisable. Talk to teachers in your community and see if the assessment might fit into their classes. Writing an article in your local paper outlining the process timeline, providing community assessment highlights, giving a link to more information, and inviting people to participate in the visioning is a great idea. Creating a brief presentation with key findings to lead off any visioning meetings is also wise, as not everyone will take the time to read the assessment, no matter how well distributed it is.

Remember, the point of the assessment is to assist you and the community in making informed decisions throughout the rest of the planning process, and to keep your vision grounded in reality.

Step 2: **Develop a Shared Community Vision**

Public participation is particularly critical when developing the vision that describes the future of your community. While visioning can sound like something "fluffy," — or a step you can skip — it is an essential component of every municipal plan. The plans that take root and are valued are always built on a shared vision of the future. Communicating an image of the future that speaks to what the community values and wants to change entails listening closely to others and appreciating their hopes and needs. The processes of enlisting others to envision exciting possibilities allows you to identify the issues the community cares about most, and not only builds consensus for a shared vision of the future, but also helps you pin down implementation actions and community priorities.

"It's about discovering what your community cares about — its shared values — and building a vision for the future based on those shared values. Activities in this phase focus on bringing a broad mix of people into the process to help identify these values. Telling personal stories about local experiences is a key engagement strategy in this phase, bringing people together and helping them to find common ground."

Community Heart & Soul Field Guide, Orton Family Foundation

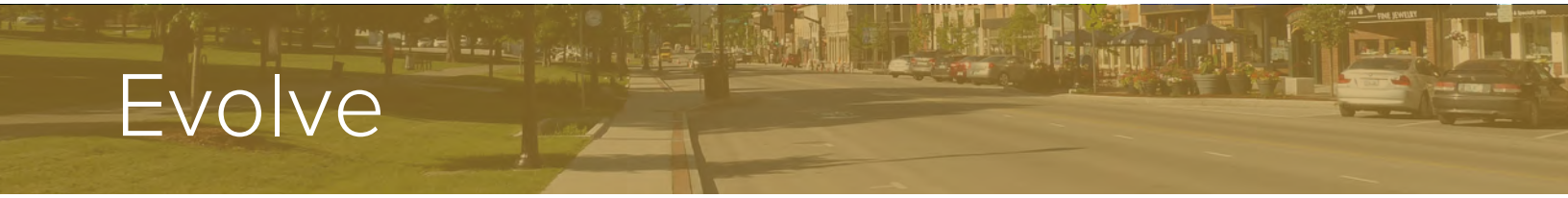
Identify What to Maintain, Evolve and Transform

As counterintuitive as it might seem, the best way to lead people into the future is to discuss places in town they know and like today. Often, when you get a group of people talking about the places that matter to them, differences are set aside in favor of shared goals. However, simply stating shared goals is not particularly helpful to a land use visioning process because they are not linked to the places a community cherishes as is, or would like to improve. Mapping places the community wants to (1) maintain, (2) evolve, and (3) transform is a great way to engage stakeholders in the process. This approach helps identify the degree of change a community would like to see and focuses attention on where and what needs more detailed discussion, planning, or targeted investment.

BOLTON

Maintain

Maintain: Municipalities often identify the working landscape and important natural features as areas they would like to maintain and where they wish to see limited change. You may also want to maintain existing neighborhoods, with the addition of some new housing opportunities that are well designed and compatible with the existing character.



Evolve

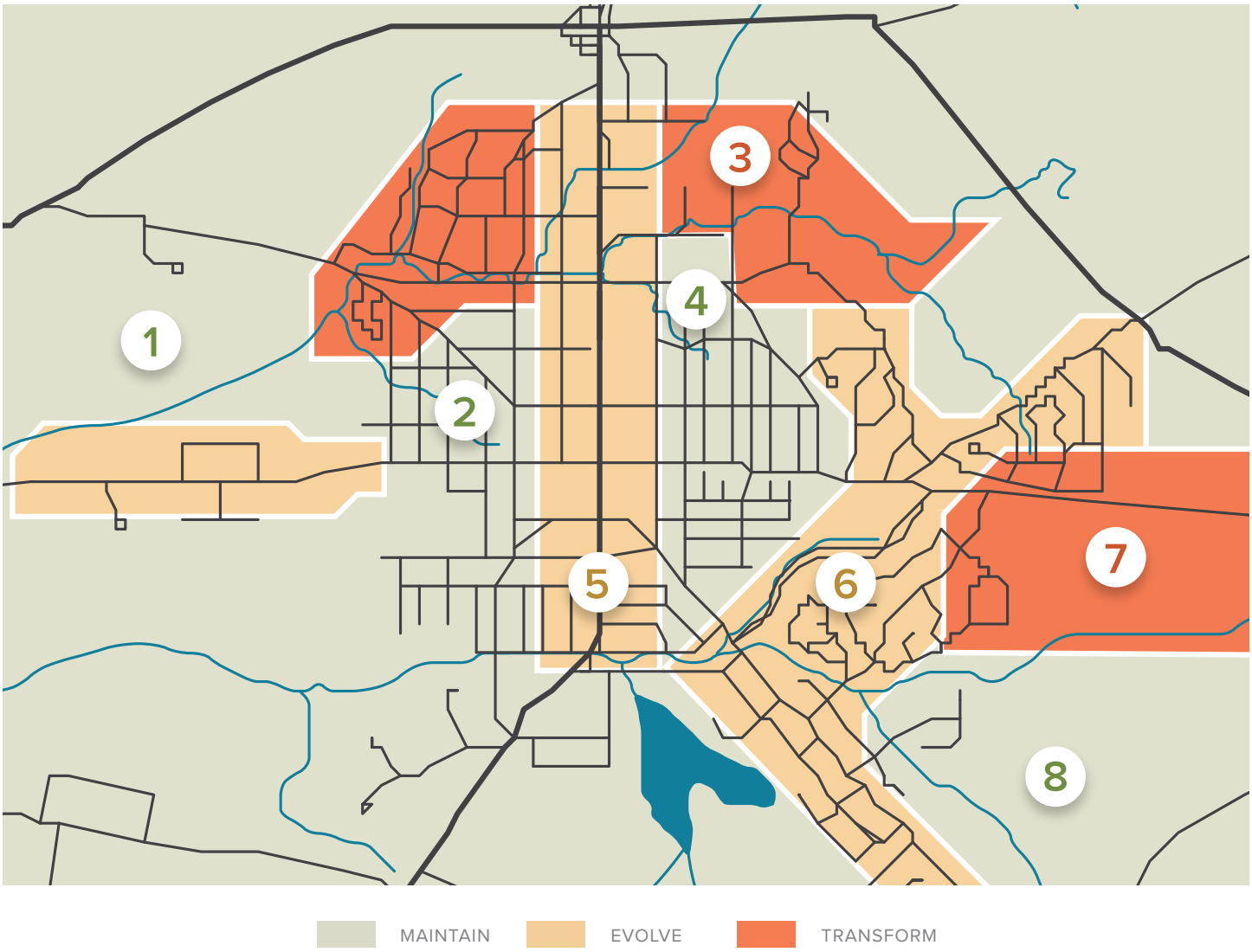
Evolve: A village center or downtown may have great potential and you would like to build on its underlying strength and character. Or there is a need for commercial and industrial space to accommodate the projected growth. Evolving a place might mean the community wants to promote changes that are incremental such as infill development, redevelopment, and streetscape improvements.

Transform

Transform: There may be areas of town appropriate for complete transformation; e.g., a strip development or underutilized parcel or contaminated site. Undeveloped areas within walking distance of a community center may also be suitable for transformation into a new neighborhood.

Areas selected to "evolve" or "transform" may benefit from specific area planning. Priority areas targeted for change should be identified and addressed in Step 5. Identifying areas your community wants to maintain, evolve, and transform will also make it easier to create a land use map later on in the process. The framework is also a terrific approach to determining aspects of a town that are more general or not necessarily location specific. For example, a community might want to evolve to become more affordable or encourage more household diversity throughout the town. Keeping a "maintain, evolve, transform" list that applies to townwide changes that can't easily be mapped is a good idea.

Example Concept Map: Maintain Evolve Transform



1: Maintain

Protect rural character and opportunities for agricultural enterprises.

2: Maintain

Preserve historic character of neighborhood while allowing for some more housing.

3: Transform

Cleanup and engage downtown waterfront.

4: Maintain

Keep up maintenance on this cherished park!

5: Evolve

Encourage second story housing and make improvements to Main Street.

6: Evolve

Promote infill housing and add bicycle lanes and sidewalks connecting to downtown.

7: Transform

Cleanup brownfield and establish new industrial park.

8: Maintain

Preserve river corridor and mitigate downstream flooding.

NORTHFIELD

Gathering information and ideas from those in your community about how and where they want to evolve, transform, and change can be done in a variety of ways, such as through focus groups, open houses, workshops, or using online tools. When you are gathering people at a meeting or event you should:

1. Review your meeting materials/instructions that clearly say who should attend, when and where the meeting will be held, what the planning process aims to do, why their involvement is needed, and how their participation will influence the final outcome;
2. Review and finalize your communication plan to get the word out to the community;
3. Distribute your meeting materials a week or two before the meeting to give folks time to think;
4. At the meeting, give a brief presentation of the overall work plan and timeline;
5. Describe the goal of creating the shared vision and review the instructions on how to participate in the meeting;
6. Break up into smaller groups to encourage back-and-forth discussion;
7. Provide people with large maps and materials such as stickers and markers to put their ideas on paper; and
8. Bring the groups back together to share results.

TIPS TO SUCCESSFUL PUBLIC MEETINGS

- Explain the ground rules to keep the conversation focused on achieving the objectives
- Encourage collaboration
- Monitor group progress and keep the meeting on schedule
- Focus on the needs of the participants, and steer them away from personal positions and feelings about topics and/or others in the group
- Ensure everybody has the opportunity to speak
- Identify themes and areas of agreement and disagreement
- Record the group's discussion
- Share meeting notes as follow-up, and ask the group to review for accuracy

See Holding Effective Public Meetings for more tips drawn from a survey of planning commission members and staff.

In many communities, you will find consensus about the overall vision. People rarely agree on everything, but one way to address differing viewpoints is to focus on areas of agreement. Hosting meetings in a particular neighborhood may be one way to address location-specific goals, aspirations, and concerns. If there are controversial areas or ideas, you may want to address them separately with an advisory committee or task force or table them for later in order to keep your momentum going.

Use Photographs and Images

A picture is worth a thousand words. There's no better way to explore options for the future and communicate a final vision than with photographs and images. One way to use images in your visioning process is to invite the community to submit photos showing what they like and value as well as changes they would like to see.

Local artists, architects, and designers who are willing to help can illustrate the types of possible changes. Local volunteers who know how to use software applications that alter photos, like Photoshop, or show 3-D models, like SketchUp, may be able to capture the desired changes in a way that everyone can easily understand.

Create a Vision Statement

A vision statement captures what community members value most about their community, the shared image of what they want their community to become, and the preferred approaches to creating the desired future. While crafting the statement, remember that you're describing the dream of your community's highest potential. Consider using pictures and images to bring the vision to life. Vision statements can vary in length, but should be clear and concise, and create a visual image in the mind of the reader.

Richmond's vision statement is a great example of a clear and concise vision statement that is communicated with the use of photos.

RICHMOND VERMONT'S VISION STATEMENT

The Town of Richmond aims to be the most livable small town in Vermont. We value our unique combination of authentic Vermont character, diverse local services, and accessible location in Chittenden County. We want Richmond to be an affordable and appealing place for people to live, work, play, shop, and connect. We will take a forward-thinking approach to emerging opportunities and challenges while honoring and strengthening our close-knit community and rural character.

What is the best way for my community to create a vision?

The visioning process should begin with a fact-based understanding of the existing conditions of the community, e.g., data on housing needs, economic conditions, and anticipated population changes. The information from your community assessment in Step 1 can frame and focus the discussion and keep it firmly rooted in real issues and possibilities.

Keep the entire process open and transparent with information that is freely and widely shared. Develop a plan to reach as many people willing to participate as possible. As discussed in the introduction of this manual, there are a variety of methods and tools that can be used to share information and engage people in creating a shared vision.

For a great example of a visioning process, check out the website Richmond created for their planning process, which documents the steps they've taken and presents community data as well as the results of their visioning process.

RICHMOND VERMONT'S VISION STATEMENT

Richmond's Visioning Process included interviews, community conversations, and an online survey.

Main Survey Conclusions

You love:

The Richmond community, small town character, village businesses and services, the people, and rural landscape

You wish:

For more businesses, more activities and community gathering places, and safe bike & walking paths

You are:

Different and the same. Youth and seniors, newcomers and longtime residents have similar values but different needs and priorities.

That's just the start. People love this community, and have hundreds of ideas about what can make it even more vibrant and livable for all.

Scroll through to find out who responded and what they said. Learn more about the Our Town, Our Future process at richmondvtfuture.weebly.com.

DANVILLE

One public participation method that is gaining popularity is the "charrette." Charrettes provide a rapid planning process intended to focus community attention on the issue at hand rather than spreading the process out over a much longer period of time. Concentrating your efforts into one, or a couple big events, with widespread participation and discussion, will be more effective than a year of public meetings that can risk creating meeting fatigue and may be dominated by the usual meeting-goers. Get people excited about participating with multiple opportunities to get involved. Conduct events at different times of the day and week to accommodate people's varied schedules.

WHAT'S A CHARRETTE?

A charrette is an intensive decision-making process that brings community members together to find a mutually agreeable vision or solution to a problem. The time frame is usually compressed (2 to 5 days) and has multiple opportunities for learning, problem solving, and feedback. Charrettes are most commonly used for designing neighborhoods, streetscapes, and other specific plans like a village redevelopment plan, but they can also be used for establishing a vision for a municipal plan. Read more here:

To give you a feel for what a visioning process might look like, two visioning scenarios are outlined on the next page.

Example Visioning Processes and Timelines

Bigger Vermont Town/City

2 MONTHS

1. Communicate Assessment Findings and Engage Community

- Create social media accounts and webpage
- Articles in Local Media
- Post on Front Porch Forum
- Invite participation with flyer in water bills, and print on ice cream wrappers and drink coasters at local restaurants
- Hold speaker series with experts

↓

1 MONTH

2. Gather Initial Input and Comments

- Hold School Art Contest. Students draw or photo what they value about their town.
- Gather Comments with Public Input Web Tool. Here is an example of such a tool from Burlington's PlanBTV process.

↓

1 WEEK

3. Charrette

DAY 1 (TUESDAY)
Opening Presentation and Workshop

- Presentation of community assessment and overview of process
- Break into diverse working groups
- Re-Convene and present group

DAY 2-6
Set up studio in vacant downtown storefront where team will work and public may drop in.

- Hold themed working sessions:
- Civic leaders and Economic Development
- Infrastructure/Transportation
- Land Owners/Developers/Business Owners
- Environmental Concerns
- Arts, Culture and Creativity

DAY 4
Public Pin Up and Review

DAY 5
Multicultural Breakfast

DAY 7 (MONDAY EVENING)
Closing Presentation

- 7:00pm Presentation
- 8:30pm Comments and Questions

↓

2 WEEKS

4. Condense and Refine for Plan Document

- Incorporate feedback and produce documents for plan

Smaller Vermont Town

1 MONTH

1. Communicate Assessment Findings and Engage Community (1 Month)

- Have available on webpage
- Articles in local media
- Post on Front Porch Forum

↓

1 WEEK

2. Community Visioning Day and Week of Workshops

DAY 1 (SATURDAY)
Barbeque and Visioning Day

- Presentation of community assessment and overview of process
- Break into diverse working groups
- Re-Convene and present group

DAY 2-6

- Steering committee / staff / consultant works to consolidate input. Hold focus groups with any local committees and civic leaders. Working sessions should be open to all.

DAY 1 (FRIDAY EVENING)
Apple Pie Contest and Presentation of Work in Progress

- 6:45pm Pie Served
- 7:00pm Presentation of work in progress
- 8:00pm Pie Awards and Comments Questions

↓

2 WEEKS

3. Condense and Refine for Plan Document

- Incorporate feedback and produce documents for plan

If you are interested in learning more, check out these useful resources related to different approaches to visioning:

- Community Heart & Soul Field Guide, Orton Family Foundation, 2014. A helpful guide that outlines a detailed process focused on widespread community participation in enhancing a community's identity and "heart and soul."
- Community Visioning Handbook: How to Imagine — and Create — a Better Future, Maine State Planning Office, 2003. Offers a particularly thoughtful visioning guide, explanation of "Why Vision?"; useful "How To" steps; and public workshop instructions, tips, and exercises.
- Vermont Digital Economy Project Guides, Vermont Council on Rural Development. Information and examples on using digital communication tools with an emphasis on guidance for local governments.

Crafting and honing a community vision is often the hardest part of this process. However, your vision can only become a reality once it is broken down into organized, actionable elements. Step 3 will walk you through the process to create the goals and objectives to help ensure that your community vision and plan become a reality.

WATERBURY

Step 3: **Identify Community Goals and Objectives**

Once you have a shared vision, it is time to identify the goals and objectives that will move your community toward making this vision a reality.

This section of the manual, in addition to describing the terms "goals" and "objectives," defines "policies" and "actions." While the focus of Step 3 is to identify your goals and objectives, it is helpful to understand how they are linked to actions and policies that will be evaluated and prioritized in Step 5.

The remainder of this section highlights relevant state goals for each of the required elements of your plan, including (1) economic development; (2) natural resources; (3) transportation; (4) utilities facilities and services; (5) energy; (6) historic and cultural resources; (7) housing; (8) flood resilience and hazard mitigation; and (9) land use. (Note: Some of the statutory topics are combined to make them more manageable.) Under each of these sections you will find questions that will help you get the ball rolling toward establishing your goals and objectives.

The level of detail in your plan for each topic area will vary depending on the issues your community is facing. One community may need to focus on flood resilience and protecting river corridors, while another needs to address a housing shortage. Focus on what matters most to implement your shared vision.

The assessment and key considerations identified in Step 1 will help you see potential opportunities and challenges in realizing your vision and will guide you toward identifying goals and objectives that will get you where you want to go.

While the focus of Step 3 is to identify your goals and objectives, take some time during this step to brainstorm plausible action items that support your goals and objectives. The community should generally support the actions included in this list, however you should not spend time evaluating them yet and think of these items as ideas to consider later. Later on, in Step 5, you will revisit and evaluate these action items and select the best ones to be included in a prioritized implementation plan.

At a minimum, goals and objectives need to be identified for the list of topics presented on the following pages The level of detail under each section will vary depending on the issues is a community is facing.

Organized by topic area, the next sections highlights relevant state land use goals and basic statutory requirements. Rather than crafting new language and concepts, your community can opt to use the same language as the statewide goals or regional plan goals where appropriate.

The DHCD Planning Manual webpage includes examples of goals, objectives and recommended actions from municipalities around the Vermont.

Goals, Objectives, Policies, and Actions: What's the Difference?

Your plan is required to provide*: A statement of objectives, policies, and programs of the municipality to guide the future growth and development of land, public services, and facilities, and to protect the environment.*

It is helpful to think of goals, objectives, policies, and actions as a hierarchy with the broadest goals at the top, and each subsequent category having increasing levels of specificity, with actions being the most specific. Some plans label objectives as "strategies" and actions as "tactics," which is fine, so long as they clearly communicate the purpose and outcomes of the plan, and the terminology is used consistently throughout the plan.

Aim to use clear language with active verbs like study, adopt, enforce, and create.

Goals state a purpose and destination, reflecting the shared vision for the community. They articulate an overarching principle that guides decision-making, providing a framework for the more detailed action statements. The goals within a plan must be internally consistent. Achieving one goal should not prevent or hinder achieving another goal. They should also not be so vague that their meaning is open to many interpretations. They should be both challenging and attainable.

NOTE: Instead of starting from scratch, you can choose to adopt some or all of the 14 statewide planning goals in 24 V.S.A. §4302(c) as your local goals. Relevant goals from the regional plan could be used the same way. Starting from already-established goals can save time and help ensure consistency with the statewide goals and compatibility with the regional plan, but be sure to include specific objectives and actions that customize those goals for your community vision.

Objectives provide targets for the accomplishment of goals. They should be specific enough that the municipality can determine when the objectives have been met. Effective objectives are SMART: Specific, Measurable, Attainable, Relevant, and Time-bound. The time frame (long term, intermediate term, and short term) for the objective should be clear.

Policies are definite courses of action adopted to attain your objectives and intended to guide all relevant decision-making across municipal departments. For example, some municipalities have detailed policies on limiting sewer line extensions or policies to maintain clear lines of communication between all the local boards and commissions. Policies may be needed for some but not all goals and objectives.

The term "policy" is used in some Vermont plans as an umbrella term referring to all statements of intent, encompassing the goals and objectives. "Policy" has also been used interchangeably with "objective." You can choose to use the terms that best communicate the intent of your community.

Actions are the next steps needed to move toward the objectives. These are concrete activities that can be described in specific terms. Actions should identify the responsible party, the time frame for accomplishment and any necessary resources to get the job done. Actions also include "programs."

Programs are organized activities or resources for implementing the plan. Municipalities may have a variety of existing programs such as a farmland protection effort or a program to help shop owners improve their building facades. Involvement in regional, state, or federal programs may also be recommended for furthering a goal. If suitable programs do not exist or are insufficient, you might recommend the creation of a new program such as instituting a village improvement committee or creating a town hazard mitigation fund.

GOOD AND BAD EXAMPLES OF GOALS, OBJECTIVES AND ACTIONS

BAD

Goal

Make the community more walkable and bicycle friendly.

Too vague. The goal needs to provide a clearer picture of where you want to go and what you want to become. This goal gives little direction and could be interpreted many ways.

Objective

Encourage the construction of sidewalks and bike paths.

Where? Everywhere? This does not provide a clear step toward reaching the goal and provides no achievable outcome. Note that the term "encourage" is not meaningful in this context and should be replaced with a more action oriented verb.

Policy

All town boards and commissions should consider the needs of bicyclists and pedestrians in their decision-making.

What decisions? Do the town boards and commissions have enough information to make meaningful decisions? Note that the term "should" and the overly broad scope of this policy make it impossible to recognize whether the policy is being applied.

Actions

Seek funding to pay for new bicycle and pedestrian facilities.

This action item should state who is responsible for what and when the action should be completed. Information regarding specific funding sources are also easily obtained and should be included.

GOOD

Goal

Integrate Complete Streets approaches and design features into road construction, upgrades, and maintenance to create safe and inviting environments for all users to walk, bicycle, and use public transportation.

Objective

Establish a network of bicycle and pedestrian facilities that connects the village neighborhood district to the village center. (Target: Increase percentage of residents walking or bicycling to work by 10 percent in 2020.)

Policy

Sidewalk upgrades focused on major arterial routes will be a funding priority and included annually in the capital budget.

Actions

- Prepare a sidewalk plan for the village and neighborhood districts to improve existing sidewalks and identify new pedestrian and bicycle connections for improved access throughout the village and adjoining neighborhoods.
  Responsible: Village Improvement Committee and Select Board
  Completion: November 2017
  Funding/Assistance: Seek Municipal Planning Grant funds
- Update the land use regulations so that all new development and redevelopment projects in the village and neighborhood districts include pedestrian facilities that conform to the sidewalk plan.
  Responsible: Planning Commission
  Completion: March 2018
  Funding/Assistance: Planning Commission budget with help from the Regional Planning Commission

Below you will find the required municipal plan elements listed in state statute as well as the statewide goals for each element. However, some of the elements are combined to make them more manageable. For examples of goals and objectives under each topic, visit DHCD's website which includes a table that provides examples of goals, objectives, and recommended actions from municipalities around Vermont.

Municipalities are free to create goals and objectives that go beyond the elements required by statute, addressing issues such as public health, population loss, and climate change.

Economic Development

Your plan is required to provide: *a description of the location, type, and scale of desired economic development, and identify policies, projects, and programs necessary to foster economic growth.*

Statewide Goal for Economic Development

To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

The economy is a primary driver of change, and the economic future of your community needs to be integral to your shared vision. Whether you are a small rural town looking to maintain your farming and forest industry or a mostly urban community looking to evolve opportunities for growing businesses, setting the right economic development goals and objectives can help you realize your vision.

Refer to the key considerations and the assessment data from Step 1 and the shared community vision to help you get started. It's helpful to think of questions like "What, in terms of economic development, will need to happen for us to realize our vision?" "Where and what kind of opportunities, by sector, would we like to see maintained, evolved, or transformed?" "What does our assessment tell us about the challenges in making these opportunities a reality?" "Based on our shared vision and conditions outlined in the assessment, what are some realistic targets we can set for ourselves?" "What are some possible actions, projects, and programs we should evaluate in Step 5?"

Don't forget to refer to any comprehensive economic development strategy that has been developed in your region. If your community was recently involved in developing such a strategy and it is specific enough and supportive of your vision, you might consider using parts of it in your plan.

Natural Resources

Your plan is required to include: *A statement of policies on the preservation of rare and irreplaceable natural areas.*

Statewide Goals for Natural Resources

To identify, protect, and preserve important natural features of the Vermont landscape, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shore lands, and wetlands; significant scenic roads, waterways, and views.

To maintain and improve the quality of air, water, wildlife, and land resources.

To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

Vermont's natural beauty and environmental integrity define its identity and often drive peoples' decisions to move to or stay in the state. Our natural resources provide us with beneficial services that clean our water and air as well as recreation opportunities like hiking or boating that support our tourism economy. Communities can define a wide variety of goals and objectives to ensure the health of their natural environment and the appropriate use of natural resources such as extraction of sand and gravel deposits.

Your community vision and the "key considerations" in Step 1 can help guide your natural resource goals and objectives. It's helpful to think of questions like "What natural resources are part of our vision, and what must be conserved to realize our vision?" "Where are important habitat blocks or rare threatened and endangered species located in our community?" "Based on our shared vision and any environmental indicators identified in the assessment, what are some realistic environmental quality targets we can set for ourselves?" "What are priority areas we would like to see preserved?" "What are some possible actions, projects, and programs we should evaluate in Step 5?"

Transportation

Your plan is required to include: *A map of prospective transportation and circulation facilities showing … proposed highways and streets by type and character of improvement, and where pertinent parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads, and port facilities, and other similar facilities or uses, with indications of priority of need.*

Statewide Goal for Transportation

To provide for safe, convenient, economic, and energy-efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers. Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.

Our transportation network connects us to friends and neighbors, provides corridors for trade, allows us to get to our jobs, links us to recreation opportunities, and often provides spectacular views of Vermont's landscape.

Consider objectives for achieving the community vision for the full range of transportation modes that meet the needs of a diverse population. Using the transportation maps and data developed in Step 1, identify what future facilities and services are needed to realize the municipal vision and consider what it will take to maintain the existing transportation system. It may be helpful to ask questions like "Are there any new transportation facilities (paths/roads/parking, etc.) included in our vision?" "How can we improve our existing infrastructure to realize our vision?" "Where does the assessment point to deficiencies in the transportation system? Do our existing policies, such as public works specifications, and practices support our vision?" "What are our community priorities in terms of making transportation improvements?" "What are some possible actions and projects we should evaluate in Step 5?"

A final map of your prospective transportation and circulation facilities should coincide with your future land use map (see Step 4.)

GUILFORD

Utilities, Facilities, and Services

Your plan is required to include: *A map and statement of prospective community facilities and public utilities showing … proposed educational, recreational, and other public sites, buildings, and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs, and method of financing. An educational facilities plan consisting of a map and statement of … projected uses and the local public school system.*

Statewide Goals for Utilities, Facilities, and Services

Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.

To plan for, finance, and provide an efficient system of public facilities and services to meet future needs. Public facilities and services should include fire and police protection, emergency medical services, schools, water supply, and sewage and solid waste disposal. The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care workforce development.

The location of certain municipal facilities — sewer, water supply, fire stations, schools, and even the town hall and library — can influence the way your community changes as powerfully as zoning regulations. Public facilities, plans, and policies need to be coordinated with your land use regulations to support your vision. Decisions to invest taxpayer funds in constructing, expanding, maintaining, or divesting in public facilities sends a clear signal about the community's priorities, so it needs to be tied to the vision in the plan.

The demographic information in Step 1 helps you assess the need for public facilities, but there may be other issues to consider, such as possible school consolidation or expansion, or if child care services in the area are adequate. Your regional plan may provide a framework that can help you address facilities and services in your plan.

To get started on setting your goals and objectives for community utilities, facilities, and services, think of answering questions like "What, in terms of changes to facilities utilities and services, will need to happen for us to realize our vision?" "What does our assessment tell us about the challenges in making these changes a reality?" "What utilities/facilities/services are the most critical to our vision?" "What are the estimated costs and possible funding sources associated with our priorities?" "Based on the conditions outlined in the assessment, what are some realistic targets we can set for ourselves?" "What are some possible actions, projects, and programs we should evaluate in Step 5?"

Refer to any initiatives or strategies for utilities, facilities, or services that have been developed in your region. If such efforts have been undertaken in your community, and are specific enough and supportive of your vision, you might consider using parts of them in your plan.

A final map of your prospective utilities, facilities and services should coincide with your future land use map (see Step 4.)

Energy

Your plan is required to include: *A statement of policy on the conservation of energy, including programs such as thermal integrity standards for buildings, to implement that policy; a statement of policy on the development of renewable energy resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy.*

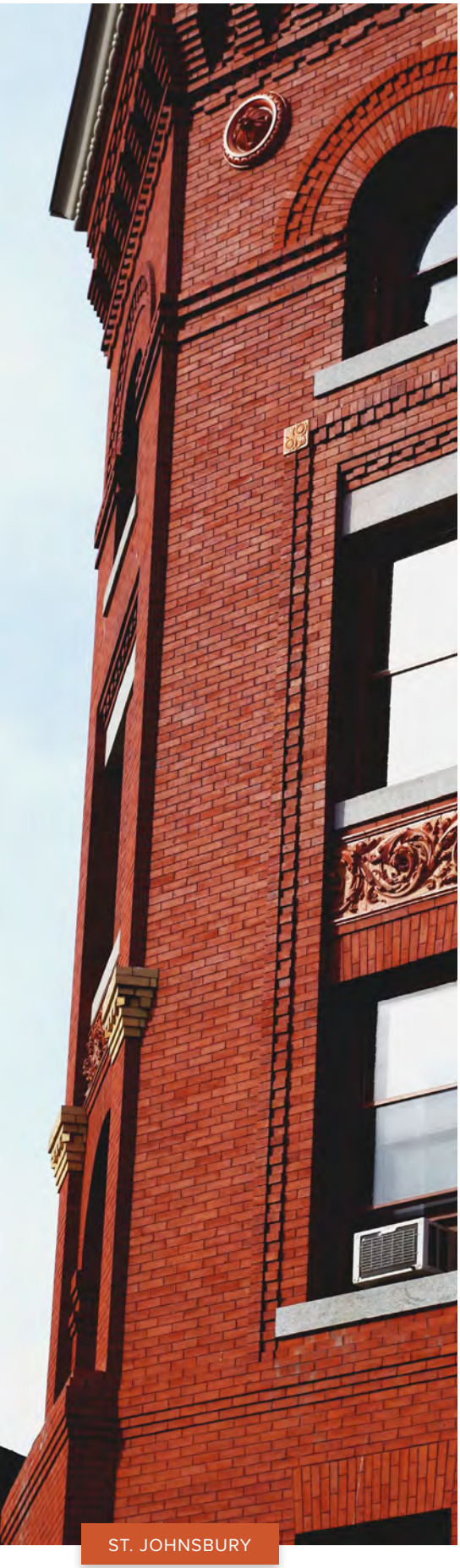
Statewide Goal for Energy

To encourage the efficient use of energy and the development of renewable energy resources.

From cost savings to a cleaner environment, there is no shortage of reasons for you to include energy goals and objectives in your plan. In Vermont, municipal plans are considered in the state regulatory process for siting energy generating facilities, including solar and wind installations. (See Appendix 2 for guidance on how your plan can be used to influence energy facility siting decisions.)

Refer to the key considerations and the assessment data from Step 1 and the shared community vision to help you get started. It's helpful to think of questions like "Does any part of our vision require changes in our energy infrastructure?" "What are the most efficient and cost effective ways to reduce municipal energy consumption?" "Where are the best locations for renewable energy generation facilities?" "Where are the best places for development where people can live close to jobs and services in order to reduce their use of automobiles?" "Based on our shared vision and the data available in our assessment, what are some realistic targets we can set for ourselves in terms of energy consumption/generation?" "What are some possible actions, projects, and programs we should evaluate in Step 5?"

MONTPELIER



ST. JOHNSBURY

Historic and Cultural Resources

Your plan is required to include: … *policies on the preservation of rare and irreplaceable … scenic and historic features and resources.*

Statewide Goal for Historic and Cultural Resources

To identify, protect, and preserve important natural and historic features of the Vermont landscape, including significant scenic roads, waterways and views, important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.

Vermont's historic buildings and landscapes aren't preserved by accident. Our distinctive character of working landscapes, villages, and small cities results from community and statewide efforts to preserve these important resources. Your community assessment should have established an inventory of these resources, and your vision should serve as a guide in selecting goals and objectives related to your communities various historic and cultural resources. Clearly defining and mapping the resources that are important to your community makes it more likely that they will be enjoyed by future generations. Make sure to consider the Village Center and/or Downtown Designations (see Module 2) and how they can support the preservation and revitalization of historic buildings.

When coming up with your goals and objectives, ask yourselves these questions: "What are the most important historical and cultural resources?" "How important are they to our vision?" "What is it about these resources that make them part of our vision?" "Are there existing plans and measures in place to preserve and/or enhance these resources or is our community at risk of losing them?" "What are some targets we can set for ourselves that would show that we've succeeded in preserving our important resources?" "What are some possible actions, projects, and programs that will help us realize our vision of historic and cultural resources that we should evaluate in Step 5?"

CERTIFIED LOCAL GOVERNMENT PROGRAM

The Certified Local Government (CLG) program provides an opportunity to help local governments integrate historic preservation into local planning decisions. Any municipality which has enacted a historic preservation ordinance, enforces that ordinance through a local preservation commission, and meets the minimum requirements is eligible to become a CLG and receive the benefits of the program.

Housing

Your plan is required to include: … *a recommended program for addressing low- and moderate-income persons' housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should account for permitted accessory dwelling units.*

Statewide Goal for Housing

To ensure the availability of safe and affordable housing for all Vermonters. (A) Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income. (B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities. (C) Sites for multifamily and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings. (D) Accessory apartments within or attached to single-family residences that provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed.

Housing, particularly as it relates to affordability, affects many other parts of your community, ranging from the ability to attract businesses and young people to energy and transportation demands. Goals and objectives should address housing needs determined in Step 1 and as described in the Regional Plan. Promoting accessory dwelling units, sometimes referred to as "mother-in-law" apartments, is an approach to meeting some of the housing needs across Vermont, and your community may want to incorporate this type of housing in its goals and objectives.

Your plan should consider both short- and long-term goals: whether new housing developments will be needed, or if rehabilitating an aging housing stock, whether there will be a greater need, and then whether you have the type of housing that is needed to meet your future population's needs.

The following questions can help you set the right housing goals and objectives: "How much and what type of new housing needs to be built and how does our existing housing stock need to change in order to meet our housing needs now and over the next five, 10, and 20 years?" "What are the housing needs of low- and moderate-income households as identified by the regional planning commission, and is it likely that these housing needs are met with the existing plans and programs in place?" "What needs to change in order for these housing needs to be met?" "Where does our vision include new housing or changes to our existing housing stock?" "Considering the different challenges and opportunities highlighted in our assessment, what are some realistic targets we can set for ourselves?" "What are some possible actions, projects, and programs we should evaluate in Step 5?"

Note: Vermont law defines housing as affordable if it can be owned or rented by people with a household income that is 80 percent of the county median for a cost not more than 30 percent of the household income.

Flood Resilience and Hazard Mitigation

Your plan is required to include: *A flood resilience plan that (i) identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including flood plains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and (ii) recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.*

Statewide Goal for Flood Resilience

To encourage flood-resilient communities. (A) New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion. (B) The protection and restoration of flood plains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged. (C) Flood emergency preparedness and response planning should be encouraged.

Most municipalities prepare Local Hazard Mitigation Plans for the Federal Emergency Management Agency (FEMA) to identify actions that will help prevent the hazards they face from floods to pandemics. In Vermont, by far the most common and costly hazard facing communities is flooding. Records from Vermont's Division of Emergency Management and Homeland Security (DEMHS) show the state has experienced flooding every year since 2007 and had at least one federally declared disaster in 21 of the past 25 years. For this reason, municipalities are required to specifically address in the municipal plan, the community's ability to respond to floods.

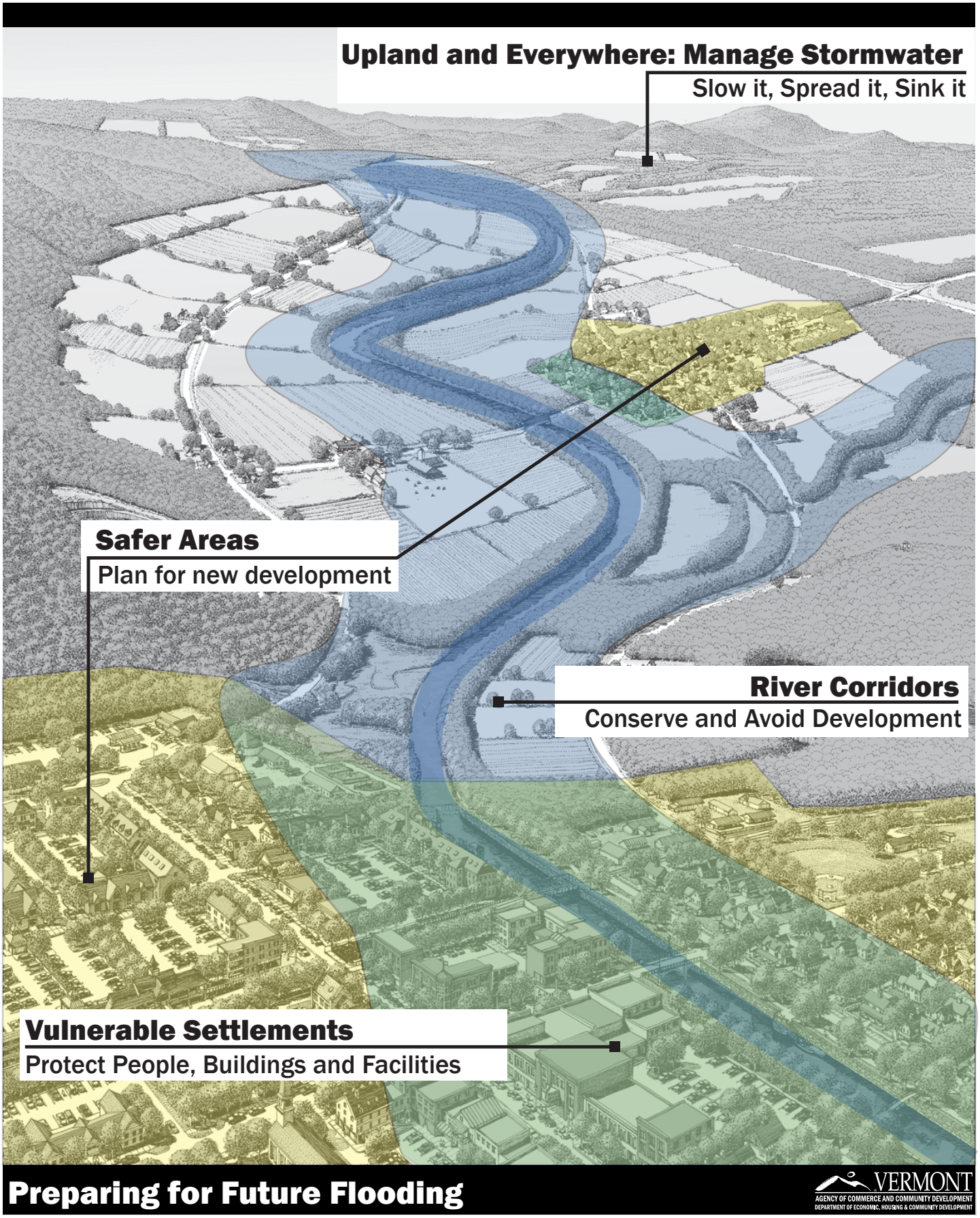
When developing flood resilience and hazard mitigation goals and objectives, consider questions like: Does our assessment in Step 1 point to any flood hazard mitigation actions we aren't taking and should be? Are any parts of our vision threatened by the potential for future flooding or other hazards? Where is it safe for new development, where should we limit development? Where do we need to protect existing vulnerable settlements (including critical infrastructure, historic resources, and other investments)? What are some opportunities we have to make our community safer? Do we have enough information to identify and prioritize projects to reduce our vulnerability to future flooding events?"

TOOLS FOR WEATHERING THE STORM

The Vermont Agency of Natural Resources provides maps showing approximate locations of both the special flood hazard areas (inundation areas identified for the purpose of federal flood insurance) and river corridors (areas within which rivers need to move and where building, fill, and other such encroachments should be avoided). Maps and other information about preparing the flood resilience section of a plan can be found on the "Flood Ready" website.

Vermont Economic Resiliency Initiative created a methodology to help communities engage and involve citizens in the process to identify policy changes and projects to minimize the economic impact of future floods. The report details a step-by-step process to combine inundation and fluvial erosion flood maps with data on critical infrastructure and key economic assets to prioritize steps that will reduce local risks.

Flood Toolbox for Local Governments and Business offers concisely written overviews, checklists and more advanced tools on floodproofing, managing debris, reducing stormwater with green infrastructure, protecting floodplain river corridors, planning and preparing for disasters.


Upland and Everywhere: Manage Stormwater
Slow it, Spread it, Sink it
Safer Areas
Plan for new development
River Corridors
Conserve and Avoid Development
Vulnerable Settlements
Protect People, Buildings and Facilities
Preparing for Future Flooding
VERMONT
AGENCY OF COMMERCE AND COMMUNITY DEVELOPMENT
DEPARTMENT OF ECONOMIC, HOUSING & COMMUNITY DEVELOPMENT

Land Use

Your plan is required to include: *a land use plan, including:*

(A) a map and statement of prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public and semipublic uses, and open spaces reserved for flood plain, wetland protection, or other conservation purposes;

(B) setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service; and

(C) identifying those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

Statewide Land use Goals

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

(A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.

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

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

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

The land use goals and objectives your community adopts should tie your vision together and reflect the other goals and objectives in your plan. Step 4 goes into detail about how to create a land use plan, how to map your future land use, and how your community should develop over the course of the planning time frame.

Step 4: **Map Out the Future**

Once you have set your goals and objectives, it's time to bring them together and map out your future land use along with any future utilities, facilities, and services necessary to make your vision a reality.

In this step, we outline how to map out

- future land use;
- prospective community utilities, facilities, and services necessary to support the development envisioned;
- areas to be considered for one of the state designation programs.

These important maps will guide any development regulations your community decides to adopt in the future as well as help direct how and where community investments will be made.

Creating the future land use map

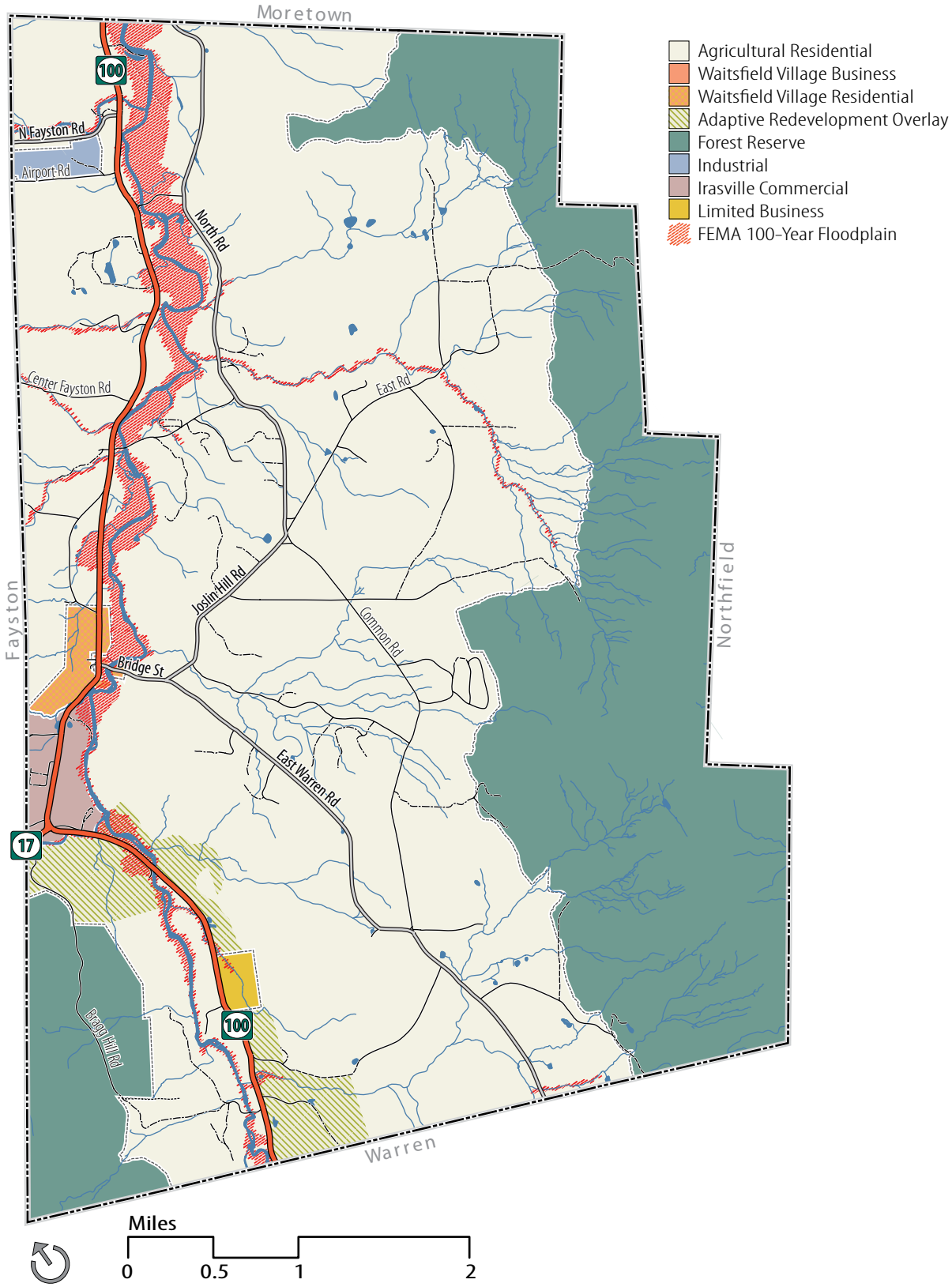
Your plan is required to include … *a map and statement of … prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public and semipublic uses, and open spaces reserved for flood plain, wetland protection, or other conservation purposes.*

A future land use map graphically communicates important components of a community's vision for change, investment, and preservation. It also conveys what the community expects the future demand for land will be based on past trends and projections. This map doesn't necessarily reflect current uses of land but rather the uses desired within the planning time frame. In short, the map is a prescription for future growth and a guide for managing land use change.

The future land use map is not a zoning map, but it does establish the basis for a zoning map. It does not entitle property with any rights nor does it take any property rights away. The land use classifications can be broad, reflecting only general land uses such as a village center, neighborhood, agriculture, industrial, or conservation. If implementing the plan through zoning bylaws, you may need to adopt multiple zoning districts within each land use category to address the intricacies of your community.

JACKSONVILLE

FUTURE LAND USE PLAN EXAMPLE: WAITSFIELD



For each of the uses identified in the plan, you need to identify the *location, amount, intensity, and character* of such land uses. We provide some examples of how you might approach this task below.

The community assessment completed in Step 1, the vision articulated in Step 2, and the goals created in Step 3 set the foundation for the future land use map. The following process may be used to integrate those pieces into a future land use map.

- Review the "existing natural features map" created in Step 1 to see where development constraints and opportunities might exist.
- Examine your "existing land use map" to understand where uses are currently located in your community. Note that the existing land use map should depict existing land uses, not a previously adopted "future land use map" or the existing zoning map.
- Review the vision and goals developed in Steps 2 and 3, and see how they relate to the existing land use, considering whether any of the existing uses need to be modified or if new land areas are needed to achieve the vision and goals.
- If you created a "Maintain/Evolve/Transform" map in Step 2, compare it to your existing land use map (and existing zoning map) to see what changes the future land use map needs to show.
- Decide whether or not it is appropriate to categorize land for growth beyond the extent of your existing built-up area based on projected needs and the potential for development in your community. The methodology outlined in the "Growth Center" section of Module 2 can help guide the sizing, and location, of any new areas under consideration for growth.

Once you map out and characterize your land use categories (discussed below), you will want to review any community facilities and services necessary to support your proposed land uses (covered in more detail later in Step 4.) The feasibility of service/facility expansions as well as their compatibility with your goals and vision should be considered, and you may find that you need to adjust your land use map in instances where those expansions aren't possible. Similarly, you should evaluate the compatibility of your land uses with other goals, such as natural areas your community has identified as priority conservation areas. Your land use map and/or your goals may need to be revised to ensure they are compatible and that your plan gives a clear direction for the future. The next few pages provide you with information to consider when locating and characterizing land uses for your future land use map.

Land use Categories

A number of systems for categorizing land uses exist and can be used to develop your land use map. One example, the Land Based Classification Standards, developed by the American Planning Association, provides a method for structuring and communicating land use types.

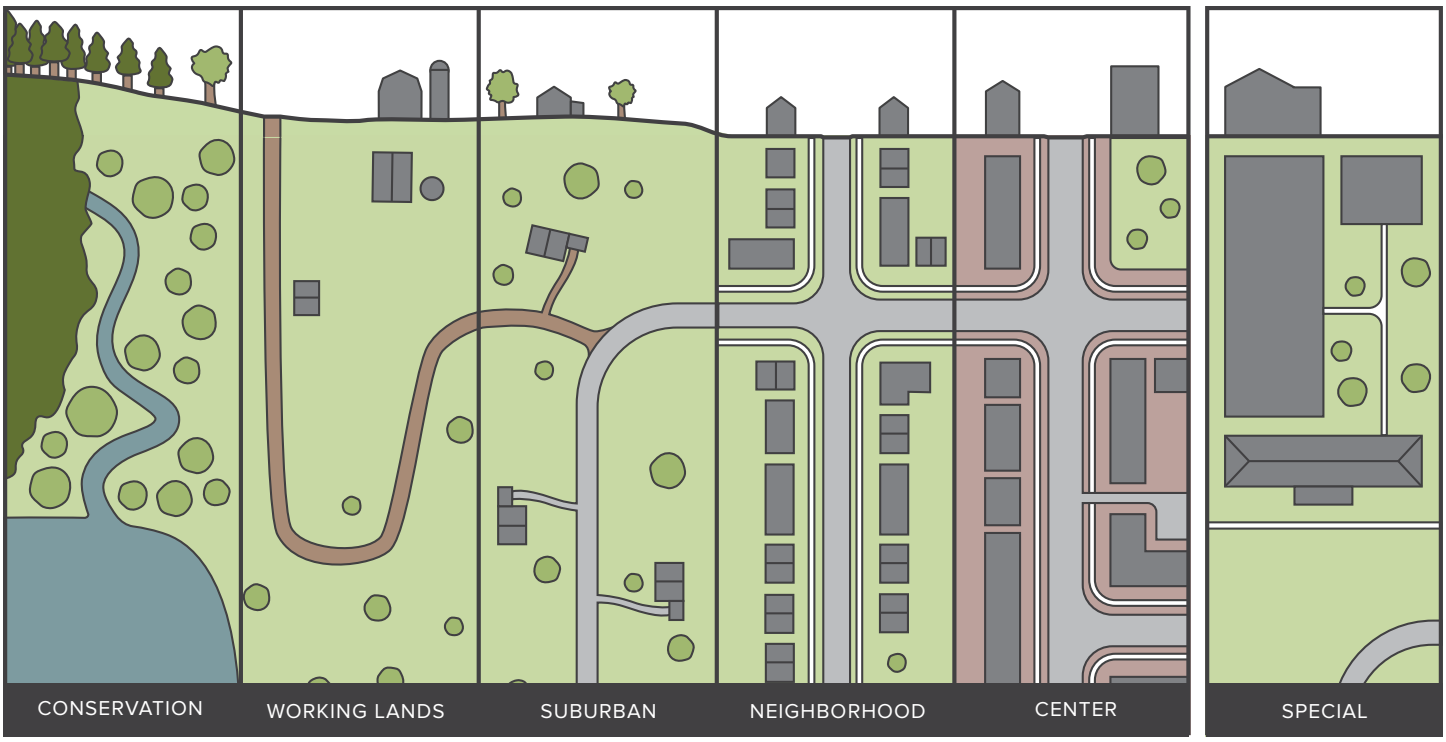
In this manual, we present a system of character zone mapping that provides a simple and intuitive way to categorize land uses for the full range of land uses present in most communities. All these methods can be used alone or in combination, depending on the needs of the community.

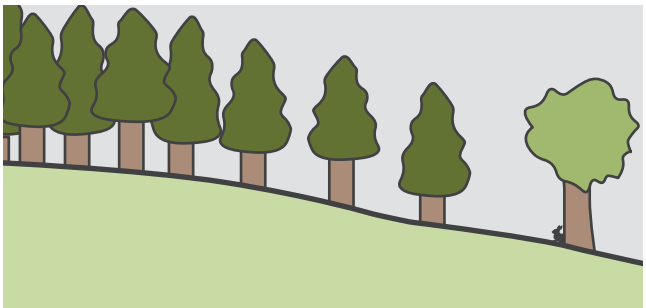
Transect/Character Zones Mapping

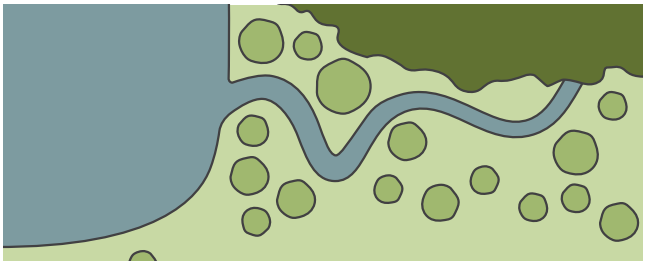
Development generally occurs on a continuum from rural to urban, and the gradations can be depicted using character zones referred to as a "transect." The classifications shown on a transect help you visualize the types of land uses needed to achieve your goals and provide a foundation for your future land use map. The following transect example shows land use categories typical for many Vermont municipalities. These can be calibrated to fit the existing and envisioned land uses in your community.

1. Conservation & Natural Hazard Areas: Natural, open, or environmentally sensitive land.
2. Working Lands/Rural: Agricultural, forested, and sparsely settled lands as well as earth resource extraction areas.
3. Suburban: Low-density, primarily residential areas, typically located at the fringes of denser settlements or within commuting distance.
4. Neighborhood: Medium-density, mixed-use development that is primarily residential, typically located within walking distance of a downtown or village center.
5. Center (Village & Downtown): Highest-density areas of a city or town that include a variety of uses and building types.
6. Special: Areas for large-scale civic, institutional, and industrial uses.

The character — from conservation to center — is made up not only of the land uses and activities that take place in that area but of the degree of development and the physical characteristics of that development. In contrast to the planning categories that led to conventional 20th-century zoning — concerned primarily with controlling uses and impacts and largely ignored issues of community design and form — transect-based planning focuses on the form of development as a principal concern. The following pages outline typical purposes and characteristics for each of the six land use types.



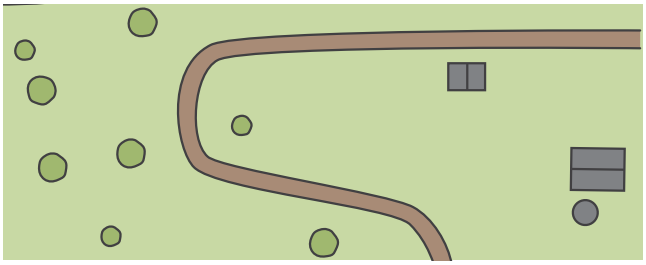




Conservation

Purpose: Promote the protection of natural resources and compatible recreational uses while guiding development away from important natural assets and hazards.

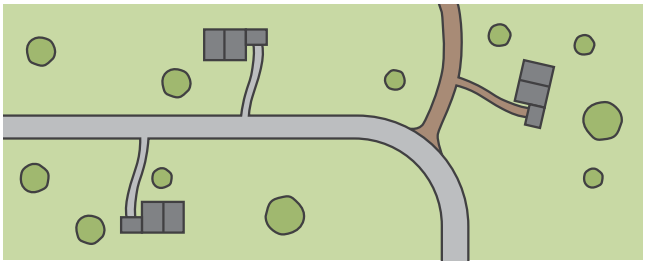
Areas in conservations areas should include any federal, state, or municipal parks, natural areas and nature preserves, land subject to conservation easements, and large pieces of land undevelopable due to natural features such as wetlands and very steep slopes. Parcel sizes tend to be large in size. Hunting, fishing, and other limited recreational uses as well as forestry management activities typically take place in these areas. Future residential development and subdivisions are not appropriate under the conservation classification. Commercial development should be compatible with the natural resources. Development of some renewable energy facilities may be appropriate.



Working Lands/Rural

Purpose: Promote protection of the working landscape and support agricultural, forestry, and earth-resource-related enterprises, avoiding fragmentation of land and loss of resources and incompatible development and activities.

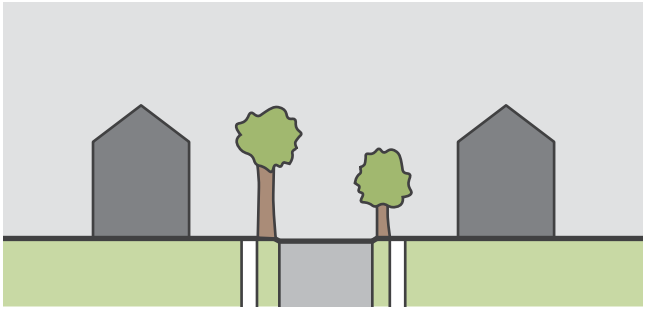
The Working Lands/Rural area consists of sparsely settled lands in open, forested, or cultivated states. Lot sizes are generally more than 25 acres in size. Agricultural, forestry, resources extraction, and/or recreation uses are common in these districts. Typical buildings include farmhouses, agricultural structures, farmworker housing, and camps. Limited agricultural and rural services uses like sawmills, veterinary and equipment-repair enterprises that support the working landscape may be located here. Agricultural enterprises, such as wineries and farmstands are also increasingly common in rural districts. Areas of your community that people would like to stay "rural in character" and are not classified as conservation should fall under this category. Anticipated residential growth in this area is limited, very low density, and municipal water and sewer should not extend here.

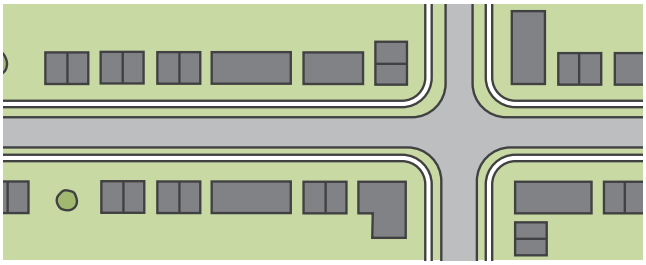


Suburban

Purpose: Accommodate existing low-density residential development and provide bike and pedestrian transportation options if feasible.

The Suburban area consists of low-density (often ranging from 4 units an acre to 1 unit per 2 or 3 acres), primarily residential areas, typically located at the fringes of a city or within commuting distance of the city center. Single-family detached housing is predominant with some opportunities for multifamily attached housing. Most housing in these areas was constructed after 1950. Pedestrians and cyclists may be accommodated, but the vast majority of people continue to rely on automobiles for transportation. Limited public transportation may be available in suburban districts but often lack the critical mass of households to support and make transit economically viable. Typical lot sizes in these areas range from 0.3 acres to 3 acres. Note: In many places, it is difficult to manage growth efficiently when large suburban areas are mapped; therefore, this context should be used sparingly as tax revenue from these areas is relatively low in relation to the high costs associated with maintaining infrastructure and providing services. Consider this district in areas where the current pattern is suburban in nature and is anticipated to remain that way.

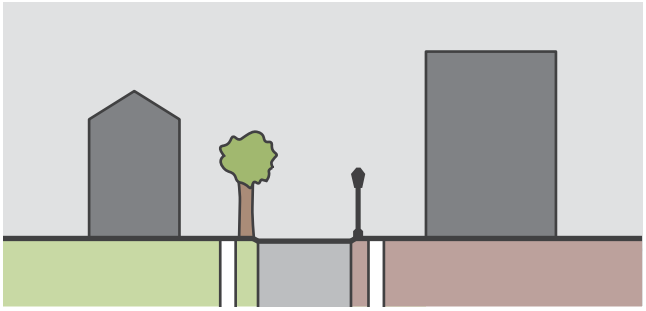


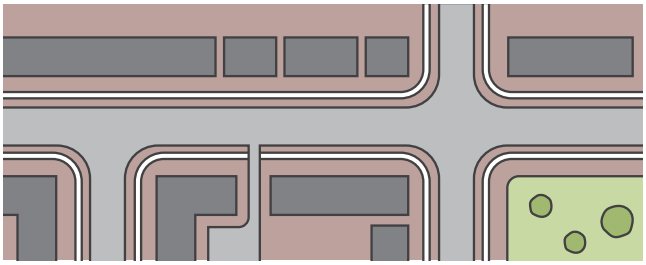


Neighborhood

Purpose: Enhance and create cohesive residential neighborhoods within walking distance of services.

The neighborhood area consists of medium-density development with both residential and commercial uses typically located within a city or town. In small towns without centralized water and sewer, residential densities may be as low as 3 units an acre; areas that do have centralized water and sewer should have higher densities. Buildings may include both single-family detached and multifamily attached types such as row houses and apartments. Lots may be small (3,500 square feet) and areas tend to resemble traditional neighborhoods built prior to 1950. Commercial activity, such as a corner store or barber shop, are concentrated at neighborhood nodes and may be mixed use. People may access jobs and amenities by walking and biking, and often using public transit. Most of these areas are typically walking distance (about ½ mile) from commercial cores of villages or downtowns.



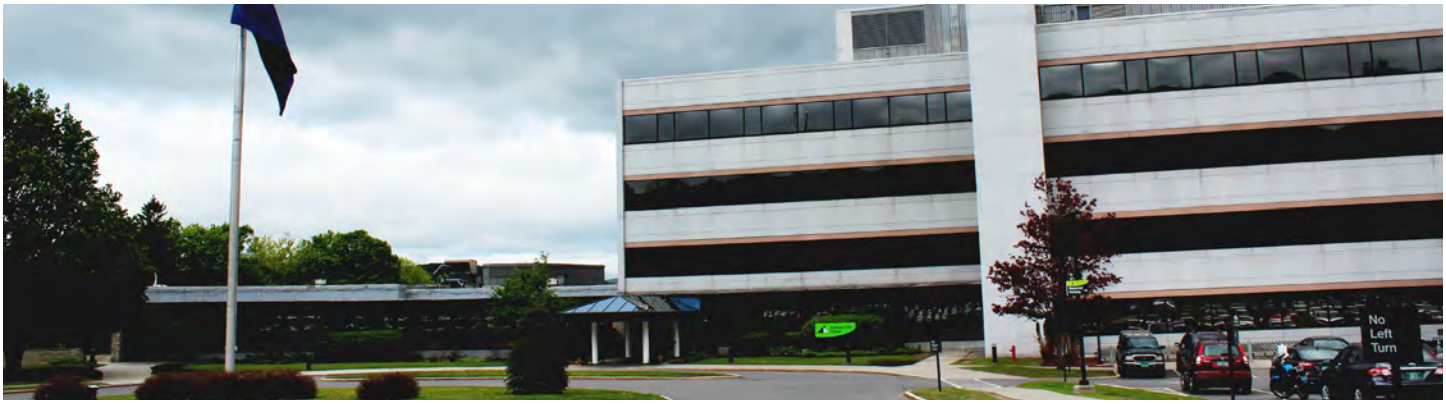


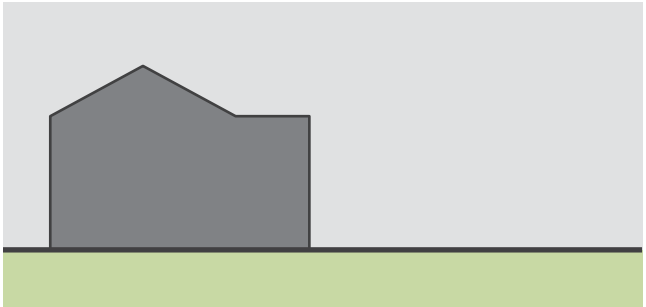
Center (Village or Downtown)

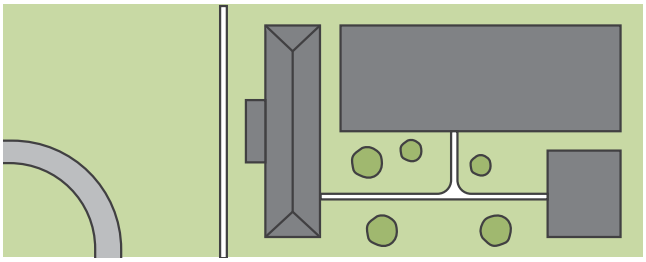
Purpose: Maintain and revitalize an existing village center or downtown or create a new one if needed.

The Center area consists of the highest density areas of a city or town that includes a variety of building types. Buildings are often mixed use. Residential uses are typically attached housing types and may include single-family homes. Civic, cultural, commercial, retail, and office uses are often present, including parks, greens, and other forms of public and civic space. Buildings are usually located close to the street and are taller than other buildings in the community. These areas are highly walkable and architecturally interesting. Transit is often available. The center district is often compact and the smallest of the districts.

Note: The last section of Step 4 gives an overview of related state designation programs (downtown, village center, new town center) that you may want to consider to support goals in your plan.







Special

Purpose: Allow large-scale civic, institutional, and industrial uses with unique spatial needs that do not fit within other areas.

The Special area consists of large-scale civic, institutional, and industrial areas. Typically, these uses take up large lots or extensive tracts of land, although they can vary greatly in size. They typically have multiple buildings in a form that does not fit easily into other districts. Certain uses such as heavy industrial may need some separation from adjacent contexts in order to protect more sensitive uses. Light industrial may be suitable in close proximity to other uses. Primary office and retail uses are generally not suitable for most special areas, such as industrial parks. In smaller-scale occurrences, uses typically considered a "special" area might be embedded in other districts. These special districts may be further refined into areas such as industrial, institutional/campus, museum, airport, etc.

Compatibility of Future Land use Map and Other Goals

Once you have a draft of your future land use map, it's a good time to review its compatibility with your other goals. You should review your goals in Step 3 and ask "Is this future land use map relevant to this goal, and is it supportive or does it prevent us from achieving our goal?" Resolve any inconsistencies and revise any goals and/or the land use map so they are consistent. For example, you might have an area identified as a priority conservation area that you've also designated for housing growth. This can be very challenging and may require prioritizing one goal over another. However, taking the time to resolve inconsistencies can go a long way in preventing future conflict.

The next thing that will help turn your vision into reality is to map out the facilities, services, and infrastructure needed to support your future land use.

Mapping Future Public Facilities, Services, and Infrastructure

The future land use map identifies the desired uses and character of the community going forward, but to achieve that vision, the municipality may need new, improved, or expanded public facilities and services. (Conversely, you may identify planned expansions that are not needed.) State statute requires that to be approved, a plan must include maps and statements of prospective transportation, utility, and facility needs. Municipal facilities may include the following:

- Roads, sidewalks, bike paths, trails, and parking facilities
- Transit, railroads, airports, and ports
- Water supply and distribution
- Sewage treatment and collection
- Stormwater management
- Public safety and emergency services
- School buildings and school transportation
- Municipal offices and other governmental and civic buildings
- Parks, playgrounds, and recreational facilities
- Libraries, cultural facilities, and community centers
- Solid waste disposal facilities
- Electricity generation and gas and electric transmission

One of the primary functions of municipal planning is to anticipate and prepare for predictable public facility needs over the long term to keep existing facilities in good working order and to create new and upgraded facilities when they are needed without sudden spikes in public expenditures. A 20-year planning horizon provides a good time frame for projecting future facility needs in a plan; it is long-term enough to meaningfully anticipate the life cycle needs of buildings and other large facilities and short enough to enable reasonably accurate projections that can inform five-year capital programs and annual budgets. Select board members, public works directors, road foremen, and others involved in public-facilities decisions need to be involved in assessing, mapping, and determining the timing and priorities for future facility needs sections of the municipal plan.

The locations of public facilities can strongly influence private land development decisions so it is critical to coordinate investments in public facilities with the land use vision in the plan. For example, a sewer line extension through farmland will generate demand for rezoning and developing those lands. Or expanding town offices in a village center rather than building a new facility in the outskirts will help support businesses and contribute to village revitalization. Mapping the likely locations of the new or expanded public facilities needed in the next 20 years helps to identify potential conflicts and signals the community's intentions.

One of the ways you can implement your vision is through the use of the state designation programs that can help promote development in and around your center(s). The manual highlights the programs here in Step 4 because statute requires you to

… identify those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought.

Identify Any Existing or Proposed Areas for State Designation

Vermont offers a framework of state designations that encourages communities to maintain a pattern of compact centers surrounded by open countryside. The five designation programs — downtown, village center, new town center, neighborhood development area, and growth center designations — offer incentives to municipalities and individuals who invest in those places. They help align our environmental, housing, and transportation policies, programs, regulations, and public investments to maintain and enhance the landscape cherished by Vermonters and visitors alike. Module 2 of this manual explains how these designation programs work and how to apply for designation.

Before applying for designation, state statute requires that you identify any existing and proposed areas for state designation in the municipal plan. The plan must explain how the designation would further the plan's goals as well as the state planning goals. It also helps to explain how the area meets the requirements for the type of designation being sought.

For existing state designated areas, the municipal plan must explain how the designation under this section has furthered the goals of the plan and include a map that depicts the boundary of the designated area approved by the state. Designated areas can be shown on the existing and future land use maps or on any other maps in the plan. The future land use map should show land use areas that generally correspond to the state designated areas, but the boundaries do not need to be exactly the same.

Now that you have figured out where you want to go, it's time to figure out how to get there. Step 5 will guide you in identifying the priority action items that make your vision a reality.

THE FIVE STATE DESIGNATIONS

Downtowns

Downtown Designation provides communities with the help and resources they need to make downtown revitalization a community effort.

Village Centers

Village Center Designation supports small town revitalization with a variety of benefits to the 120+ participating communities.

New Town Centers

Some Vermont communities developed without a strong central core and this program supports the creation of an area that functions as a new downtown or village center.

Neighborhood Development Areas

The program offers incentives to create compact, walkable neighborhoods that attract more people and business to our existing community centers.

Growth Centers

The Growth Center program designates areas that are planned for new development in keeping with historic development patterns.

Step 5: **Make It Happen**

Planning means very little if it doesn't result in the changes the community desires — the collective vision made reality. Step 5 provides a road map to help you prioritize action items over the short term (one to two years), midterm (three to five years), and long term (six-plus years). Focus on the actions (such as public and private investments, strategic partnerships, policy changes, and funding sources) that are necessary to bring the plan to life.

A program to implement objectives is a required component of your plan. In Step 3, when you were developing the goals and objectives, you were encouraged to brainstorm the action items that could be used to implement those aspirations. Whether you did that or not, you will need to consider the ways that your plan can be implemented and determine which of those are most feasible and important.

All implementation programs should specify

- Actions to be taken;
- Associated timelines for completion;
- Those responsible for action;
- Anticipated cost, if known;
- A way to evaluate their effectiveness, e.g., by including performance measures.

The following sections describe the actions that could be included in an implementation program as well as ways to evaluate alternatives and identify priorities.

ANOTHER PLAN THAT SITS ON A SHELF?

Studies show that the most effective plans are those with a clear vision, measurable objectives, and strategies or actions designed to meet plan objectives. By including these three elements, you can make sure your plan doesn't just sit on a shelf.

CONFORMING TO THE PLAN

Vermont law requires that all the regulatory and non-regulatory tools chosen for implementation must conform to the municipal plan. That means the implementation steps must

- Make progress toward attaining, or at least not interfere with, the goals and policies contained in the municipal plan;
- Provide for proposed future land uses, densities, and intensities of development contained in the municipal plan;
- Carry out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan (24 V.S.A. section 4401 and section 4303 (6)).

WILMINGTON

Types of Action Items

There are a wide variety of regulatory and non-regulatory tools described in the Planning Implementation Manual that can help municipalities put their plans into action. The list of Vermont-based examples of goals and objectives highlighted in Step 3 also include relevant actions and implementation tools. We encourage you to use this list as you think of ideas and reach out to other communities and learn from their experiences.

Regulatory Tools

Most municipalities already have some form of regulation, and in many towns, this means that a major function of the plan is to recommend changes to the zoning bylaws. Even towns without zoning are likely to have some type of land use regulation such as for flood hazards and road cuts that may need adjustments to further the goals of the plan. If you are not currently using any regulatory implementation tools, you may want to consider some types of regulation to achieve your shared community vision. Regulatory tools can apply to any aspect of land development such as the uses of land; the scale, proportion, and height of buildings; signs; architectural detail; and the design of new streets and bike paths. There is no right answer as to how much or how little your community decides to regulate; every community has its own particular needs, resources, and views on government, land, and community life.

The state of Vermont gives municipalities broad authority to use not just zoning but also other regulatory tools such as impact fees, phasing, official maps, and subdivision bylaws. Beyond that, municipalities can also adopt ordinances to address road construction, parking, sewer and water connections, and other public works matters that can help ensure new development meets local goals.

Vermont law places some limitations on what municipalities can regulate and requires certain other provisions. For example, zoning bylaws must provide for equal treatment of housing and requires provisions for affordable housing. The main uses that municipalities are prohibited from regulating include state-defined agricultural and forestry practices; farm structures; and public utility power generating plants and transmission facilities. See statute for details on the required provisions and prohibited effects and bylaw limitations (24 V.S.A. section 4412 and section 4413). While it's helpful to be aware of these restrictions, don't get bogged down in these details as you work on developing your regulatory implementation program.

Most municipalities adopt some form of land regulations (e.g., zoning ordinance or unified development bylaw) that involve identifying districts or zones that have a different set of uses, dimensional requirements, and standards for development. The districts must be consistent with the land use plan you developed in Step 4, although they may be more specific. Increasingly, communities with areas targeted for growth and redevelopment are developing "form based codes," focusing on regulations that control the form of development first and the use as a secondary consideration, with the purpose of achieving a physical vision of "place" and development that contributes to that built environment.

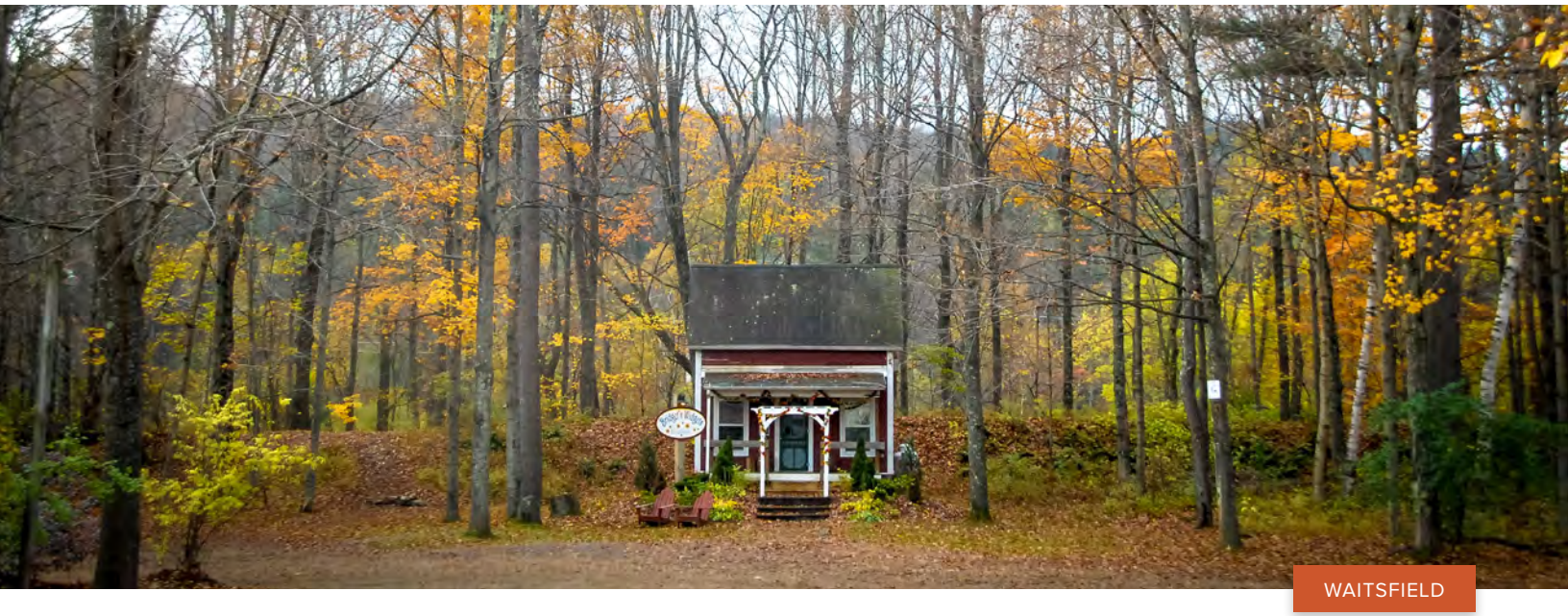
Non-regulatory Tools

Beyond regulation, communities need to consider a wide variety of non-regulatory implementation tools, such as capital improvement programs, housing incentives, and open space funds to help implement their plan. Many of these tools have been broadly applied throughout Vermont and beyond, and are highlighted in the Planning Implementation Manual. That said, don't feel limited by these examples. There are few restrictions on non-regulatory actions, so this is an opportunity to get creative and tailor solutions to your community's needs.

One of the best tools available to meet your community vision and objectives is capital planning; that is, how you use limited funds to achieve needed improvements in public facilities and infrastructure. Not all improvements can be funded right now and some may be more critical to meeting your planning goals than others. The capital budget and program helps municipalities select, schedule, and finance their public facility improvements. The program sets forth the capital projects to be funded each year, for a period of five or more years, and identifies the anticipated source of funding for each project. The long term capital program informs the annual capital budget. Projects listed on the capital program are likely to be implemented because funding is allocated to make it a reality. While capital planning may seem purely an accounting exercise for municipalities to manage public facilities, it is a powerful implementation tool when used to fund priority projects that move the community closer to the vision in the plan.

Coordinating public and private actions can be another effective way of insuring that your vision and objectives are carried out. The implementation program should spell out how this coordination will take place. For example, a municipal decision to upgrade roads should be consistent with any plans for future growth. Any sewer line extension approvals through the public works department should adhere to land use policies on locations for growth. If there are plans to replace aging infrastructure and to add streetscape improvements like sidewalks, try to schedule them together to minimize disruption and reduce costs.

The private sector engages in a variety of development and conservation activities, including construction of homes, businesses, and industry; land preservation; and the use of land for recreation and agriculture. Partnerships between the public and private sector can bring together the talents and resources to develop innovative solutions to common problems.



WAITSFIELD

STOWE

Your community may also develop cooperative relationships with individuals in the private sector whose lands are sited in key locations or whose plans for the future may have a significant impact on the community in a way that can support or detract from the plan. Contact these individuals early to learn their intentions and to inform them about the process and vision if they haven't been involved yet. Work with them to identify mutually beneficial implementation strategies. By working together in a cooperative atmosphere, public and private entities can avoid adversarial relations and detrimental development. Examples of individuals in this category include:

- Owners of significant resource lands, such as farmland and scenic areas;
- Major employers;
- Owners of major recreation facilities, such as a ski area;
- Landowners in an area targeted for new development;
- Developers active in the community.

Communities may also wish to coordinate their implementation programs with various nonprofit groups working in areas such as affordable housing, land conservation, or economic development. For economic development, most parts of Vermont are served by regional development corporations (RDCs). They exist to assist private sector businesses expand current facilities, access training programs for employees, access financing for business expansion, or find locations for stores, plants, or warehouses. They can also help communities set up economic development programs or take other steps to encourage the kind of economic development that meets local goals. Local chambers of commerce and downtown organizations can also be helpful in this area.

Evaluating Alternatives and Identifying Priorities

Evaluating the options you have identified to meet a particular objective will help you arrive at recommended implementation actions. To evaluate those options, consider the following criteria:

The availability of financial resources required for implementation

- The capacity of staff or volunteers to do the work
- The timing of the action, given other priorities in the community
- The compatibility of the action with other proposed actions
- The degree of alignment between the action and community values and sentiments
- The effectiveness of the action in meeting the shared community vision and public goals

If you have a large number of action items, consider using an initial screening process to quickly evaluate all of the action items to identify the ones that merit more in-depth consideration and evaluation.

A successful implementation program has community buy-in; responsible parties are identified for every implementation action. Make sure your process is as transparent as possible, demonstrating how the proposed actions implement the shared community vision developed in Step 2.

Once you have a draft of your implementation program, invite all of those who participated in earlier planning steps to a community meeting so you can present the progress on the plan and give them a chance to comment on the proposals. Implementation can't happen without them, and if they aren't on board, you risk setting up the plan and community vision for failure. As with the other steps described in Step 2, there are a variety of ways you can involve the public at this stage and you should select the method that best fits your community. Getting widespread community input also helps identify the best alternatives and priorities when there are competing ideas that both make sense on paper.

HOW DO WE FUND THIS IMPLEMENTATION PROGRAM?

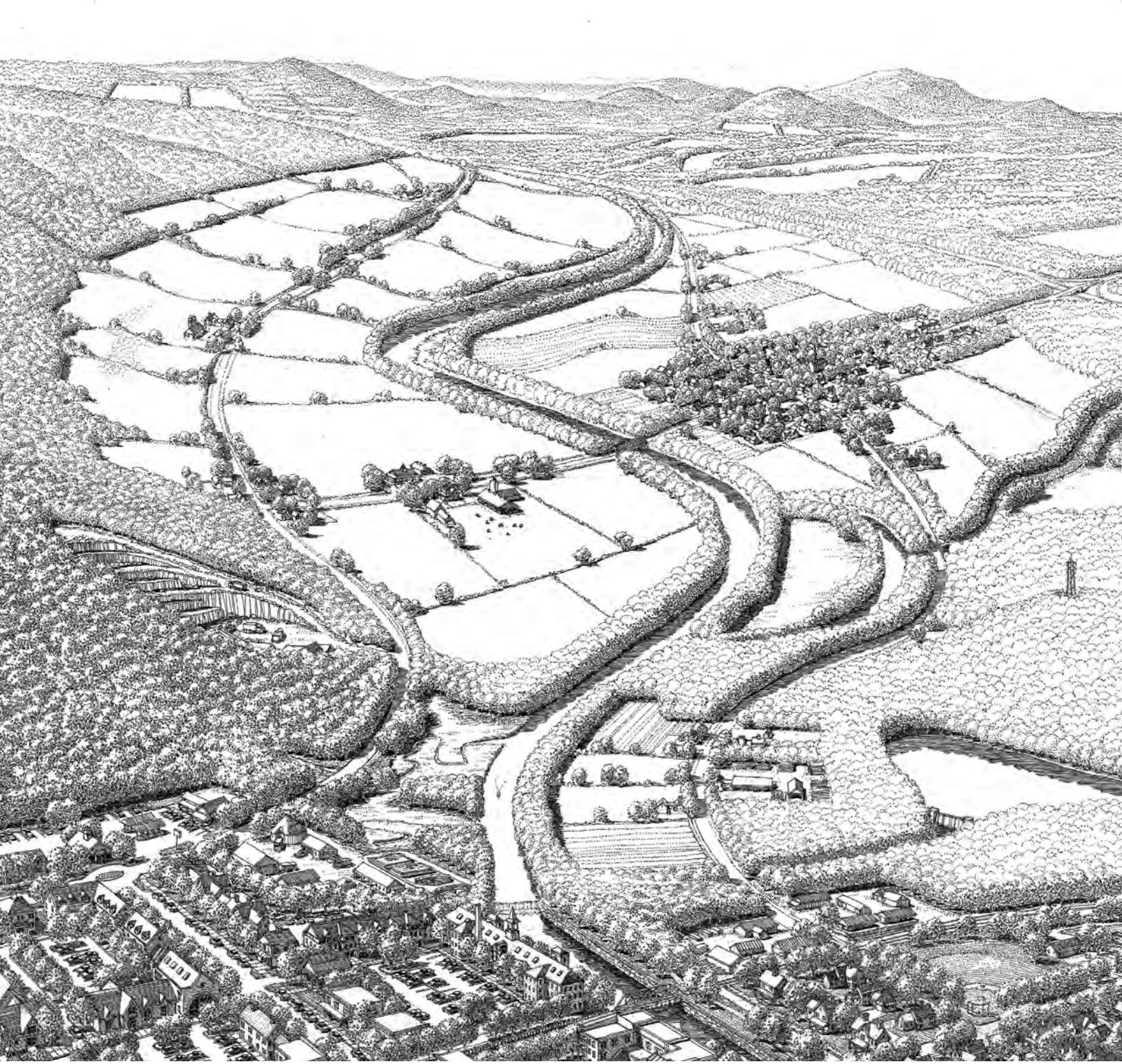
Inevitably, some of the tools and actions you select will require money to implement. The Department of Housing and Community Development maintains a list of grants and loan funds that may help make parts of your vision possible. See the list here.

Moving From Plan to Action

Now that you have your shared community vision, your goals and objectives, and your implementation plan laid out, it's time to begin moving from plan to action. Once all the components of your plan are complete, you can start the formal adoption process. The adoption process is clearly described in Appendix 1 of this module. There are checklists and instructions to help you along the way.

The required adoption process includes formal public hearings that may result in changes to a document over which you have labored long and hard. However, if in the process of developing the plan, there has been broad and open public discussion of the vision and implementation priorities, the changes usually will be minimal.

If you've completed Steps 1 through 5 congratulations! It's time to take action and move toward your shared community vision. The Planning Implementation Manual can help you focus on those implementation strategies.



Working with Existing Plans

Developing or rewriting a municipal plan is a major undertaking for a community — one that you may not be eager to repeat any time soon. Once adopted, it's common to set the plan aside and move on to new projects, particularly the activities to implement the plan. The plan is meant to be a living document that is continuously used to guide and track your community's progress.

Every plan comes with an expiration date. In Vermont, a municipal plan must be updated and readopted every five years to remain in effect. If the plan expires, existing bylaws and capital improvement programs based on the plan are still valid, but can't be updated or amended. An expired plan can't be considered in local or state regulatory proceedings. It also means that the regional planning commission can't approve the plan or confirm the local planning process — a requirement for the town to qualify for a number of state grants and the state-designation programs, and to levy impact fees.

This five-year adoption cycle was created in the 1960s to ensure that plans remain current and that communities and planning commissions stay actively engaged in the planning process. It means that when developing or updating your plan, you likely won't be starting from scratch. All but a few Vermont municipalities have adopted plans, the majority of which have been updated, rewritten, and readopted over the years. It's helpful to review current and previous plans when beginning the process to understand how your community and local priorities have changed over the years.

PLAN AND BYLAW DATABASE

The Department of Housing and Community Development (DHCD) keeps a searchable database of municipal plans and bylaws that have been submitted to them. Every fall, DHCD also updates a Municipal Status Information (xls) spreadsheet; this spreadsheet provides data on the adoption/expiration of plans, bylaws, state designations, and other information. Both are available online (see the Data & Resources section of Web page)

This five-year adoption cycle was established when plans and the planning process were much less involved. Faced with new planning requirements, new forms of public engagement, rapidly changing tools and technologies, and a constant flow of new information, it's understandable that many planning commissions feel pressured to continually update and maintain their plans, leaving little time to act on plan recommendations. This section discusses options and best practices for reviewing, amending, and comprehensively updating a plan, and for structuring the plan to make the update process a bit easier.

Make Use of Existing Plans

Given the considerable effort that goes into producing a plan, it deserves a prominent place on desks and meeting tables; not stashed away in a file drawer where it's easily ignored. Plans developed to be working documents are more likely to inform local decisions when preparing work programs and budgets, reviewing proposed development, establishing new programs, and undertaking community projects. Functional plans are clear, well organized, and structured for easy reference and use. Plans that include targets, indicators, or benchmarks can be used to track trends and measure progress. Plans that are consulted on a regular basis are also easier to monitor for needed updates.

TIPS TO MAKE YOUR PLAN USER FRIENDLY.

Your plan might have the right content, but could be reorganized to help people more easily find the information they need. Consider these ideas:

Include a clear, succinct community vision, big ideas/goals, and key community priorities in the front of the plan where they will be noticed.

Highlight priority action items for plan implementation within a summary table or to-do list that also identifies responsible parties and time frames for completion. Volunteers on different committees need to be able to easily identify their responsibilities. Make it easy for them to do so.

Add targets or benchmarks to track trends and measure progress. Quality of "measures" is more important than the quantity: Just because you can measure something doesn't mean you should. Think carefully about the best indicators for measuring progress toward your community's goals.

Consolidate and present supporting data and information in a separate community profile or "fact book" that can be referenced or incorporated as an appendix (and separately updated and maintained [see Step 1]). Supporting data and information is about the present and past, the focus of your plan should be on the future and how to get there.

Highlight key data, concepts, and illustrations in easily updated charts, tables, figures, or sidebars, rather than in the narrative or body of the plan. Information can be communicated more effectively this way; it can also be shared across social media platforms like Front Porch Forum, Facebook, and Twitter.

Consolidate and number plan policies and recommendations in a discrete section of the plan that can be excerpted and cited as needed.

Remove unnecessary parts of your plan and make it as concise as possible. The plan's main audience is usually municipal volunteers who don't have time to read through long documents.

Make the plan easily available on the town website in a single, searchable PDF that includes a good table of contents with hyperlinks and cross-references where applicable.

Annual Status Updates

The planning commission should devote some time each year to review the plan and progress. This might be done in conjunction with the commission's annual reporting requirements (described in Appendix 1). An annual review could include the following:

- A review and statistical summary of recent development activity in relation to the planned pattern, type, and rate of development. Does recent development conform to or deviate from plan goals, policies and objectives, and projected rates of growth?
- The status of implementation actions or programs. Have there been any major accomplishments or new initiatives within the past year? Have any barriers been encountered?
- The identification of new or emerging issues for future consideration. Have issues come up that aren't adequately addressed in the current plan or bylaws? Are there new state planning requirements that will have to be met?

An annual look at local programs, development activity, and plan goals and objectives helps maintain the plan's standing and relevance for local government. The annual review is also a good time to identify plan amendments for consideration in the next year or two, or to add to a list of more comprehensive updates to be considered in the future.

MORRISVILLE

Plan Amendments and Readoptions

A plan can be updated as part of the five-year plan readoption, or at any time, using the plan amendment process. Though adopted in a similar manner, the plan readoption process extends the life of the plan (the expiration date); while the plan amendment process, as more limitedly applied, does not.

Plan amendments are used to more strategically update one or more sections of the plan — by topic (e.g., plan element, issue, or concern) or by planning area (e.g., neighborhood or zoning district).

The amendment process can be used to update a section of the plan, to add new sections or policies, to incorporate supporting plans and information, and to address new statutory requirements. Plan amendments are most often made in response to proposed rezoning to ensure that zoning changes are consistent with the land use plan and map.

A plan amendment can be prepared by the planning commission, or a "person or body" other than the planning commission, for planning commission consideration (24 V.S.A. section 4384). When considering an amendment, the planning commission is also required to prepare a written report that addresses the extent to which the proposed amendment conforms to relevant state planning goals (under 24 V.S.A. section 4302). If the proposed amendment would alter "the land designation of any land area" (for example a zoning reclassification), the report must also include written findings with regard to

- The probable impact of the proposal on the surrounding area, including the effect of any increase in traffic, and the overall pattern of land use;
- The long-term cost and benefit to the municipality, with regard to probable impacts to the municipal tax base and the need for public facilities;
- The amount of vacant land available (e.g., already zoned or designated), needed and proposed for the intended use or purpose;
- The suitability of the area in question for the intended use or purpose, with consideration given to appropriate alternative locations, alternative uses for the area under consideration, and the probably impact of the proposed change on other, similarly designated areas;
- Whether the size and boundaries of the proposed area are appropriate, with respect to the area required for the proposed use, the capability of the land to support it, and existing development in the area.

While this may seem like a routine administrative requirement, it's important to take the written report seriously and develop findings and conclusions for each proposed amendment. The Vermont Superior Court's Civil Division has ruled plan amendments to be invalid when reporting requirements have not been met (Hawk Rock Holdings, LLC v. Town of Newark, Aug. 5, 2015).

Five-Year Review

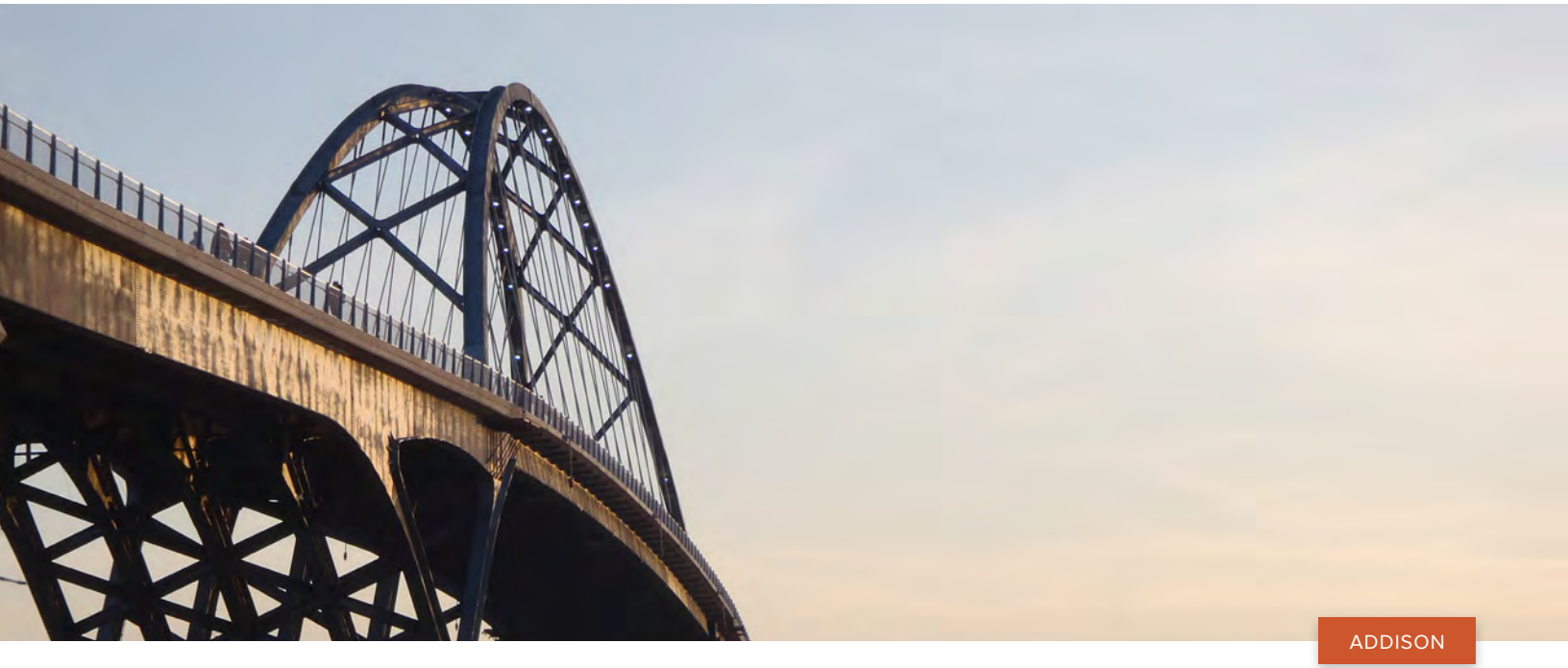
A more comprehensive review or "audit" of the plan at the five-year mark is a common best practice to ensure that the plan remains current. In Vermont, the planning commission is required to review and update the information upon which the plan is based before readopting, at least every five years. An in-depth review, conducted well in advance of the plan's expiration date, can be used to determine whether minor updates, plan amendments, or a more comprehensive update and rewrite are needed. The extent of the update required will depend on

- The planning horizon and projections used to develop the current plan;
- The rate of growth and development within the community since the plan was last adopted;
- The extent of past and recent community engagement in the planning process;
- The degree to which the plan, and supporting information, data, and maps were updated the last time around;
- The extent to which the plan has been amended since it was last adopted.

Barring a major event or change in circumstance, a plan that previously underwent a comprehensive update and has a 10- to 20-year planning horizon, and has been amended as needed, will likely remain relevant at the five-year mark, and will require only some minor edits and updates before being readopted. At this stage, it may be more useful for the planning commission to focus on the status of the plan's implementation program, which should be well underway.

RPC CONSULTATIONS

RPCs schedule municipal consultations or "check-ins" every two to three years so they can better understand the needs of your community. The RPC takes this opportunity to review your plan and assure that it meets statutory goals and requirements; it typically offers suggestions for ways to make it better. The consultation is a terrific opportunity for the planning commission to discuss its implementation program and any anticipated plan updates, identify its planning and training needs, and learn more about the regional planning programs and funding opportunities.



ADDISON

A more formal review process is recommended for plans that have not been updated in a while — one that involves the legislative body and regional planning commission — since both will be reviewing the plan prior to its readoption. It's suggested that the planning commission document its findings and conclusions with regard to the need for minor updates, strategic amendments, or a more comprehensive rewrite. Key considerations include

- The status of underlying assumptions, planning time frames, and projections (e.g., population, employment, development) in relation to observed rates of growth and development;
- The availability of new or more accurate data, information, and maps, including supporting plans, studies, or reports completed since the plan was last updated;
- Major events or developments locally, or in neighboring communities, that have impacted the community, or may affect long-term planning goals and objectives;
- The status of plan goals and objectives. (Are these still relevant, representative of the elected leadership and public opinion, and do they continue to provide adequate guidance?);
- The status of the plan's recommended implementation program, including specific action items;
- The extent to which recent development and infrastructure improvements have been consistent with, or deviated from, plan goals, policies, and objectives;
- Changes in the status or capacity of community services, facilities and infrastructure, and supporting revenue sources;
- The timing of planned infrastructure improvements in relation to observed rates of development;
- New or recurring issues and forms of development that are not addressed in the current plan or bylaws;
- Land use, service area, or zoning changes needed to accommodate new or expanded development;
- Changes in enabling legislation, statutory requirements, or state policies and programs that affect the local plan or planning process;
- Recommendations from the regional planning commission with regard to needed plan updates or amendments; and
- Recent legal cases that require changes to the plan, planning process, or implementing bylaws and ordinances.

If the planning commission concludes that only sections of the plan or implementation program are no longer relevant, a strategic update or amendment may be all that is needed. If the plan is outdated or clearly no longer representative of the community, a comprehensive rewrite — or entirely new plan — may be necessary. Regardless, the results of this review should be presented to the legislative body, along with specific recommendations for updating the plan. It should include a proposed update, hearing, and adoption schedule, and request for any needed financial resources or technical assistance.

10-Year Update

Ten years after the last comprehensive update, even the most long-term, forward-looking plan will show its age, and will likely need a major overhaul. At a minimum, the plan will need to be updated to reset or extend the planning horizon, to incorporate decennial census data, and to extend population, housing, and development projections accordingly. Best practice: It's time to go back to Step 1 and do a new community assessment.

Even plans that have been updated or amended on a regular basis should be presented for public review and discussion after 10 years. It's time to actively engage the community in revising or developing a new plan, revisit the underlying assumptions and guiding principles, and collectively reevaluate the community's vision for its future.

This is also the time to complete an in-depth reevaluation of:

- The plan's internal consistency as amended and updated over the years;
- Its compatibility with the regional plan and the plans of neighboring communities, as more recently adopted or amended;
- Its overall consistency with state planning goals, including the smart growth principles;
- The plan's land use classifications in relation to adopted zoning districts and observed patterns of development;
- The status of existing or proposed growth center, downtown, village, and neighborhood designations in relation to existing and planned infrastructure and observed patterns of development;
- The effectiveness of the plan as used in local and state regulatory proceedings.

At 10 years, if the structure of the plan is still something that will hold up as a guide for the next 10 years, it can provide the framework for the comprehensive update.

DORSET

Celebrate

Analyzing data and trends, creating a vision, actively engaging the community, developing a plan, and working to implement that plan: This is the work of more than 5,000 dedicated local volunteers, working with consultants and municipal and regional planning commission staff. It's challenging, sometimes confrontational and thankless, but critical to the future of our state. Municipal plans lay the foundation for where development will occur, protect key community assets, and determine how to expand needed infrastructure. They indicate to investors and developers where to buy and build and direct conservation organizations to key areas to conserve. These plans recognize where a community has been and create the road map for where it's going. Together, these plans define the landscape and impact the course of the entire state. Local municipal plans, policies, and programs shape how our children and grandchildren will experience Vermont.

You're not alone in this important work. State agencies, regional planning commissions, and neighboring towns are here to provide information, guidance, ideas and best practices. This important work is critical to the health of Vermont's economy and community. Thank you for your time, thought, dedication, and patience!

> It is easier to find men who will volunteer to die, than to find those who are willing to endure pain with patience.
>
> ***Julius Caesar***

Appendix 1

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Familiarity with the history and structure of the laws that govern the planning process can help Planning Commissions navigate the process most effectively. This Appendix summarizes the relevant provisions of Vermont's Planning and Development Act and related statutes. It is intended to guide planning commissioners and others through the legal and technical requirements of developing, adopting, and updating a municipal plan.

Legal Framework

Vermont's legal framework for planning is established in the Vermont Planning and Development Act, which is codified in 24 V.S.A. chapter 117 and commonly referred to as "Chapter 117." The planning process is also influenced by 10 V.S.A. chapter 151, known as Act 250, which regulates land use and development projects, and by the certificate of public good process for approval of gas and electric facilities, commonly referred to as "Section 248" (30 V.S.A. section 248). These statutes are all available online and in hard copy with annotations at many public libraries and town offices.

Chapter 117

Chapter 117, which was enacted in 1967, allows the establishment of municipal and regional planning commissions and sets forth general purposes to guide them. Municipalities have the option to develop plans and implement them through regulations and a capital budget and program. Chapter 117 also sets out the standards and procedures that municipalities must adhere to in their planning programs. In 1988 the legislature adopted Act 200, Vermont's Growth Management Act. This amendment to Chapter 117 laid out specific land use goals, sought broader public participation in the planning process, and enhanced coordination among neighboring municipalities and across regions.

Chapter 117 provides a framework and procedures for municipalities to establish municipal planning commissions and sets forth the terms, method of appointment, powers, and duties of commissioners. It specifies the process to develop, review, and adopt municipal plans and includes guidelines and requirements for the content of plans and plan amendments. Communities that have prepared and adopted plans are authorized to adopt bylaws that conform with the plans. Chapter 117 spells out precise procedures for bylaw adoption, administration, and enforcement. It enables the adoption of capital budgets and programs for communities that have adopted facilities and services plans.

Foundation for Municipal Regulations and Programs

To adopt or amend zoning regulations, subdivision regulations, an official map, a capital budget and program, and impact fees, Vermont municipalities must have in effect a municipal plan. According to Vermont law, plans are the basis for bylaws and bylaws must be consistent with the plan and must have the purpose of implementing the plan (24 V.S.A. section 4401(a)).

Because of this requirement, it is important that the plan contain a good foundation for the specific provisions the municipality wants to include in its bylaws. The data in the plan, the analysis of the issues, and the plan goals, objectives, and policies must provide a clear and logical basis for regulatory steps the community will take. For a community to adopt a capital budget and program, the utilities and facilities element of the plan must describe current facilities, expected needs, and recommendations for meeting future needs (24 V.S.A. section 4404a).

If a municipality does not have a solid basis in its plan for the regulations it puts into effect, the regulations can be challenged in court. The municipality must be able to demonstrate how its actions relate to an integrated, coordinated, and coherent plan for the community's future.

Act 250

Vermont's Land Use and Development Law, commonly known as Act 250, requires that certain categories of development obtain a state land use permit before beginning construction. For example, subdivisions of 10 lots or more, commercial development on more than one acre in towns that don't have permanent zoning and subdivision regulations, or on more than 10 acres in towns that do, and any development above 2,500 feet, all must apply for and receive an Act 250 permit. To obtain a permit, developers or landowners apply to the District Environmental Commission for that region of the state.

Projects that need an Act 250 permit must satisfy 10 criteria. The criteria focus on the impacts that the development or subdivision is expected to have on air and water quality, water supply, traffic, educational and municipal services, and historic and natural resources, including scenic beauty and necessary wildlife habitat. One of the criteria requires that the project conform to any applicable local or regional land use plan or capital plan. Appendix 2 of this manual details how plans are considered in the Act 250 review process.

The District Environmental Commission reviews each application and either grants a permit, typically with conditions, or denies it. The Commission may make specific findings of fact and conclusions of law that justify and explain its decision in detail. The parties to an Act 250 hearing include the applicant, the municipal legislative body and its planning commission, the regional planning commission, and affected state agencies. The Commission may also grant party status to adjoining property owners, and to other persons or groups who may be affected by the proposed project.

Section 248

Vermont requires approval from the Public Service Board (PSB) before beginning work on any electric transmission or generation facilities and certain gas pipelines. This approval is known as a certificate of public good. In addition to considering certain criteria that relate specifically to energy issues, the PSB considers whether the proposed project would have an undue adverse effect on aesthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety. These considerations are made with explicit reference to the Act 250 criteria.

Like the District Environmental Commissions in Act 250 proceedings, the PSB reviews each application and either grants a certificate of public good, typically with conditions, or denies it. Neither municipalities nor planning commissions are automatically granted party status in PSB dockets, but they may request to intervene in any proceeding in which they have a particular interest. They can also request that they be added to the PSB's mailing list as an interested party without formally intervening. Appendix 2 of this manual details how plans are considered in the PSB review process.

Roles

The State

Vermont is a 'Dillon's Rule' state, which means that any powers and authority municipalities have must be granted to them by the State. Thus, when it comes to land use and planning, the State, through the legislative branch, establishes the authority for local and regional planning and sets forth planning policies and guidelines. The State also undertakes its own planning for state capital investments, transportation, housing, social services, economic development, and environmental protection. These actions can have a significant impact on the course of local and regional planning.

The Legislature also adopts laws that affect local and regional planning. Act 250 (the State Land Use and Development Law), environmental protection laws, taxation laws, and authorizations for grant and loan programs are examples of legislation that affect municipal planning. These statutes may contain standards, policies, and guidelines that affected or participating municipalities must follow.

The executive branch of state government is responsible for the development of the capital budget for state investments. These investments—including road improvements, municipal water pollution control and water supply facilities, local and state recreation land acquisition and development, and government buildings, such as courthouses, administrative offices and jails— affect both the way municipalities grow and the nature and pattern of their development.

Under Chapter 117, the Department of Housing and Community Development (DHCD) is required to periodically review the planning process of municipalities that don't have approved plans, for the purposes of evaluating whether the municipality is complying with its obligations regarding affordable housing (24 V.S.A. section 4351). DHCD also provides funding and support to municipalities that are engaged in planning through its Municipal Planning Grant Program, which is funded by revenue from the property transfer tax.

Regional Planning Commissions

There are 11 regional planning commissions (RPCs) in Vermont. The powers and duties of RPCs, listed in 24 V.S.A. section 4345(a), include but are not limited to:

- Preparing regional plans and amending them when necessary;
- Promoting intermunicipal cooperation and coordinated development;
- Providing technical assistance to help municipalities prepare and maintain municipal plans, studies, bylaws, and other implementation activities;
- Preparing studies and recommendations on land development, hazard mitigation, brownfield mitigation, transportation, scenic preservation, and conservation of energy; and
- Implementing programs in cooperation with municipalities for appropriate development, improvement, protection and preservation of the region's physical and human resources.

RPCs help municipalities plan by providing data and maps; suggesting planning goals, objectives, and policies; proposing techniques for implementing plans; providing assistance in program development and administration; and developing and disseminating information on regional trends, development patterns, and issues.

RPCs also play a critical role in the municipal planning process. RPCs are required to review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality. As part of the consultation, the RPC must confirm when the municipalities process complies with the criteria listed in 24 V.S.A. section 4350(a), which require that a municipality (1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan which is consistent with the goals contained in 24 V.S.A. section 4302; and (2) is maintaining its efforts to provide local funds for municipal and regional planning purposes. The RPC must also review any municipally adopted plan and confirm and approve that:

- It is consistent with the state planning goals (24 V.S.A. section 4302);
- That it is compatible with the regional plan;
- That it is compatible with approved plans of other municipalities in the region; and
- That it contains all the elements included in 24 V.S.A. section 4382(a)(1)-(10).

Municipalities

Any municipality may undertake a comprehensive planning program including related preliminary planning and engineering studies. They can prepare, maintain, and implement a plan within its jurisdiction. However, unlike regional planning commissions, municipalities are not required to prepare a plan.

In addition to undertaking local planning activities, and regardless of whether the municipality has a plan of its own, municipalities can participate in regional and state planning programs. As members of the regional planning commission, municipalities participate in the decisions of the commission, including the adoption of the regional plan. Through their legislative bodies and planning commissions, municipalities have 'party status' in the review of applications under Act 250. This confers the right to participate in Act 250 proceedings, including the right to appeal unfavorable decisions.

Municipal Boards, Commissions, and Committees

Planning Commissions

Membership

A municipality may establish a planning commission by resolution of its legislative body. The commission must have between three and nine members, a majority of whom must be residents of the municipality. Typically, the legislative body (selectboard, city council, aldermen, or trustees) appoints the members. Alternatively, the voters in a municipality may elect planning commission members. If the commissioners are elected, the legislative body may still fill a vacancy until the next municipal election, or a special election may be held. The legislative body may remove appointed commissioners at any time, by unanimous vote, but it may not remove elected planning commission members.

Planning commission members should represent all geographic areas of the municipality. They should express a variety of interests and bring a range of skills to the commission. The interests of any single group should not be favored.

Role of the Planning Commission

As leaders of the community on planning matters, the members of the planning commission have many important roles. One significant role is to represent all members and interests of the community. In this capacity, the commission should seek maximum participation in the planning process by other public officials, interest groups, civic groups, and citizens to discuss joint and competing interests. The commission must be willing to listen to ideas and to solicit comments. The commission must be cautious in weighing the comments of those who are active in the planning process with the interests of those who do not participate. Above all, members must put the general welfare of the community above any personal interests.

The planning commission is responsible for looking out for the general welfare of the community and for bringing a long-term perspective to short-term strategies and day-to-day decision making.

The planning commission must be careful not to devote all of its time to regulatory review when long-range planning and broader community interests also require its attention. To ensure that the planning commission has adequate time for these bigger picture issues, many communities have created a development review board. The development review board typically assumes responsibility for reviewing site plans and approving conditional use, variance and subdivision applications, which allows the planning commission to focus on developing, maintaining, and implementing the municipal plan and regulations.

One of the responsibilities of the planning commission is to educate the public about the purposes of planning and to publicize and seek comment on specific recommendations to address local planning issues. This educational process occurs through public hearings and informational meetings, through coordination with other local officials, through written materials and newspaper articles, and through day-to-day contact with the public. To be effective, commissioners must be well informed about the community, the content of planning documents, and the rationale for plans, implementation strategies, and regulatory decisions.

The commission should propose courses of action for the municipality, including the comprehensive plan. It also reviews and recommends actions on specific proposals put forth by public interest groups and the private sector. To carry out this role effectively, commission members need to inform themselves about the planning process, organize themselves, take advantage of training programs offered to them, and seek technical advice to further their understanding.

Powers and Duties of the Planning Commission

The powers and duties of the planning commission are set forth in 24 V.S.A. section 4325. These powers include major responsibilities such as preparing and implementing the municipal plan, as well as the authority necessary to carry out activities related to these responsibilities, including undertaking studies, entering upon land, and hiring technical assistance. The planning commission is specifically authorized, by 24 V.S.A section 4325, to do the following:

- Prepare a municipal plan for review by the municipality's legislative body, and maintain and prepare amendments to the plan as needed;
- Prepare bylaws for review by the municipality's legislative body, and maintain and prepare amendments to the bylaws as needed;
- Administer any subdivision regulations and any bylaws adopted by the municipality, unless a development review board has that function;
- Undertake development review under the zoning regulations, including site plan review, planned unit and planned residential development plans, design review, and approval of rights-of way for parcels not having frontage on public roads, unless a Development Review Board has been created by the municipality to carry out this function;
- Participate in the review of Act 250 permit applications, including testifying on projects under review and appealing unfavorable decisions;
- Participate in the review of Section 248 certificate of public good proceedings before the Public Service Board;
- Prepare and update a five-year capital budget and program for consideration by the municipality's legislative body;
- Review adjacent municipal plans, the regional plan, and state agency plans for compatibility with their own municipal plan;
- Conduct studies and make recommendations on land development, urban renewal, transportation, community development, beautification, design, historic and scenic preservation, conservation of energy, development of renewable energy resources and wetland protection;
- Participate in regional planning programs; and
- Recommend codes and standards, including building, plumbing, fire, electrical and housing codes, and specifications for streets and related public improvements.

Organization and Procedures of the Planning Commission

Officers

The planning commission is required to elect a chairperson and a clerk (24 V.S.A. section 4323(b)). The chairperson is responsible for the overall organization and conduct of the commission. The clerk is typically responsible for minutes of meetings, filing of public notices, notification of applicants, and distribution of proposed documents in accordance with the provisions of Chapter 117.

Rules

The planning commission is required to adopt rules for the performance of its function (24 V.S.A. section 4323(b)). These rules should be adopted at the commission's organizational meeting by a majority vote of the members present. If a commission does not have a set of rules, it should adopt them as soon as possible. They are necessary to ensure the smooth operation of the commission.

Planning commission rules should cover the following:

- Powers and duties of the planning commission;
- Responsibilities of the officers;
- Procedures for scheduling and conducting regular commission meetings;
- Procedures for scheduling and conducting public hearings;
- Public notice for commission meetings and public hearings;
- Preparation of findings of fact for permit applications;
- Notification of applicants;
- Conflicts of interest;
- Minutes of meetings;
- Record-keeping;
- Handling of expenses;
- Annual reports; and
- Voting procedures.

Model rules are available on the Vermont League of Cities and Town's website: Except for the vote required for adopting rules, planning commissions must follow 1 V.S.A. section 172, which states that a majority of all of the commissioners must approve any action – not just a majority of those present.

Meetings

Planning commissions are subject to Vermont's Open Meeting Law (1 V.S.A. section 310-314). Every planning commission should be familiar with these provisions. All meetings of the planning commission are open to the public. The commission must inform the public when and where the meetings will occur. A schedule of regular planning commission meetings must be posted in a public place. Any changes to this schedule, or notice of special meetings, must be posted in the municipal clerk's office and at least two other designated places in the municipality at least 24 hours before the meeting.

Public Hearings have different notice requirements and can be found in 24 V.S.A. section 4444. Notice of the date, place, and purpose of the public hearing must be published in the newspaper at least 15 days before the hearing, and posted in three or more locations in the municipality as well.

Planning commission meetings, like all public meetings, must comply with the Americans with Disabilities Act (ADA) and Vermont's Public Accommodations Law found in 9 V.S.A. Chapter 139. Meetings, as well as written materials, must be accessible to all persons with disabilities. This means that a handicapped person must be able to enter the building and the meeting room, and have the use of a rest room. On request, people with hearing, speech, and visual impairments, as well as mobility difficulties, must not be denied participation in a planning commission meeting or hearing.

Records

The planning commission must keep a record of its business, including minutes that reflect all meetings, resolutions, transactions, and decisions. The records must be on file and available to the public within five days after each meeting. Most municipalities retain these records in the clerk's office or in the office of the planning department. If the municipality has a website, the minutes must be posted there as well (1 V.S.A. section 312(b); 24 V.S.A. section 4323 and section 4326).

In most municipalities, the development review board functions as the quasi-judicial body that approves and disapproves development applications. Some municipalities still have a zoning board of adjustment, which reviews variances, conditional uses, and appeals of the zoning administrator. In municipalities with zoning boards, the planning commission serves as a quasi-judicial body that reviews subdivisions and site plans. Planning commissions that serve a development review function must keep accurate records of evidence presented at hearings, resolutions of the commission, and findings of fact on which the decisions are based. The record must also include any conditions that are required in a decision.

Annual Report

Every planning commission must make an annual report to the municipality as noted in 24 V.S.A. section 4326. This report should summarize the commission's activities for the year, including current issues, trends, and needs for future action. These reports are often circulated to the residents through the town, village, or city annual report. The commission should produce a complete and informative statement.

Technical Assistance

Because a municipal planning commission usually is composed of volunteers, preparation of plans and bylaws often requires the assistance of others such as professional staff, regional planning commission staff, or private consultants who work under the commission's direction. Assistance may also be obtained from federal, state, county, and regional organizations and from educational institutions. A list of helpful resources can be found on DCHD's website.

Expenses

A planning commission may incur costs for the "necessary and reasonable" expenses of its members, for professional assistance, and for meeting notices and mailings. To cover these costs, the municipality is authorized to appropriate funds for the planning commission.

Many municipalities use permit application fees to cover costs for processing applications. The legislative body can set the fees, which must reasonably relate to the cost of administration (24 V.S.A. sections 4440(b)). The planning commission also may accept funds from federal or state governments and from private sources (24 V.S.A. section 4322 and section 4326).

Development Review Boards

A development review board can be created to perform all the regulatory review functions for the town as set forth in 24 V.S.A. section 4460. It replaces the zoning board of adjustment and takes over the subdivision and site plan review role of the planning commission. This permits the planning commission to focus on the municipal plan.

Zoning Board of Adjustment

While most towns no longer have zoning boards of adjustment, some still do. The zoning board of adjustment reviews applications for conditional use approval, appeals from actions or decisions of the zoning administrator, and associated variance requests (24 V.S.A. section 4461).

Advisory Commissions and Committees

24 V.S.A section 4433 authorizes municipalities to establish "advisory committees" to assist the planning commission and selectboard with preparing, adopting and implementing the municipal plan. There are many types of advisory committees, with conservation commissions and energy committees being the most popular. Committees provide an important mechanism for involving more people in the planning process and providing an opportunity for citizens with special skills or interests to focus their attention on those topics. Advisory committees may be formed by a vote of the municipality, via a charter, or by action or resolution of a selectboard. The charter or resolution should contain a mission statement that defines the scope of the committee's work and guides its actions. An advisory committee must have at least three members, all of whom must be residents of the municipality. Regardless of whether the committee is established by popular vote or by the selectboard, the selectboard determines how many members to appoint and their terms. The selectboard retains the authority to set term lengths and to appoint and remove members. As a public body, advisory committees must comply with the open meeting law and public records law.

Conservation Commissions

In 1977 Vermont passed legislation enabling towns to establish conservation commissions (24 V.S.A chapter 118). Conservation commissions are local boards that are empowered to protect natural resources within their communities. However, they do not have regulatory powers. Commission initiatives can include: restoration, conservation, education, policy development, land management, proposed development review, and natural resource inventory and monitoring. Conservation commissions often participate in drafting municipal plans. Prior to the creation of a large number of energy committees over the past decade, conservation commissions helped shape municipal energy plans. The involvement of conservation commissions can be especially useful on energy issues that overlap with other plan considerations, such as forest and farmland conservation, renewable energy development in undeveloped high elevation locations, and bicycle and pedestrian path planning.

Municipal Energy Committee and Town Energy Coordinators

An energy committee provides a mechanism for involving more people in the planning process and providing an opportunity for citizens with special skills or interests in energy policies and programs to focus their attention on those topics. Municipalities may also appoint an energy coordinator if they wish. The energy coordinator is tasked with coordinating existing energy resources in the town and cooperating with the municipal planning commission as well as federal, state, and regional authorities that are responsible for energy matters (24 V.S.A. section 1131).

Other Commissions and Committees

Municipalities may create other advisory commissions or committees to assist with the preparation of municipal plans and bylaws, and to act in an advisory capacity to local review boards and applicants in local regulatory proceedings. Examples include: historic preservation commissions, design review committees, bicycle and pedestrian committees, and housing commissions. Advisory commissions or committees may be assigned a role in development review proceedings, as specified in the bylaw or by a resolution of the legislative body. Their function, however, is strictly advisory – they do not serve in a quasi-judicial capacity, nor may their recommendations be directly appealed to court (24 V.S.A. section 4433 and section 4464(d)).

Rules of Ethics and Conflicts of Interest

All of the above mentioned boards, commissions, and committees should adopt conflict of interest policies. Conflict of interest policies have long been a best practice for managing conflicts. In small towns, where everybody knows everybody, these policies can be particularly useful for ascertaining whether a conflict exists and, if necessary, mitigating or eliminating the conflict.

Conflicts of interest can be broken down into four basic categories:

1. Those where a board member has a personal interest in a proceeding;
2. Those where a board member has a financial interest in a proceeding;
3. Those where a board member has exhibited bias or prejudice prior to hearing a case; and
4. Those where a board member has failed to disclose and/or rectify ex parte communications.

Powerful forces are at play in local zoning proceedings, such as constitutional rights and individual and community values regarding private property and environmental protection. With these issues on the table, transparency is crucial for maintaining public trust. Disclosure of a conflict (or a potential conflict) is one of the best ways to achieve that goal of transparency.

After disclosing a real or perceived conflict, a member may either choose to recuse him or herself or may choose to continue in the proceeding, provided the member provides a statement of why he or she is still able to act fairly, objectively, and in the public interest.

The Vermont League of Cities and Towns offers a model Conflict of Interest Policy for use by municipalities, available as Appendix 6 of the Handbook for Vermont Selectboards.

Preparation and Adoption of the Plan

Adoption Procedures for Planning Commissions and Selectboards

Responsibilities of the Planning Commission

The planning commission is responsible for preparing the plan, distributing the plan, holding public hearings on the plan, and submitting it to the municipality's legislative body for consideration. (The legislative body refers to the selectboard, Board of Aldermen, City Council, or the equivalent.) The planning commission must comment or prepare a report on any changes proposed by the legislative body. The planning commission must follow the specific requirements for preparation of the plan set forth in 24 V.S.A. section 4384.

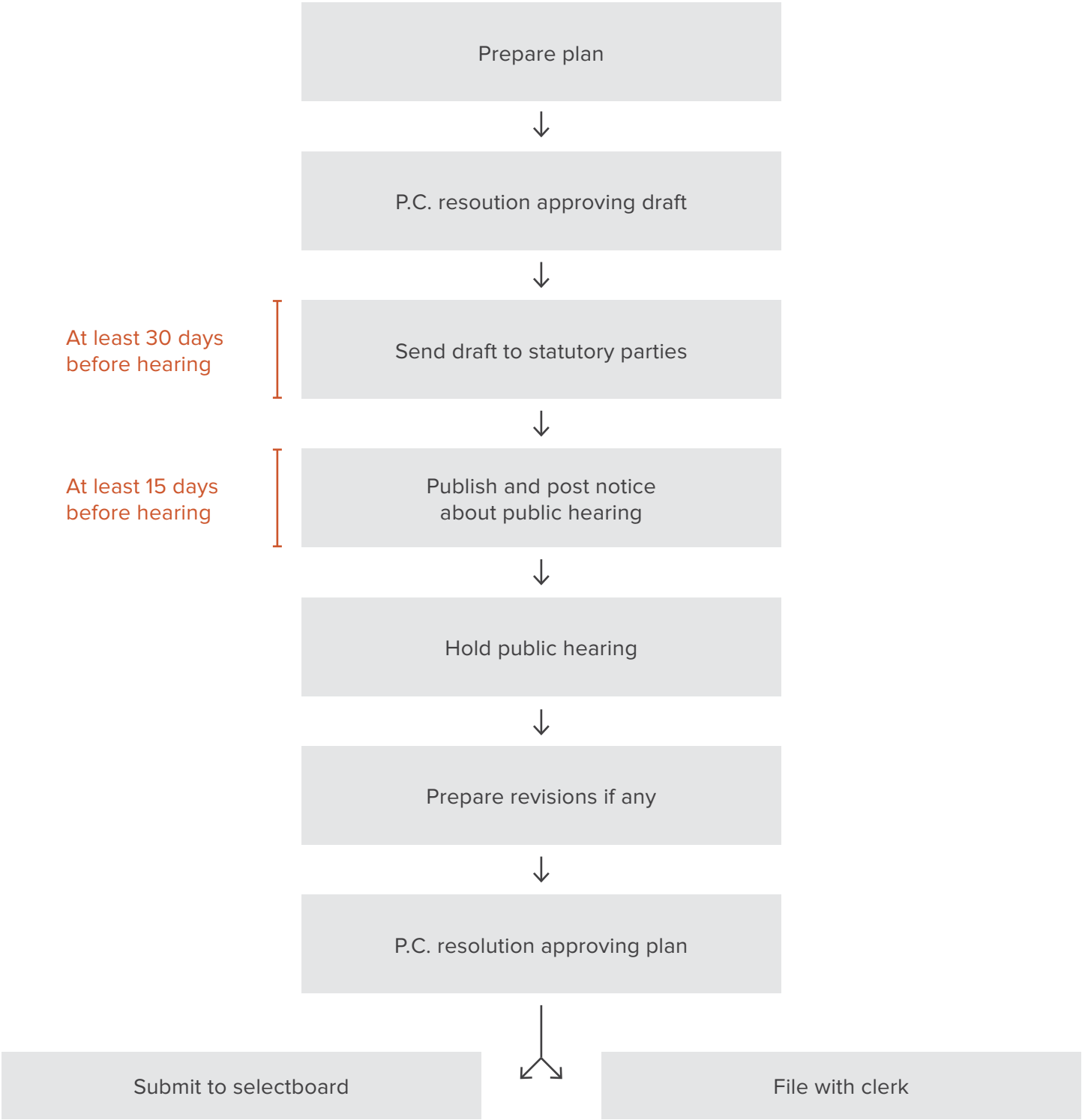
These requirements include soliciting the participation of local citizens and organizations by holding informal working sessions that suit the needs of local people.

The planning commission must hold at least one public hearing regarding the proposed plan or amendment. At least 30 days before the public hearing, a copy of the proposed plan or amendment must be delivered to the chairpersons of the planning commissions of each abutting municipality (or to the clerk of those municipalities if they do not have planning commissions), to the applicable regional planning commission, to the state Department of Housing and Community Development, and to any community groups or organizations that requested a copy (24 V.S.A. section 4384(30)).

THE IMPORTANCE OF PROPER ADOPTION PROCEDURES

If the plan is to remain in effect and withstand legal challenges, the municipality must follow the adoption procedures for the plan set forth in Chapter 117. Plans have been invalidated by courts because municipalities have failed to follow these procedures. To avoid such challenges, municipalities should carefully review the provisions of 24 V.S.A. section 4384, section 4385, and section 4387. To determine how time is to be computed, refer to 24 V.S.A. section 4303a. Municipalities should utilize the clerk's certification of adoption or amendment record the steps taken. A good record of adoption actions, including careful minutes of resolutions adopted and actions taken, will minimize the threat of legal challenges.

Responsibilities of the Planning Commission Flowchart



Responsibility of the Legislative Body (Select Board, Aldermen, City Council, or Equivalent)

Chapter 117 spells out the official role of the legislative body in developing and adopting the plan. According to the statute, the legislative body is responsible for reviewing the plan, holding public hearings on the plan, and adopting the plan. The legislative body may make changes to the plan in accordance with provisions of Chapter 117 (24 V.S.A. section 4385).

More specifically, the legislative body is required to hold at least two public hearings between 30 and 120 days after receiving a proposed plan or amendment. Towns with fewer than 2,500 people need only hold one hearing. The legislative body may change the proposed plan or amendment, but any changes must be made at least 15 days before the last public hearing. A copy of the changed proposal must be provided to the town clerk, to anyone who has requested a copy in writing, and to the planning commission. The planning commission should analyze the change to evaluate whether the proposal is still consistent with the state's land use goals.

ADOPTION OF REGIONAL PLAN BY MUNICIPALITY

Chapter 117 enables a municipality to adopt a regional plan or a portion of a regional plan as its municipal plan. The regional plan must have been prepared and adopted by the regional planning commission before it can be adopted by a municipality. The adoption procedures are the same as for a plan prepared by a local planning commission (24 V.S.A. section 4349).

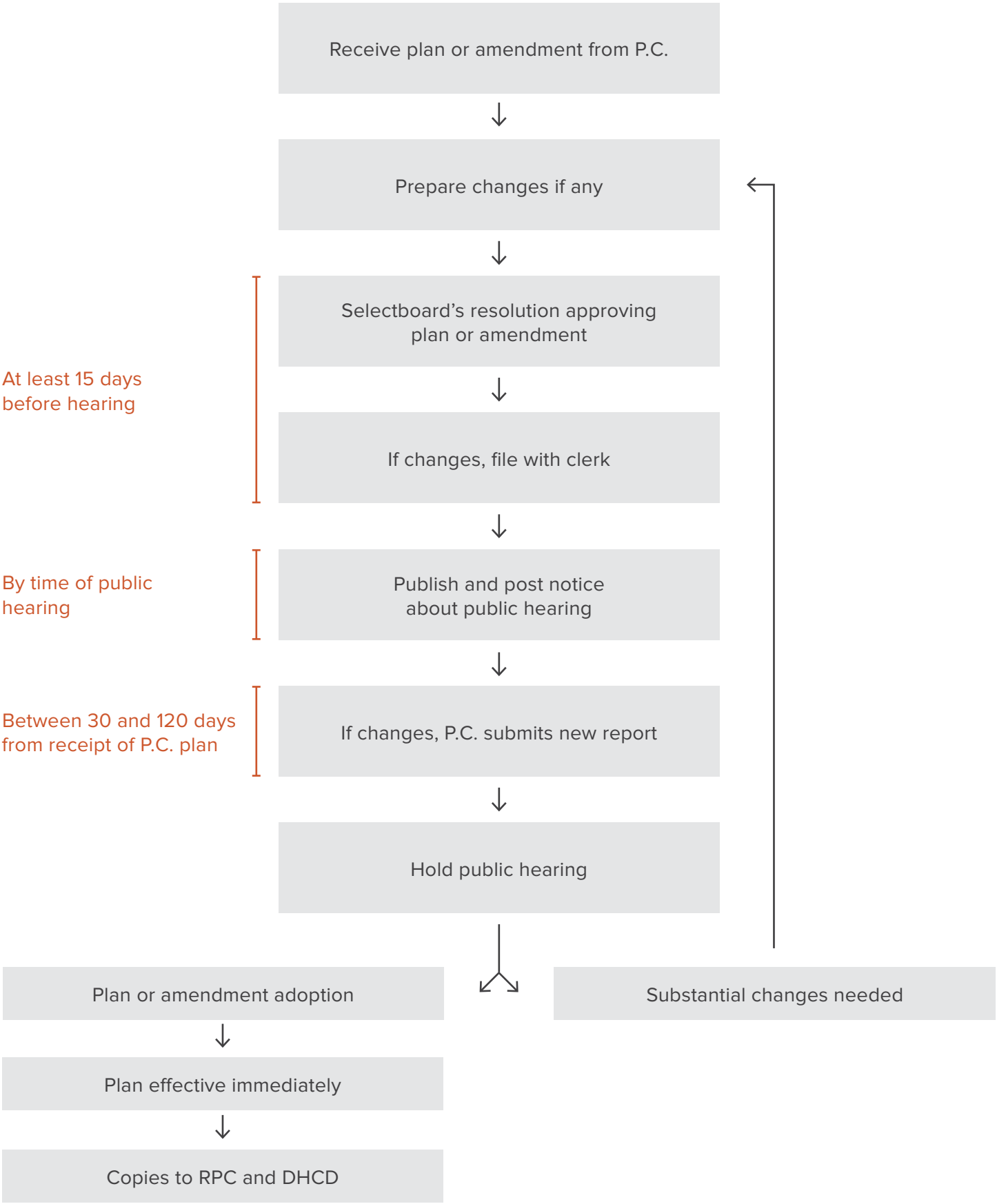
After the public hearing requirements have been satisfied, the legislative body may adopt the proposed plan or amendment by majority vote. Alternatively, the voters of the municipality may vote by Australian ballot at a meeting that has been property warned in accord with 17 V.S.A. Chapter 55. In order for adoption by Australian ballot to be effective, the selectboard and planning commission should take some precaution. Particular care must be made to include the public throughout the planning process so that the voters are informed of all the issues and impacts of the plan. This is a two-step process. First, the voters must choose to use this method of adoption, and then they must vote whether or not to adopt the plan or amendment.

Effective Date

The plan becomes effective immediately upon adoption by the legislative body or voters (24 V.S.A. section 4385).

After the adoption of a plan or amendment it is good practice to have the municipal clerk prepare a certificate describing the publication, posting, consideration, and adoption. The certificate can be used as evidence that the municipality complied with these requirements (24 V.S.A. section 4447).

Responsibilities of the Legislative Body Flowchart



Regional Approval of the Municipal Plan

If a municipality wishes to have its plan reviewed by the regional planning commission for consistency with the statewide goals and compatibility with the regional plan and approved municipal plans within the region, it may submit the plan to the regional planning commission after the last hearing by the legislative body, either before or after it is adopted. Review for approval is NOT required, but there are certain benefits a municipality can receive if its plan has been approved. A municipality must have an approved plan to be confirmed. Confirmation is required for a municipality to receive state planning funds or levy impact fees on new development (24 V.S.A. section 4350).

The law spells out the criteria under which the regional planning commission will conduct the review. To be approved, a municipal plan must be consistent with the state's land use goals as set forth in 24 V.S.A. section 4302, compatible with the regional plan and with approved plans of other municipalities in the region, and it must contain all of the required elements as set for in 24 V.S.A. § 4382(a)(1) to (a)(10). The law requires that the regional planning commission make its decision on approval within two months of the municipality's last public hearing. The regional planning commission must hold a public hearing before rendering its decision (24 V.S.A. § 4350(b)).

If the plan is disapproved, the municipality's legislative body has two choices:

1. They can modify the plan, based on recommendations, and resubmit it to the regional planning commission for review. If the plan was already adopted, it must go through the full amendment process described in 24 V.S.A. section 4384 and section 4385; if it had not yet been adopted, it would need to go through only the stage described in section 4385; OR
2. They can ignore the decision and adopt the plan anyway, if not already adopted.

An adopted plan that has not been approved by the regional planning commission is still a valid plan. It can be used as a basis for bylaw development or amendment; it can be used to guide municipal decisions; and it has standing in Act 250 and Section 248 hearings unless the project has significant regional impact. If a municipality's plan is not approved, the municipality is not allowed to levy impact fees on new development within its borders under 24 V.S.A. chapter 131, and it is not eligible to receive municipal planning grants (except for grants to develop an approved plan) or grants from the Vermont community development program.

Maintenance, Amendments and Readoptions

The planning commission is responsible for maintenance and amendment of the plan. Plans automatically expire five years after adoption. Before the plan expires, the planning commission must review and update the information on which the plan is based. Using this information, the planning commission must then decide whether the plan is still applicable and relevant or whether it is in need of major change. If the plan is still relevant, the municipality may wish to readopt it rather than develop a new one. The readopted plan must incorporate updated data and report on any changes in the status of implementation strategies. It also must any add any new required elements. The readoption process is the same as the procedure for adopting a new plan (24 V.S.A. section 4387).

During the five years that the plan is in effect, the planning commission may find that it needs to modify the plan's findings, base data, and/or implementation strategies. These modifications are called amendments. Usually, overall policies guiding the future direction of growth in the community should not require amendment during this time.

For any proposed amendment, the planning commission must prepare a written report. The report must address the extent to which the plan or amendment is consistent with the state's land use goals as set forth in 24 V.S.A. section 4302. In addition, if the amendment would alter the designation of any land area, the report must address the probable impact on the surrounding area, including any increase in traffic; the long-term cost or benefit to the municipality in terms of impact on the tax base and the need for public facilities; the amount of vacant land that is already subject to the proposed new designation, and the need for additional land for that purpose; the suitability of the area in question for the proposed purpose, in light of alternative locations and alternative uses for the area under consideration; and the appropriateness of the size and boundaries of the area proposed for change (24 V.S.A. section 4384(c)).

When an amendment is being considered, the planning commission holds a public hearing on the proposed amendment, not the whole plan.

Whether the amendment is adopted or not, the plan as a whole remains in effect, and remains on the original five-year review cycle. The expiration date of the plan is not extended with the adoption of an amendment, and the amendment expires with the plan; it does not have its own five-year lifespan. The expiration date is extended another five years only when the whole plan is readopted or a new one is adopted.

Municipal planners should keep in mind that an expired plan cannot be amended. It must either be readopted or a new plan developed and adopted. Although the municipal bylaws continue in effect after the plan expires, they cannot be amended until the plan is readopted or a new one is adopted.

Amendments proposed by other parties

Persons or bodies other than the planning commission may propose amendments to the plan. The planning commission may decide whether to hold a hearing on an amendment and may make changes to the amendment. However, if the amendment is supported by a petition signed by five percent or more of the registered voters the planning commission must proceed promptly to hold a hearing on the amendment, prepare a report on the amendment, distribute copies of the amendment, and submit the amendment to the legislative body in accordance with Chapter 117. The planning commission may not alter an amendment supported by five percent or more of the registered voters except to correct technical deficiencies, such as, grammar, spelling and punctuation. The legislative body is also required hold a hearing on such an amendment, but is under no obligation to adopt the amendment (24 V.S.A. section 4384 and section 4385).

The Plan for a Municipality: Required Elements

From Title 24 : Municipal And County Government, Chapter 117 : Municipal And Regional Planning And Development, Subchapter 005 : Municipal Development Plan, § 4382. The plan for a municipality

A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan. A municipal plan must include all the following:

1. A statement of objectives, policies, and programs of the municipality to guide the future growth and development of land, public services, and facilities, and to protect the environment;

2. A land use plan:
   - consisting of a map and statement of present and prospective land uses, indicating those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public, and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes;
   - setting forth the present and prospective location, amount, intensity, and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service; and
   - identifying those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of section 4302 of this title, and how the area meets the requirements for the type of designation to be sought;

3. A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads, and port facilities, and other similar facilities or uses, with indications of priority of need;

4. A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and method of financing;

5. A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;

6. An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system;

7. A recommended program for the implementation of the objectives of the development plan;

8. A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under this title;

9. An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy;

10. A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should account for permitted accessory dwelling units, as defined in subdivision 4412(1)(E) of this title, which provide affordable housing;

11. An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth;

12. A flood resilience plan that:

- identifies flood hazard and fluvial erosion hazard areas, based on river corridor maps provided by the Secretary of Natural Resources pursuant to 10 V.S.A. § 1428(a) or maps recommended by the Secretary, and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and
- recommends policies and strategies to protect the areas identified and designated under subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

A flood resilience plan may reference an existing local hazard mitigation plan approved under 44 C.F.R. § 201.6.

The maps called for by this section may be combined into one or more maps, and may be referred to in each separate statement called for by this section.

Where appropriate, and to further the purposes of subsection 4302(b) of Title 24 of the Vermont Statutes,, a municipal plan shall be based upon inventories, studies, and analyses of current trends and shall consider the probable social and economic consequences of the proposed plan. Such studies may consider or contain, but not be limited to:

1. population characteristics and distribution, including income and employment;
2. the existing and projected housing needs by amount, type, and location for all economic groups within the municipality and the region;
3. existing and estimated patterns and rates of growth in the various land use classifications, and desired patterns and rates of growth in terms of the community's ability to finance and provide public facilities and services.

Where appropriate, a municipal plan may provide for the use of "transit passes" or other evidence of reduced demand for parking spaces in lieu of parking spaces.

State Planning Goals

From Title 24 : Municipal And County Government, Chapter 117 : Municipal And Regional Planning And Development, Subchapter 001 : General Provisions; Definitions, § 4302. Purpose; goals

Municipal plans should 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.
   - Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.
   - Economic growth should be encouraged in locally designated growth areas, employed to revitalize existing village and urban centers, or both, and should be encouraged in growth centers designated under chapter 76A of this title.
   - Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.
   - Development should be undertaken in accordance with smart growth principles as defined in subdivision 2791(13) of this title.

2. To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.

3. To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.

4. To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.
   - Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.

5. To identify, protect, and preserve important natural and historic features of the Vermont landscape, including:
   - significant natural and fragile areas;
   - outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;
   - significant scenic roads, waterways, and views;
   - important historic structures, sites, or districts, archaeological sites, and archaeologically sensitive areas.

6. To maintain and improve the quality of air, water, wildlife, and land resources.
   - Vermont's air, water, wildlife, mineral and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. § 6086(a).

7. To encourage the efficient use of energy and the development of renewable energy resources.

8. To maintain and enhance recreational opportunities for Vermont residents and visitors.

- Growth should not significantly diminish the value and availability of outdoor recreational activities.
- Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

9. To encourage and strengthen agricultural and forest industries.

- Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.
- The manufacture and marketing of value-added agricultural and forest products should be encouraged.
- The use of locally-grown food products should be encouraged.
- Sound forest and agricultural management practices should be encouraged.
- Public investment should be planned so as to minimize development pressure on agricultural and forest land.

10. To provide for the wise and efficient use of Vermont's natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.

11. To ensure the availability of safe and affordable housing for all Vermonters.

- Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.
- New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.
- Sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings.
- Accessory apartments within or attached to single-family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed.

12. To plan for, finance and provide an efficient system of public facilities and services to meet future needs.

- Public facilities and services should include fire and police protection, emergency medical services, schools, water supply, and sewage and solid waste disposal.
- The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

13. To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

14. To encourage flood resilient communities.

- New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.
- The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.
- Flood emergency preparedness and response planning should be encouraged.

Checklist for Municipal Plan Adoption

Planning Commission Stage

	DATE	ACTION
1.	_____	Prepare Plan. Throughout process, solicit citizen participation through work sessions. **§4384(a)**
2.	_____	Adopt Planning Commission resolution approving Plan for public hearing, posting, publishing, and mailing.
3.	_____	Prepare notice of public hearing. **§§4384(d), 4447**
4.	_____	Deliver at least 30 days before the public hearing, with proof of receipt, or send by certified mail, return receipt requested, copies of the proposed Plan to the following • Chairpersons of abutting municipal planning commissions (where there is no p.c. to municipal clerk) • Executive Director of Regional Planning Com- mission • The Department of Housing and Community Affairs • Community organizations or interest groups that have requested notice in writing and document in records that this was done: **§4384(e)**
5.	_____	At least 15 days before the public hearing, publish copy of date, place and purpose of hearing, along with full text of proposed Plan, or summary of text, in newspaper of general publication in municipality affected. **§4444(a)(1)** A summary of text must include the following: • A statement of purpose • The geographic areas affected • A table of contents or a list of section headings • A description of a place within the municipality where the full text may be examined. **§4444(b)(1)**
		Published in: _____
6.	_____	At least 15 days before the public hearing, post copy of date, place and purpose of hearing, along with full text of proposed Plan, or summary of text, in one or more public places within the municipality (document in records that this was done). **§§4444(a) (2), 4444(b)(1)**
		Posted at: _____

	DATE	ACTION
7.	_____	(Optional) As an alternative to publishing and posting full text or summary of text, at least 15 days before the public hearing mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4447(b)(2)**
8.	_____	Hold Planning Commission hearing. **§4384(d)**
		Location: _____
9.	_____	Prepare revisions (if any) to proposed Plan. **§4384(f)**
10.	_____	Adopt Planning Commission resolution approving Plan for submission to Selectboard and filing with municipal clerk.
11.	_____	Submit copy of Plan to Selectboard and document in records. **§4384(f)**
12.	_____	Simultaneously with submission to Selectboard, file a copy of proposed Plan with the municipal clerk for public review (document in records). **§4384(f)**

Checklist for Municipal Plan Amendment

Planning Commission Stage

	DATE	ACTION
1.	_____	Prepare amendment (by the Planning Commission or any other person or body). **§4384(a,b)** If proposed amendment is supported by a petition signed by at least 5 percent of the municipal voters, the Planning
2.	_____	Planning Commission must prepare a written report on the proposed amendment. **§4384(c)** If proposed amendment alters any land designation, the report should cover the following points: **§4384 (c)(1)-(5)** • Probable impact on the surrounding area, including traffic • Long-term cost or benefit to the municipality • Amount of vacant land already subject to new designation; need for additional land for that purpose; and amount of land available • Suitability of the area in question for proposed purpose • Appropriateness of the size and boundaries of the area in question
3.	_____	Adopt Planning Commission resolution approving amendment and report for public hearing, posting, publishing, and mailing.
4.	_____	Prepare notice of public hearing. **§§4384(d), 4444**
5.	_____	At least 30 days before the public hearing, deliver, with proof of receipt, or send by certified mail, return receipt requested, copies of the proposed amendment and written report to the following, • Chairpersons of abutting municipal planning commissions (where there is no P.C., send to municipal clerk) • Executive Director of Regional Planning Commission • The Department of Housing and Community Affairs • Community organizations or interest groups that have requested notice in writing documenting in records that this was done: **§4384(e)**

DATE	ACTION
6. _____	At least 15 days before the public hearing, publish copy of date, place and purpose of hearing, along with full text of proposed Amendment and the written report, or summary of text, in newspaper of general publication in municipality affected. **§4444(a)(1)** • A summary of text must include the following: • A statement of purpose • The geographic areas affected • A table of contents or a list of section headings • A description of a place within the municipality where the full text may be examined. §4447(b)(1) Published in: _____
7. _____	At least 15 days before the public hearing, post copy of date, place and purpose of hearing, along with full text of proposed Amendment and the written report, or summary of text, in one or more public places within the municipality (document in records that this was done). **§§4444(a)(2), 4444(b)(1)** Posted at: _____
8. _____	(Optional) At least 15 days before the public hearing, as an alternative to publishing and posting full text or summary of text, mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality. Document in records that this was done. **§4444(b)(2)**
9. _____	Hold Planning Commission hearing. **§4384(d)**
10. _____	Prepare revisions (if any) to proposed amendment and written report. **§4384(f)** If a proposed amendment is supported by a petition signed by at least 5 percent of the municipal voters, the Planning Commission may correct only technical errors.
11. _____	Adopt Planning Commission resolution approving amendment and report for submission to Selectboard and filing with municipal clerk.
12. _____	Submit copy of amendment and report to Selectboard and document in records. **§4384(f)** If proposed amendment is supported by a petition signed by at least 5 percent of the municipal voters, the Planning Commission may submit to Selectboard any appropriate recommendation or opinion along with the proposed amendment.
13. _____	Simultaneously with submission to Selectboard, file a copy of proposed amendment and report with the municipal clerk for public review (document in records). **§4384(f)**

Checklist for Municipal Plan Amendment/Adoption

Selectboard Stage

DATE	ACTION
	The legislative body (Selectboard, Aldermen, City Council, etc.) must hold the first of one or more public hearings not less than 30 nor more than 120 days after receipt of proposed Plan or Amendment. Municipalities with a population of more than 2,500 must hold at least 2 hearings.
1. _____	Adopt Selectboard's resolution acknowledging receipt of proposed Plan or Amendment from Planning Commission. **§4384(f)**
	Actions 2 through 8 must be completed at least 15 days prior to the public hearing:
2. _____	Prepare changes (if any) to proposed Plan or Amendment. **§4385(b)**
3. _____	Adopt Selectboard resolution approving Plan or Amendment for public hearing, posting, and publishing. **§4385(a)**
4. _____	File copy of changed Plan or Amendment with the Municipal Clerk, individuals or organizations requesting copy, and Planning Commission. [Not required if there are no changes.] **§4385(b)**
5. _____	Prepare notice of public hearing. **§4385(a)**
6. _____	Publish copy of date, place and purpose of hearing, along with full text of proposed Plan or Amendment and any written report, or summary of text, in newspaper of general publication in municipality affected. **§4444** A summary of text must include the following: • A statement of purpose • The geographic areas affected • A table of contents or a list of section headings • A description of a place within the municipality where the full text may be examined. **§4444(b)**
	Published in: _____
7. _____	Post copy of date, place and purpose of hearing, along with full text of proposed Plan or Amendment and any written report, or summary of text, in three or more public places within the municipality (document in records that this was done). **§§4444(a)(2)**
	Posted at: _____

DATE	ACTION
8. _____	(Optional) As an alternative to publishing and posting full text or summary of text, mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4444(c)**
9. _____	Planning Commission must submit a written report at or prior to public hearing analyzing extent to which a changed proposal is consistent with the goals in 4302. **§4385(b)**
10. _____	Hold Selectboard's first public hearing not less than 30 nor more than 120 days after receipt of proposed Plan or Amendment. **§4385(a)** Failure to hold a hearing within the 120 days does not invalidate the adoption of the Plan or Amendment. If Selectboard makes substantial changes in concept, meaning or extent of the proposed Plan or Amendment after a public hearing, a new hearing must be warned and held and the procedures 2 through 9 must be followed.
11. _____	Adoption of Plan or Amendment either by a majority of the Selectboard at a meeting held after the final public hearing or by Australian ballot if a municipality has elected at a duly warned meeting to do so.

Within 30 days of Plan or Amendment adoption the following action must take place:

12. _____	Mail or deliver printed copies of the Plan or Amendment, as adopted by the Selectboard, to the following (document in records that this was done): **§4385(c)** • The Regional Planning Commission • The Department of Housing and Community Affairs

Plan or Amendment becomes effective immediately upon adoption. **§4385(c)**

If proposed Plan or Amendment is not adopted so as to take effect within one year of the final Planning Commission hearing, it shall be considered rejected.

A Plan expires five years from the date of its adoption, unless it is readopted, even if it has been amended within the five-year period. **§4387(a)**

Optional: Checklist for Regional Approval of Municipal Plan

	DATE	ACTION
1.	_____	Either before or after plan adoption, the municipality may request approval of the plan from the Regional Planning Commission (RPC). If before, the Selectboard should submit plan after final public hearing. **§4385**
2.	_____	The RPC must hold a public hearing which is noticed as provided in section 4444 and published in newspaper (s) of general publication in the region. **§4350(b)**
3.	_____	To be approved, the RPC must find that the Plan: • is consistent with the goals in section 4302 • is compatible with the regional plan • is compatible with approved municipal plans of the region • contains all 10 required elements. **§4350(b)**
4.	_____	Plan is approved or disapproved within 2 months of receipt. If plan is not approved, the RPC must provide a written explanation and, if appropriate, suggest acceptable modifications. **§4350(c)**
5.	_____	Plan goes back to municipality's Selectboard for further action if necessary.

DATE	ACTION
6. _____	If Plan has not been adopted and has been approved, it can be adopted either by a majority of the Selectboard or by Australian ballot if a municipality has elected at a duly warned meeting to do so. **§4385** If Plan is not approved, municipality's legislative body has 3 choices: • Modify Plan and resubmit to RPC, • Adopt Plan despite non-approval, or • Request review of decision by Council of Regional Commissions (CRC).
	If municipality **resubmits modified plan**, the RPC must approve or disapprove the Plan within 45 days. **§4350(c)**
	If municipality **adopts non-approved plan**: • the municipality can no longer receive state planning funds • the municipality can not levy impact fees • state agency plans need not be consistent with the municipality's Plan • DHCD will review municipality's planning process for compliance with affordable housing criteria and shall issue a report to the municipality and RPC. Review includes a public hearing.
	If municipality **requests review of the RPC's decision by a regional review panel**, the following actions must take place: • The request for review must be filed within 21 days of the RPC decision. **§4476(a)** • The review panel must hold a hearing within 45 days of the request, and must issue a decision approving or disapproving the RPC's decision within 20 days after the hearing. **§4476(c)** Appeal of a review panel decision goes to the Supreme Court. **§4476(f)**

Appendix 2

Use of the Municipal Plan in Permitting

This appendix provides information about how municipal plans are used in local and state permitting processes. Municipal plans are primarily used in the review of development under municipally adopted bylaws; District Environmental Commission review of proposed subdivisions and development under Act 250; and Public Service Board review of public utility generation and transmission facilities under Section 248, and (through 2017) interconnected telecommunications facilities.

Planning in Advance of Permitting

The permitting process is no substitute for sound planning. The plan provides the larger context for the review of proposed development. It identifies what, when, where, and how development should occur in relation to available land, infrastructure, resources, and community objectives that have been established through extensive community outreach and discussion. While the permitting process can be used to identify and mitigate the impacts of a particular proposal; in the absence of clear policy guidance it cannot, on a case by case basis, address larger community concerns regarding the type, location, and cumulative impacts of development. A plan that is well-considered and vetted in advance of the permitting process will better inform and guide what happens on the ground.

Establishing and Amending Bylaws:

Under the Planning and Development Act (24 V.S.A., Chapter 117), a municipality must have a current plan in order to adopt and update local zoning, subdivision and other bylaws. These regulations must conform to and have the purpose of implementing the plan. The municipal plan's land use element and proposed land use map provide the template for local zoning regulations, including the zoning map. In fact, the land use map included in the plan can be designated as the zoning map, unless the planning commission determines that districts shown on the land use map are not described accurately or in sufficient detail (24 V.S.A. § 4411(b)).

> Towns can, and should, control their own futures through comprehensive planning, zoning and subdivision regulations; reliance on Act 250 alone to address development places decisions on a town's future beyond its control.
>
> EPE Realty Corp. and Fergessen Management, Ltd., Vt. Env. Bd. Decision #3W0865-EB, 11/24/04, p.43).

When a bylaw or zoning map is amended, the planning commission is required to consider whether the proposed change "conforms with or furthers the goals and policies contained in the municipal plan"– including how it is compatible with future land uses and densities of development described in the plan (24 V.S.A. § 4441(c)). For this purpose, "conformance with the plan" means that a proposed amendment:

- Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan;
- Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan; and
- Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan (24 V.S.A. § 4303(6)).

Reviewing Development

A municipality may adopt bylaws that explicitly require that proposed subdivisions and development conform to the municipal plan. Although this is permissible, it's generally not considered to be a "best practice" because more specific bylaws are easier to administer and provide property owners with clarity regarding what they will or won't be allowed to do with their property. If a municipality chooses to regulate in this way, the definition of "conformance with the plan", above, will guide the determination regarding specific development or subdivision proposals.

When drafting bylaws, it's good practice to translate plan policies and recommendations into bylaw standards that are consistent with the plan, but will more specifically apply to proposed development projects in particular locations. If drafting bylaws that call for project conformance with the plan, remember that applicants and review panels will then need to determine which plan elements and policies apply to a given project, and make findings accordingly. In this context, it's important to incorporate clear and consistent policy statements in the plan that can apply to the review of proposed development, along with mapped information that provides the spatial context for review—and to make sure that these are noted in the regulations. For example, bylaws may refer to natural or scenic resource maps found in the plan that identify specific resources for protection.

The municipal plan may be referenced in connection with conditional use decisions. In particular, the "character of the area affected" by a proposed project, as considered under conditional use review, is defined by the purpose of the zoning district in which it is located, and specifically stated policies and standards of the municipal plan that apply to that district or location (24 V.S.A. § 4414(3)).

Act 250 Review

Act 250, Vermont's state land use law (10 V.S.A. Ch. 151), involves the review and permitting of proposed land subdivision and development under ten statutory criteria. The state has declared a goal of planning for the use and development of Vermont's air, water, wildlife, mineral, and land resources according to the principles set forth in Act 250 (24 V.S.A. § 4302(c)(6)(A)(6)). Criterion 10 of Act 250 specifically considers a project's conformance with the municipal and regional plan. A project can be denied if it does not conform to the applicable municipal or regional plan.

Act 250 jurisdiction is generally separate from and does not preempt local regulation of land subdivision and development.

Municipal legislative bodies and municipal planning commissions are statutory parties in Act 250 proceedings for all 10 criteria. Participation in Act 250 is a fundamental form of plan implementation, particularly in communities without zoning or subdivision regulations. The hearings conducted by District Environmental Commissions are relatively informal and generally accessible to applicants and other parties, although municipalities without support staff may find it difficult to actively participate. If a municipality cannot actively participate in hearings, a well-developed plan is especially valuable. With or without active participation by the municipality, the District Environmental Commission must evaluate whether the proposed development conforms to the municipal plan, in order to conclude that the proposed development satisfies criterion 10. A plan that provides clear guidance – that can stand on its own, as interpreted by the District Environmental Commission – may also help resolve local differences over proposed development, preferably in advance of the hearing process.

Municipalities also have the option to adopt "local Act 250 review" under 24 V.S.A. § 4420. Any municipality that has a plan and bylaws may adopt the Act 250 criteria in their bylaws and authorize their development review board (DRB) to review the municipal impacts of a proposed development. The municipal impacts relate to educational facilities and municipal services. The DRB also evaluates whether a project conforms to the municipal plan. The DRB does not have party status in

ACT 250'S 10 CRITERIA

1. Will not result in undue water or air pollution. This criterion deals with water and air pollution generally and such specific matters relating to water pollution as: (A) Headwaters; (B) Waste disposal (including wastewater and stormwater); (C) Water Conservation; (D) Floodways; (E) Streams; (F) Shorelines; and (G) Wetlands.
2. Has sufficient water available for the needs of the subdivision or development.
3. Will not unreasonably burden any existing water supply.
4. Will not cause unreasonable soil erosion or affect the capacity of the land to hold water.
5. (A) Will not cause unreasonably dangerous or congested conditions with respect to highways or other means of transportation. (B) As appropriate, will incorporate transportation demand management strategies and provide safe access and connections to adjacent lands and facilities and to existing and planned pedestrian, bicycle, and transit networks and services.
6. Will not create an unreasonable burden on the educational facilities of the municipality.
7. Will not create an unreasonable burden on the municipality in providing governmental services.
8. Will not have an undue adverse effect on aesthetics, scenic beauty, historic sites or natural areas, and 8(A) will not imperil necessary wildlife habitat or endangered species in the immediate area.
9. Conforms with the Capability and Development Plan, including the following considerations: (A) The impact the project will have on the growth of the town or region: (B) Primary agricultural soils; (C) Productive forest soils; (D) Earth resources; (E) Extraction of earth resources; (F) Energy conservation; (G) Private utility services; (H) Costs of scattered developments; (J) Public utility services; (K) Development affecting public investments; and (L) Settlement Patterns.
10. Is in conformance with any local or regional plan or capital facilities program.

Act 250, but its determinations create the presumption that a project is or is not detrimental to public health and welfare, and does or does not conform to the municipal plan.

Regional planning commissions (RPCs) are required to aid the District Environmental Commission in their review of projects under each of the 10 criteria, including conformance with the regional plan. The extent of RPC participation in Act 250 hearings varies by region in relation to regionally-defined interests, the nature of a project, and available staff and resources.

Regional planning commissions are also required, in their regional plans, to define "substantial regional impact" as it applies to proposed development within the region. This definition should help resolve potential conflicts between regional and municipal plans in state regulatory proceedings. The policies or provisions of a regional plan are given effect to the extent that they do not conflict with the municipal plan; or when it is demonstrated that the project in question will have a substantial regional impact, as defined in the regional plan (24 V.S.A. § 4348(h)). It's therefore good practice, when developing plan policies for consideration in Act 250 and other state regulatory proceedings, to identify where municipal and regional plans may conflict—especially with regard to the type and location of development that may have substantial regional impact.

As originally enacted in 1969, Act 250 anticipated legislative adoption of a state land use map to establish the context for the review of development. The land use map proved too controversial to enact and was finally repealed in 1983. In the absence of a state land use map, local and regional land use plans and maps, and related land conservation and development policies, are relied upon heavily in determining project conformance under criterion 10. Local agricultural land use policies are considered under criterion 9B. Written community standards as found in municipal plans and other supporting documents, are considered when evaluating the aesthetic impacts of a proposed development under criterion 8.

More specifically, aesthetic considerations are evaluated using the "Quechee Test", named for the court case in which it was first enunciated. Under this test, the District Environmental Commission first determines whether a proposed project will have an adverse impact on aesthetic resources. If it does, the commission goes on to consider whether the adverse impact is "undue."

To determine whether there is an adverse impact on aesthetics, a commission first looks at whether the proposed project will be in harmony with its setting–whether it "fits" its context. A number of factors are considered in making this determination, including the nature of the surroundings, whether the project has been designed to be compatible with its surroundings (e.g., with regard to the colors and materials used), whether it's visible from public vantage points and neighboring properties, and how it may impact open space and scenic views.

If the project fits its context, it will have no adverse impact. If it's clearly out of character, results in the loss of open space, or alters a scenic view, it will likely be found to have an adverse impact. The impact is considered "undue" if the commission then finds that:

- The project violates a clear, written community standard intended to preserve the aesthetics or scenic beauty of the area; or
- The project offends the sensibilities of the average person – that it is offensive or shocking because it is out of character with its surroundings or significantly diminishes the scenic qualities of the area; or
- The applicant failed to take generally available mitigating steps which a reasonable person would take to improve the harmony of the project with its surroundings.

In evaluating whether a project violates a written community standard, the District Environmental Commissions typically look to the municipal plan, supporting open space plans, and other municipal studies and documents to discern whether a clear, written community standard exists that can be applied in the review of a project's aesthetic impacts. The intent, as summarized by the former Environmental Board and frequently cited in subsequent decisions, is as follows:

> *In adopting the first standard in the Quechee analysis, the board intended to encourage towns to identify scenic resources that the community considered to be of special importance: a wooded shoreline, a high ridge, or a scenic back road, for example. These designations would assist the district commissions and the board in determining the scenic value of specific resources to a town, and would guide applicants as they design their projects.*
>
> *Re: Town of Barre, Vt. Env. Bd. Decision #5W1167-EB (6/2/94, p.21)*

As applied in this context the plan policy or "standard" must be specific to a particular scenic area or resource identified in the plan for protection (a map is especially helpful for this); or provide for project mitigation through related siting, screening, or design standards.

While specifically considered under criteria 8, 9B and 10, municipal and regional plans may also influence the review of development under the other criteria—for example to identify and address anticipated impacts to other resources of local or regional significance, traffic and transportation facilities, municipal infrastructure, services and facilities, and existing and planned settlement patterns.

QUECHEE TEST: CLEAR WRITTEN COMMUNITY STANDARD

The following from the Williston Town Plan is offered in the District Commissioner's Training Manual as an example of a clear, written community standard, as applied under criterion 8 to the review development at Taft Corners. The former Environmental Board, which rendered a revised decision on remand, found that the town plan clearly identified as "significant" the views of the mountains to the east and west and foreground views from I 89 of "the high ground at the water tower and other open spaces . . .", and cited related standards from the town plan, as directly applicable to the project:

Taft Corners should feature quality design, compatible with its setting. Buildings should be architecturally compatible and should be enduring, not transient. Their siting should enhance the setting, and particularly the east-west views. The placement of buildings should define public spaces, such as the streets, courtyards and greens. The area should be well landscaped, and feature green spaces, open spaces, trails and other opportunities for human interaction.

Taft Corners Associates, Vt. Env. Bd. Decision #4C0696-11-EB (Revised, 5/5/95, p. 20-21).

The fact that a project can be denied if it does not conform to a local or regional plan has resulted in much scrutiny over the years—including several Vermont Supreme Court rulings —with regard to how plans are used and interpreted in Act 250. It's important to remember that the applicant has the burden of proof under criterion 10 to demonstrate that a project conforms to the local and regional plan. And, as parties to the proceedings, the municipality and the regional planning commission can offer their take on project conformance with their respective plans. The final determination, however – especially in the absence of a separate DRB determination under local Act 250 review – is solely the responsibility of the commission, or court on appeal. In this context, the plan itself is the evidence under consideration, and should be able to stand on its own.

Commissions and courts have acknowledged that plans are aspirational, advisory, abstract and generally not written in the same language as zoning; but have also consistently ruled that, as applied in a regulatory context, vague plan language cannot serve as the basis to deny a project. Any determination of nonconformity under Criterion 10 must be based on specific policies set forth in the plan, which are stated in language that is "clear and unqualified, and creates no ambiguity." Broad policy statements do not create enforceable restrictions (In re John A. Russell Corp., 176 Vt. 520, 523 (Vt. Supreme Court, 2003)).

In reviewing plans to determine whether they offer sufficient clarity and specificity as applied to a particular project, the commission considers whether the applicable language in the plan is mandatory, or merely offers guidance. So, for example, where a plan stated that the purpose of a proposed residential district was to provide for "residential and other compatible uses," and that "techniques for preserving the rural character of these areas are encouraged" the court interpreted these statements as guidance and held that they did not reflect a specific policy against industrial development in the area (In re John A. Russell Corp., 176 Vt. at 523).

Numerous decisions and court opinions have concluded that while words such as "encourage", "promote", "may" and "should" offer guidance in the interpretation of more specific plan policies, they are not mandatory or enforceable. "Should" is explicitly defined for use in plans and in development regulations as meaning that "an activity is encouraged but not mandated" (24 V.S.A. § 4303(26)). By contrast, "shall" is mandatory and enforceable, as are words such as "require" and "prohibit". For plan policies specifically intended to apply to the review of development in local and state regulatory proceedings, the language used is a key consideration and may result in some policies that read more like zoning standards.

Plan policies that are broadly stated, generally applicable, contradictory or inconsistent are also considered ambiguous. A plan policy is specific enough for Act 250 consideration if the policy:

- Pertains to the area or district in which the project is located;
- Is intended to guide or proscribe conduct or land use within the area or district in which the project is located; and
- Is sufficiently clear to guide the conduct of an average person, using common sense and understanding.

A policy may also be considered unambiguous if prior municipal actions – which represent the community's interpretation and response to broad plan language – with respect to a particular project (e.g., under other programs, regulations or ordinances) are clear. In similar measure, under Act 250, a commission is required to look to zoning bylaws that conform to and implement the plan, to interpret ambiguous plan language. This is in recognition that "Zoning bylaws are more than strong indications of legislative intent in determining the meaning of an ambiguous town plan; they are the specific implementation of the plan" (In re Molgano, 163 Vt. 25, 30 (Vt. Supreme Court, 1994)).

This assumes that the bylaws conform to the plan. If they don't they can't be considered. This also highlights the fact that, at the local level, development is reviewed under the bylaws, but in Act 250 it's reviewed against the plan, with consideration given to bylaws only when the plan is ambiguous. This suggests the need to consistently update bylaws to conform to the plan, to avoid different or conflicting interpretations and outcomes. For example, when proposing an amendment to the zoning map that isn't addressed in the plan, it's good practice to concurrently amend the plan's land use map to match—assuming this change is consistent with other plan goals, policies, and objectives.

Section 248 Public Utilities and the Public Service Board

Public utilities in Vermont are regulated by the state's three-member Public Service Board (PSB), appointed by the Governor. PSB jurisdiction extends to the regulation of power generation and transmission facilities, under a process generally referred to as "Section 248" review (as authorized under 30 V.S.A. § 248)[1]. The extent of a review under Section 248 varies based on the type and scale of a project; but all facilities regulated by the PSB – including all solar, wind, and other renewable energy facilities connected to the power grid – are exempt from municipal regulation under Chapter 117 (24 V.S.A. § 4413(b)).

The Section 248 process, though also quasi-judicial, differs significantly from Act 250 review in several ways – most notably in Section 248's underlying policy directive to consider and serve statewide public interests or the "public good". The PSB is required by law to consider and weigh the costs, impacts, and overall benefits of a proposed project, and to issue a Certificate of Public Good (CPG) only if it finds that the project will "promote the general good of the state" In this context, PSB jurisdiction, unlike Act 250, preempts municipal jurisdiction. It also preempts Act 250 review.

> In a Section 248 proceeding the PSB is engaged in a legislative, policy making process in which it uses its discretion to weigh alternatives presented, using particular expertise and informed judgment.
>
> In re Twenty-four Electric Utilities 159 Vt. 339, 357 (1992).

The Section 248 process is also a much more formal, legal process than Act 250. Applications for larger projects are presented as "petitions" to the PSB and projects smaller than 150 kW go through either a registration or an application process and benefit from certain criteria being conditionally waived and a more streamlined review process.. Section 248 hearings are conducted "on the record", similar to court proceedings – with similar, potentially significant, costs to participants. Parties (intervenors) are typically represented by legal counsel. Technical (evidentiary) hearings are conducted by hearing officers or the board; related findings and determinations rely heavily on testimony and evidence presented by expert witnesses during these hearings. The PSB issues its findings in the form of a written decision (order) that supports the issuance or denial of a Certificate of Public Good. Given the legal status of Section 248 review, PSB decisions (unlike Act 250 decisions) are appealable directly to the Vermont Supreme Court. Given the legal nature of the 248 review process, the PSB has produced and periodically updates its "Citizens' Guide to the Vermont Public Service Board's Section 248 Process".

The Department of Public Service (DPS) represents the public interest in Section 248 proceedings. The Agency of Natural Resources also has statutory party status. The host municipality has the right to participate by filing a motion to intervene. Regional planning commissions, other affected municipalities, other state agencies and property owners do not have statutory party status, but receive notice of upcoming petitions or applications, may participate in public meetings, and are invited to submit comments in advance of the technical hearing process. To intervene as formal parties under relevant criteria, they may also petition the board as required to participate and present testimony and evidence in technical hearings.

[1] The PSB also has jurisdiction over "networked" telecommunications facilities under 30 V.S.A. §248a, in support of current policies and programs to establish statewide broadband coverage. This authority was set to expire in 2014, returning sole jurisdiction for the review and permitting of telecommunications facilities back to municipalities, but was recently extended through 2017.

STATE V. LOCAL CONTROL OVER ENERGY FACILITY SITING AND DEVELOPMENT

There's often some confusion regarding the ability of Vermont communities to plan for and regulate power generation and transmission facilities. This is due in part to the fact that, prior to Section 248 as enacted in 1969 and amended in 1971, jurisdiction over energy development was once shared between the state and its municipalities. Chapter 117, enacted in 1968, gave municipalities limited authority to regulate generation and transmission facilities (under former § 4409(a)). This language remained in statute until 2003. Bylaws dating from this era often include provisions regulating energy facilities. As amended in 1979, Chapter 117 also requires that comprehensive plans include energy elements that address energy conservation and renewable energy development. More recently, questions of jurisdiction have been raised in response to Vermont's changing energy landscape, with regard to the extent, scale and siting of wind and solar energy development.

An oft cited 1975 Vermont Supreme Court opinion, City of South Burlington v. Vermont Electric Power Company (133 Vt. 438), issued on appeal in response to the city's attempt to require a zoning permit for a proposed transmission line, clearly established that:

- Public service board orders preempt municipal orders. The municipal ability to regulate energy facilities – then with regard to size, height, bulk, setbacks, etc. – applies only where there is no relevant public service order for such facilities (e.g., to off-grid facilities).
- Where a clash of authority exists between state and municipal control pf a public utility furnishing a statewide service, the municipality plays a secondary role.
- The Chapter 117 provision that the more stringent state or local regulation should apply, applies only to state statutes directly regulating land development –and generation and transmission facilities under Section 248 are not, by definition (under §6001(3) of Act 250) such development.
- The requirement under Section 248 for notice to municipalities, and that "due consideration" be given to their recommendations, implies that within the Section 248 process, municipal enactments, including municipal plan recommendations, are advisory rather than controlling.

Chapter 117 was finally amended in 2003 in response to this ruling, to more clearly prohibit municipal regulation of public utility power generation plant and transmission facilities regulated under 30 V.S.A. § 248 (24 V.S.A. § 4413(b)). Given that the PSB issues certificates of public good for even the smallest (<15kW) net-metered solar and wind installations connected to the utility grid, this precludes municipal regulation of installations through local zoning. Vermont municipalities are authorized (but not required) to adopt screening bylaws or ordinances for ground-mounted solar installations, only for consideration and application by the PSB to a particular project – they are not separately enforceable by the municipality.

Given that municipalities cannot directly regulate generation and transmission facilities, having clear plan policies for consideration by the PSB under Section 248 proceedings, and local participation in the Section 248 process, are the primary way to implement related plan goals and objectives for energy facility siting and development.

Section 248 Criteria

"Public good" and "public interest" are not specifically defined in Title 30, but the PSB must review and weigh proposed projects under applicable statutory criteria and board rules. For larger projects, the PSB must consider a project in relation to:

- Orderly development of the region;
- Present and future demand for service;
- System reliability and stability;
- Economic benefits to the state; and
- Impacts to aesthetics, historic sites, air and water quality, the natural environment, and public health and safety (30 VSA § 248(b)).

Section 248 projects are exempt from both local and Act 250 review, but the PSB is required to consider most (though not all) Act 250 criteria, and local and regional plans with regard to how a project may affect the orderly development of the region, and in the evaluation of a project's aesthetic impacts.

Before the PSB issues a Certificate of Public Good, it must find that a project:

> Will not unduly interfere with the orderly development of the region, with due consideration having been given to the recommendations of the municipal and regional planning commissions, the recommendations of the municipal legislative bodies, and the land conservation measures contained within the plan of any affected municipality (30 VSA § 248(b)(1)).

Under Section 248, a proposed project is not required to conform to local and regional plans as it would under Act 250. Municipal and regional plans in effect at the time of an application can inform local and regional recommendations, and are more specifically considered by the PSB with regard to stated land conservation policies that can be applied to a particular project, in a particular location. "Due consideration" in this context, however, means only that the PSB must consider – essentially weigh and evaluate– relevant plan policies and associated recommendations. The PSB does not have to comply with them if outweighed by other considerations, including the overall benefit of a proposed project to the state. The Vermont Supreme Court has made it clear that, in the context of Section 248 review, municipal and regional plans, and any recommendations based on those plans, are advisory. They are not controlling.

Nevertheless, plans provide the larger context for PSB review of proposed energy facility development – and may result in the denial of a project that is found to interfere with the orderly development of the region. The PSB recently denied a proposed biomass facility in Springfield, in part based on traffic impacts, citing municipal and regional plan policies specific to traffic concerns in the vicinity of the project site. More often, plans and related recommendations are used by the PSB to help identify and mitigate the adverse impacts of facility development.

The PSB must also find that a project will not have an undue adverse effect on "esthetics, historic sites, air and water purity, the natural environment, the use of natural resources, and the public health and safety", giving due consideration to several Act 250 criteria incorporated under Section 248. The PSB generally defers to the Agency of Natural Resources with regard to the evaluation of potential impacts to resources of state significance; but it also looks to local and regional plans for clear community standards in its evaluation of aesthetic impacts, using a modified version of the Act 250 Quechee Test. As in Act 250, the PSB will consider whether an adverse aesthetic impact is "undue" if it violates a clear, written community standard that can be applied to a particular location (e.g., a specific viewshed or ridgeline), and the standard clearly requires scenic resource protection. The PSB, however, may also determine that "the overall societal benefits" of a

project (e.g., a reduction in greenhouse gas emissions) outweigh its aesthetic impacts, undue or not. As such, projects are rarely, if ever, denied based on aesthetic impact. More often, the PSB will require mitigation, as recommended by expert witnesses, or as negotiated between parties, including municipalities and developers, in advance of or in association with the 248 process.

As in Act 250, to be given any consideration in Section 248 proceedings, plan policies and standards must be clear, consistent, unambiguous and mandatory (i.e. "shall" protect). The plan policies and standards must apply to specific resources within the proposed project area. Plan policies will not be considered if they are vague, contradictory, permissive (e.g., "should" protect) or generally apply to resources town wide; or if they have the effect of completely excluding all facility development. The PSB, however, will not refer to local zoning bylaws to interpret vague plan policies, as happens in Act 250, because projects subject to PSB review are exempt from zoning. Moreover, the PSB will not consider plan policies, such as recommended setback distances, that represent de facto zoning, since such standards would effectively function as zoning regulations that "would compel a specific outcome, contrary to Section 248" (Rutland Renewable Energy LLC, PSB Docket #8188, Order Denying Reconsideration, 5/6/2015, p.5).

The PSB offered towns the following guidance in understanding the level of detail in town plans that is useful and appropriate (Rutland Renewable Energy LLC, PSB Docket #8188, Final Order, 3/11/2015, p. 85):

> Act 250 cases and Board precedent have provided towns with guidance on what sort of language would constitute a clear, written community standard that would not rise to the level of a de facto zoning bylaw. For example, we have stated: "In order for a provision to be considered a clear, written community standard, it must be 'intended to preserve the aesthetics or scenic beauty of the area' where the proposed project is located and must apply to specific resources in the proposed project area." Act 250 precedent directs that towns should draft language "to identify scenic resources that the community considered to be of special importance: a wooded shoreline, a high ridge, or a scenic back road, for example."

Additional guidance from in this area is needed, and may be forthcoming. The PSD in 2015, following recommendations included in the Vermont Energy Generation Siting Commission Final Report (2013), initiated a pilot project with three regional planning commissions to conduct more intensive, comprehensive energy planning and mapping at the regional and local level, and intends to extend this project to other regions as funding allows. One anticipated outcome of the pilot project is the identification of appropriate or high-potential sites for energy facility development, based on geographic analysis and local input. Towns will be able to work with RPCs to use this information, and analysis of their energy demands, to improve town energy plans in advance of the Section 248 permitting process for a particular project. More comprehensive and specific energy plans will help to inform energy developers before projects are proposed, and will provide PSB with helpful context and guidance in the 248 process.

Summary of Guidance on Use of the Municipal Plan in Permitting

Municipal plans play a critical role in local development review by setting the goals of development bylaws, and in Act 250 and Section 248 proceedings, by providing the framework – and basis in adopted public policy – for determining how land and resources important to the community should be developed or conserved. Municipal and regional participation in Act 250 and Section 248 proceedings is also recognized as an essential form of plan implementation – particular for development that is otherwise exempted from local review.

While aspirational in its vision and goals for the future, a municipal plan may also incorporate policies – including clearly stated directives – for achieving these goals. To be considered in a regulatory setting, plan policies, or written community standards, must:

- Be clear, consistent and unambiguous – for example, policies to protect all ridgelines from development, which may conflict with policies to promote renewable energy development, will not be considered.
- Use language appropriate for use in this context – that direct or mandates, rather than recommends or encourages (e.g., "shall" versus "should" or "may").
- Apply to specific resources and locations – for example, as indicated on proposed land use, or scenic resource maps that show where resources identified for protection (e.g., a particular ridgeline or viewshed) are located.

Generally, with few exceptions, policies and maps, considered in regulatory reviews must be included in, appended to, or incorporated by reference in the adopted plan in effect at the time of application—to guide both applicants in siting and developing proposed projects, and boards that then review them. Regional planning commissions are the best source for information and technical assistance in developing policies and maps that will withstand regulatory scrutiny. Several have also produced guides to help communities navigate and more effectively participate in Act 250 and 248 proceedings.

Hyperlinks

Page 12 - American Planning Association guide:
https://www.planning.org/ethics/ethicalprinciples.htm

Page 13 - DHCD consultant list:
http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/MPG/CPR-MPG-Directory-PlanningConsultants.xls

Page 13 - DCHD municipal planning grants
http://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant

Pages 18, 50 - Vermont Digital Economy Guides:
http://vtrural.org/programs/digital-economy/guides

Page 18 - Washington State Communication and Citizen Participation Techniques:
http://mrsc.org/Home/Explore-Topics/Governance/Citizen-Participation-and-Engagement/Communication-and-Citizen-Participation-Techniques.aspx

Page 18 - Participation Tools for Better Community Planning:
https://www.lgc.org/participation_tools/

Pages 19, 26, 92 - Municipal Planning Grant program:
http://accd.vermont.gov/community-development/funding-incentives/municipal-planning-grant

Page 22 - Vermont Center for Geographic Information:
http://vcgi.vermont.gov/

Page 22 - DCHD data:
http://accd.vermont.gov/community-development/town-future/data

Page 22 - Vermont Municipal Plan examples
https://outside.vermont.gov/agency/ACCD/bylaws/default.aspx

Page 23 - ACCD population projections:
http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/ACCD-DED-VTPopulationProjections-2010-2030.pdf

Page 25 - Statewide Comprehensive Economic Development Strategy
http://accd.vermont.gov/economic-development/major-initiatives/ceds

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