

# Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans

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## Introduction

A municipality adopts a plan in order to define the kind of community that it desires to be. The approval of a municipal plan by the Regional Planning Commission supports this vision. In Vermont, a municipality is under no obligation to

- ◆ adopt a plan,
- ◆ have its plan be approved by a Regional Planning Commission, or
- ◆ have its municipal planning process be confirmed by a Regional Planning Commission.

However, a municipality that elects to have its planning process be confirmed obtains these benefits:

- ◆ Eligibility to charge impact fees and to apply for municipal planning grants;
- ◆ Greater certainty that the municipality's plan will be recognized as an "adopted plan" [such as in Act 250 proceedings];
- ◆ Immunity from review by the Department of Housing and Community Affairs of the municipality's plan for compliance with affordable housing criteria established under 24 VSA 4351; and
- ◆ State agency plans adopted under 3 VSA Chapter 67 must be compatible with the municipality's approved plan.

## Role of the Regional Planning Commission

Vermont law [24 VSA 4350(a)] requires each Regional Planning Commission to review the planning process of each of its member municipalities at least twice during a five-year period (or more frequently at the request of a municipality). This "Guidelines" document identifies the procedures and standards that the Chittenden County Regional Planning Commission (CCRPC) will use for approving the plans and confirming the planning processes of CCRPC's member municipalities.

Section 4350(a) establishes that CCRPC must confirm a municipal planning process that meets both of the following criteria:

- 1) The municipality is engaged in a continuing planning process that, within a reasonable time, will result in a plan that is consistent with the goals of Chapter 117 [see 24 VSA 4302] and
- 2) The municipality is maintaining its efforts to provide local funds for municipal and regional planning.

However, section 4350(b) additionally requires that, after January 1, 1996, a municipality must have its plan be approved by the Regional Planning Commission to obtain or retain confirmation of its planning process. CCRPC must approve a municipal plan if CCRPC finds that the plan meets all of these criteria:

- 1) The municipal plan is consistent with the goals established in 24 VSA 4302 [CCRPC may consider if a municipality has a valid explanation for why its plan does not address a State goal];
- 2) The municipal plan is compatible with CCRPC's current *Regional Plan*;
- 3) The municipal plan is compatible with the approved plans of other municipalities in the region; and
- 4) The municipal plan contains all 10 elements required by State law [24 VSA 4382 (a) (1)-(10)].

## Definitions

For the purposes of administering this policy, the following terms shall have the following meanings:

- Adopted Plan: A municipal plan that
- 1) has been legally adopted by the local legislative body or voters, having followed the procedures of 24 VSA 4385,
  - 2) includes the 10 required elements set out in 24 VSA 4382, and
  - 3) is consistent with the goals set out in 24 VSA 4302.
- Approved Plan: An adopted plan that has been approved by CCRPC because CCRPC has found that the plan meets all of the requirements of 24 VSA 4350 (b) [the four criteria listed at the end of the preceding section of these “Guidelines”].
- CCRPC: Chittenden County Regional Planning Commission.
- Compatible with: A plan is compatible with a second plan when the first plan
- 1) will not significantly reduce the desired effect of the implementation of the second plan or
  - 2) includes a statement that identifies
    - a) the ways that the first plan will significantly reduce the desired effect of the second plan,
    - b) an explanation of why any incompatible portion of the first plan is essential to the desired effect of the plan as a whole,
    - c) an explanation of why there is no reasonable alternative way to achieve the desired effect of the plan, and
    - d) an explanation of how the first plan has been structured to mitigate its detrimental effects on the implementation of the second plan.
- Consistent with: A plan is consistent with the goals of 24 VSA 4302 if
- 1) the plan is making substantial progress toward attainment of those goals or
  - 2) the planning body determines that a particular goal is not relevant or attainable (subject to review), in which case the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.
- Confirmed
- Planning Process: A municipal planning process that has been confirmed by CCRPC because CCRPC has found that the planning process meets the requirements of 24 VSA 4350 (a).
- Municipality: A town, city, incorporated village, or unorganized town or gore. An incorporated village shall be deemed to be within the jurisdiction of a town, except to the extent that a village adopts its own plan and one or more bylaws either before, concurrently with, or subsequent to such action by the town.
- Program: A schedule of sequenced actions that identifies information such as who is to undertake each action, anticipated costs, possible financing, and expected or desired outcomes.

# Guidelines for Evaluating the 10 Required Municipal Plan Elements

This section identifies the guidelines that CCRPC will use to assess whether a municipal plan contains each of the 10 required elements as specified in 24 VSA 4382(a). These guidelines (presented in *italics*) are intended to assist a municipality in meeting these statutory requirements. There are many ways to satisfy each guideline and a municipality should tailor the approaches it uses to local considerations. CCRPC encourages each municipality to confer with CCRPC staff early in the planning process to review how the municipality proposes to meet the guidelines as well as to request assistance from CCRPC in developing its plan.

## 1. Statement of Objectives, Policies, and Programs

4382(a)(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.

*Guidelines: Include one or more*

- ◆ *Statements of objectives and policies that are tailored to the needs of the individual community and relate to the text of each plan section and*
- ◆ *Programs that are realistic and attainable, as specified by 24 VSA 4382(a)(1).*

## 2. Land Use Plan

4382(a)(2): 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 VSA 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; and 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.

*Guidelines: Include one or more maps and one or more statements that collectively indicate*

- ◆ *The existing land uses and land use areas in the community,*
- ◆ *The prospective land uses, as specified by 24 VSA 4382(a)(2), and*
- ◆ *The appropriate timing or sequence of land development in relation to facilities and services.*

## 3. Transportation Plan

4382(a)(3): 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.

*Guidelines: Include one or more maps and one or more statements that collectively indicate*

- ◆ *The inventory of existing roads and other transportation facilities,*
- ◆ *The transportation problems in the community and the relative seriousness of those problems, and*
- ◆ *A set of possible solutions that the community can work toward, as specified by 24 VSA 4382(a)(3).*

## 4. Utility and Facility Plan

4382(a)(4): 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.

*Guidelines: Include one or more maps and one or more statements that collectively*

- ◆ *Indicate the location, character, and capacity of existing community facilities and public utilities [see those listed in 24 VSA 4382(a)(4), including governmental and civic buildings and properties, public safety facilities, and telecommunications facilities],*
- ◆ *Describe how changes in population will affect the need for services and facilities, indicating the priority of need, and*
- ◆ *Indicate the recommended prospective facilities to meet future needs, indicating their estimated costs and methods of financing.*

## 5. Policy Statement on the Preservation of Rare and Irreplaceable Natural Areas, Scenic and Historic Features, and Resources

4382(a)(5): A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features, and resources.

*Guidelines: Include one or more policy statements that document the community's commitment to take steps to ensure the preservation of the rare and irreplaceable features and resources in keeping with the goals of 24 VSA 4302.*

## 6. Education Facilities Plan & Map

4382(a)(6): A map and statement of present and projected uses and the local public school system.

*Guidelines:*

- ◆ *Include one or more maps and one or more statements that collectively indicate*
  - ◇ *The location, character, and capacity of existing educational facilities,*
  - ◇ *The ability of the local public school systems to meet the needs of children and adults, with specific reference to attendance trends, school facilities, and future needs, and*
  - ◇ *The location, character, and capacity of prospective educational facilities.*
- ◆ *While not required, it is encouraged that this element be written in conjunction with local school boards.*

## 7. Recommended Program for the Implementation of the Objectives

4382(a)(7): A recommended program for the implementation of the objectives of the development plan.

*Guidelines:*

- ◆ *Include one or more statements that identify a program that indicates how the municipality expects to address the objectives established by the plan.*
- ◆ *The element need not make specific reference to each objective, but should demonstrate that the community has considered how to accomplish the plan's objectives.*

## 8. Statement of How the Plan Relates to Development Trends and Plans for Adjacent Municipalities, Areas, and the Region

4382(a)(8): A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under this title.

*Guidelines: Include one or more statements that collectively indicate*

- ◆ *the municipality examined and considered*
  - ◇ *the development trends for the municipality and region,*
  - ◇ *plans for adjacent municipalities, areas (such as a plan addressing a special issue or a multi-municipal area), and the region developed under 24 VSA, and*
- ◆ *the plan is in conformance with the plans of adjacent municipalities and CCRPC's current Regional Plan.*

## 9. Energy Plan & Map

4382(a)(9): 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.

*Guidelines: Include*

- ◆ *an analysis of energy resources, needs, scarcities, costs and problems within the municipality,*
- ◆ *an energy conservation policy and programs to implement that policy,*
- ◆ *a policy on the development and use of renewable energy resources, and*
- ◆ *a policy on how future development in the municipality can support energy conservation — both in terms of individual buildings and general land use patterns.*

## 10. Housing Element

4382(a)(10): A recommended program for addressing low and moderate income persons' housing needs as identified by the Regional Planning Commission pursuant to 24 VSA4348a(a)(9). The program may include provisions for accessory dwelling units.

- Guidelines:*
- ◆ *Include an inventory of the existing housing stock that identifies the number of housing units in each major type of housing in the community based on recent data.*
  - ◆ *Compare the existing housing stock with recent population trends (such as changes in total population, households, and household size).*
  - ◆ *Assess the ability of municipal residents to reasonably afford safe, well-constructed, and efficient housing.*
  - ◆ *Evaluate recent housing development trends to determine whether the municipality will meet the current set of housing targets endorsed by CCRPC.*
    - ◇ *If it appears that the municipality will meet each housing target, state so in the plan.*
    - ◇ *If it appears that the municipality will not meet one or more of the housing targets*
      - ◆ *Identify the factors that appear to be most responsible for limiting the growth of housing relevant to that target (such as recent market trends, limited infrastructure, and local policies and regulations) and*
      - ◆ *Identify a program of local actions to address each of those factors that the municipality decides should be diminished as an unwanted barrier to the growth of housing supply.*

## Materials to Submit to CCRPC when Requesting CCRPC to Confirm a Municipal Planning Process & Approve a Municipal Plan

A municipality requesting CCRPC to confirm its municipal planning process and to approve the municipal plan needs to provide the following materials to CCRPC:

- ◆ A letter signed by the appropriate municipal authority requesting CCRPC to consider confirmation of its planning process and approval of its plan (a sample letter is available from CCRPC staff);
- ◆ A summary of the municipality's funding over the prior five years dedicated to municipal and regional planning purposes;
- ◆ A concise summary referencing the locations of statements within the municipal plan relating to how the plan
  - ◇ Is consistent with the goals of 24 VSA 4302,
  - ◇ Is compatible with the most recent version of the Chittenden County Regional Plan,
  - ◇ Is compatible with the approved plans of adjacent municipalities (including those outside of Chittenden County), and
  - ◇ Contains the 10 required elements of 24 VSA 4382(a); and
- ◆ Six copies of the plan submitted for approval.

## CCRPC Review Process for Confirming a Municipality's Planning Process & Approving a Municipal Plan

Vermont law require that CCRPC's decisions to confirm a municipal planning process and to approve a municipal plan must be made by a majority vote of the Commissioners representing municipalities, in accordance with CCRPC's bylaws. CCRPC must approve or disapprove a municipal plan or amendment within two months of CCRPC's receipt of the plan following a final hearing held by the municipality to adopt the municipal plan pursuant to 24 VSA 4385. If the Commission disapproves a plan or plan amendment, it must state its reasons in writing and, if appropriate, suggest modifications that would be acceptable to CCRPC. If the municipality requests approval of a resubmitted plan with modifications, CCRPC must give its approval or disapproval within 45 days. If CCRPC approves the plan after these deadlines, this does not invalidate the plan. CCRPC also is required to provide the municipal clerk with a notice of CCRPC's decision.

In addition to meeting these statutory requirements, CCRPC encourages its member municipalities to involve CCRPC staff continuously from the earliest stages of its plan development process. This will maximize the opportunities for CCRPC to assist municipal planning efforts when requested and will minimize the potential for conflicts between municipal and regional planning policies.

The flowchart on page 8 represents the process that CCRPC will follow to approve a municipal plan. The process begins with the municipality informing CCRPC of its general schedule for updating its plan and reviewing any special needs or concerns with CCRPC staff. CCRPC's Plan Review and Update Committee (PRUC) then names a Review Committee composed of CCRPC Commissioners and/or Alternate Commissioners to work specifically with that municipality on its plan. The CCRPC Commissioner or Alternate Commissioner from the municipality (who serves as a non-voting member of the Review Committee) and Commissioners/Alternate Commissioners from the municipality's neighboring municipalities can help to resolve any potential concerns of compatibility with the *Regional Plan* and the plans of neighboring municipalities from the earliest stages of the plan update process and continuously throughout the process.

Once the municipal plan is near completion, the municipality submits it to CCRPC for review. CCRPC staff will review the draft document and report any deficiencies that it believes exist to both the Review Committee and the municipality. The Review Committee holds a public hearing to get feedback on the draft plan and to give the municipality a formal opportunity to respond to any deficiencies identified by staff. Then the Review Committee provides its written recommendation to PRUC and the municipality.

PRUC will consider the recommendation of the Review Committee at its next meeting following receipt of the recommendation of the Review Committee. The municipality may attend the PRUC meeting and voice its positions related to the Review Committee's recommendation. PRUC then provides its written recommendation to the full Commission and to the municipality. If PRUC recommends that the plan not be approved because of deficiencies, the municipality may appeal that recommendation at the full Commission or agree to rectify the deficiencies and resubmit its plan.

The Commission may approve or not approve the municipal plan. If the Commission votes not to approve the plan, the Commission must notify the municipality of its decision and that the municipality may appeal the decision to the Council of Regional Commissions, pursuant to 24 VSA 4305 (b). If the Commission votes to approve the plan, the Commission forwards a copy of its resolution of approval to the Department of Housing and Community Affairs.

# MUNICIPAL PLAN REVIEW PROCESS

(This flowchart represents CCRPC's internal plan review process. It is not intended to represent statutory requirements.)

