



CHITTENDEN COUNTY RPC

Communities Planning Together

Planning Advisory Committee

Wednesday, July 13, 2016

2:30pm to 4:30pm

CCRPC Main Conference Room, 110 West Canal Street, Winooski

Agenda

2:30 Welcome and Introductions, Joss Besse

2:35 Approval of May 11, 2016 Minutes*

2:50 Energy Planning, Melanie Needle

A look at the in-depth regional energy planning effort underway at the Regional Planning Commissions – and how CCRPC will approach the process in Chittenden County. We will also describe the new Community Energy Dashboard (soon to be released).

3:40 Building Homes Together Campaign Update, Charlie Baker/Regina Mahony

The Building Homes Together Campaign officially kicked off on June 27th. We will discuss next steps and gather feedback on further analysis, and education and outreach. For more information visit:

<http://www.ccrpcvt.org/our-work/economic-development/housing/>

4:00 Amend Municipal Plan Review Guidelines, Regina Mahony

We will wait until the S.230 certification requirements are established before we amend CCRPC's Municipal Plan review policy to replace Appendix A with the more simple ACCD form*, change 5 year expiration to 8 years, and changes necessary from H.857 Forestry Bill.

4:10 Regional Act 250/Section 248 Projects on the Horizon, Committee Members

4:20 Other Business

- a. FYI – We will conduct the following initial Plan consultations using the standard ACCD template and Flood Resiliency checklists: Buel's Gore, Burlington (by 3/2017), Charlotte (by 7/2016), Colchester (by 4/2017), Hinesburg (by 9/2016 if not reviewed before then), Milton (by 7/2016), Shelburne (by 2/2017 though may not be doing an update), and Winooski (by 4/2017).
- b. Changes to the Open Meeting Law from VLCT.*

4:30 Adjourn

* = Attachment

NEXT MEETING: September 14, 2016 at 2:30pm to 4:30pm.

In accordance with provisions of the Americans with Disabilities Act (ADA) of 1990, the CCRPC will ensure public meeting sites are accessible to all people. Requests for free interpretive or translation services, assistive devices, or other requested accommodations, should be made to Emma Vaughn, CCRPC Title VI Coordinator, at 802-846-4490 ext 21 or evaughn@ccrpcvt.org, no later than 3 business days prior to the meeting for which services are requested.

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
PLANNING ADVISORY COMMITTEE - MINUTES

DATE: Wednesday, May 11, 2016
TIME: 2:30 p.m. to 4:30 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT

Members Present

Joss Besse, Bolton
Ken Belliveau, Williston
Dana Hanley, Essex
Everett Marshall, Huntington
Dana Hanley, Essex
Jacob Hemmerick, Milton
Greg Duggan, Essex
Daryl Benoit, Charlotte
Karen Purinton, Colchester

Paul Conner, South Burlington
David White, Burlington
Dean Pierce, Shelburne (via phone)

Staff

Regina Mahony, Planning Program Manager
Lee Krohn, Senior Planner
Emily Nosse-Leirer, Planner
Charlie Baker, Executive Director

1. Welcome and Introductions

Joss Besse called the meeting to order at 2:40 p.m. *

2. Approval of March 9, 2016 Minutes

Everett Marshall made a motion, seconded by Jacob Hemmerick to approve the March 9, 2016 minutes. No further discussion. MOTION PASSED.

3. Supporting the STEM Industry and Young Professionals in Chittenden County

Emily Nosse-Leirer presented information from CCRPC's draft STEM Industry and Young Professionals white paper (see attached presentation). This white paper explains the important role that the STEM cluster and young professionals play in the county's economy; examines the current conditions of the STEM cluster and young professionals in Chittenden County; explores the building blocks necessary for growing the STEM cluster economy; and offers suggestions for future work that can be undertaken by the CCRPC to help support the STEM economy. The paper calls for CCRPC to promote housing development, and lead a regional housing conversation.

During the presentation there was a discussion about where Chittenden County employees live. Our jobs are relatively stable, however there are less people who are living and working in the County. This could be because of retirement and potentially the folks taking those jobs commute in from outside of the County. Charlie explained that we have this data at the Town level, and the PAC would appreciate seeing those numbers (both where residents work, and where employees commute from). CCRPC will send those out. Ken indicated concern by Allen & Brooks that we do have more housing coming on line than we need – because traditionally we have seen the housing market overshoot. There was a question about what types of housing folks are looking for. Emily explained the results of the young professionals survey – want to be close to services, walkable, etc; however most would prefer a single family house with a yard. There was some discussion that a condo can be the right price point to get into the market, and the units are filling as soon as they are built. Though that still doesn't answer whether that is the type of unit that would be preferred or it is the only type available at an affordable price point. There was a question about non-STEM degrees and what the job market looks like. Unfortunately, we didn't look at other sectors in this paper. There were questions regarding what types of spaces and sizes are STEM businesses looking for? GBIC is still indicating that we still need additional industrial space. Mike Shirling, BTVignite, just recently talked with a bunch of businesses and this is one of the questions that he asked. Charlie thought that it sounds like there is incubator space, and potentially larger space – but not the in between for start-up businesses that are ready to expand.

1 There was a question about what pieces we are going to work on going forward. Charlie asked if there are
2 concerns regarding the wastewater treatment plants phosphorus limits because the plants may need to upgrade
3 before they get to the 80% capacity limit on the plants. Perhaps we can get Ernie Christensen to talk to this
4 group about the wwtp. The public works directors are going to be more knowledgeable about this. David
5 White suggested that local presentations on this may be really helpful for the Planning Commissions.

6
7 CCRPC will send the paper out to the PAC when finalized.

8 9 **4. Building Homes Together Campaign**

10 Charlie Baker explained the Building Homes Together Campaign that we are engaging in with Champlain
11 Housing Trust and Housing Vermont. While CCRPC was beginning to develop an approach for a regional
12 housing conversation, Housing Vermont and Champlain Housing Trust (CHT) have been exploring what a
13 campaign to produce more housing would look like. The three organizations have decided to jointly reach out
14 to stakeholders, request feedback and ask for support. Charlie Baker provided an overview of the data, and
15 background information on the effort. Our vacancy rate is still low, though we'll need to track this through
16 Allen and Brooks every six months. So far we've only been building just enough to house the additional 1,000
17 people per year (been consistent over the last 5 years). We think that is not enough to get and keep our market
18 healthy. The collaborative conversation with Housing Vermont and CHT is going to start with talking to
19 developers (and many other stakeholders) and that may bring it right back around to municipalities to change
20 zoning to allow more units. Though we may not that, because it seems that most of the County (generally) has
21 already made zoning changes to allow for more units. We are starting to hear from some landowners and
22 developers that the market is getting saturated – but it main be a sign of a more healthy market rather than
23 what we've been experiencing (it will take a bit longer to fill units in a healthy market). CHT and Housing
24 Vermont are affordable housers, but they recognize the need for more housing at all income levels, and they
25 need the market units to help subsidize the affordable units. There was a question about what gap do we need
26 to fill? Paul Conner is seeing a lot of one bedroom and studios being built, and while that is filling one need, it
27 may not be the biggest need. The housing type that seems to be missing is the smaller single family housing
28 within walkable downtowns for the 80 to 120% AMI range. David White suggested that older residents could
29 transition into a condos, and open up that missing market (New North End as an example). Paul Conner also
30 seeing that people aren't maxing out the density, because the single story two car garage is something that they
31 can sell. What are developer's obstacles in getting the middle 80 to 120% AMI range covered? The
32 conversation includes developers, bank/lenders and some planners so hopefully we can gain some insight on
33 the challenges. Joss Besse asked if any public works folks are at the table because there are wastewater/roads
34 infrastructure needs and limitations. Those folks are not included in this first level conversation, and the
35 developers and municipalities can probably bring that perspective to the table. Charlie Baker suggested that
36 there is likely more work to be done on the actual inventory and the pricing. Multi-family v. single, but also
37 what the bedroom numbers are. Everett Marshall asked about smaller houses, and redevelopment. Karen
38 Purinton indicated that Colchester is seeing the same thing – condos and larger expensive homes, but nothing
39 in between. Young professionals are competing with the older demographic that are down-sizing to smaller
40 starter homes. Dana Hanley stated that Charlotte has 80 homes on the market, and folks are wanting to
41 downsize from their 4,500 sq.ft. homes so they are considering allowing duplexes and triplexes for these larger
42 homes. There was a suggestion to also increase the density so landowners can subdivide into two or three
43 smaller lots. CCRPC will continue to keep the PAC informed on this conversation.

44 45 **5. Legislative Review**

46 Regina Mahony provided a brief overview of the bills that CCRPC have been tracking - H.249 –
47 Intermunicipal Services, S.230 – Energy Siting and H.367 – VPA's Planning Bill:

- 48 • H.367 Planning Bill – This is now signed and is 2016 Act 90.
 - 49 ○ Adds a third criteria for confirmation within regular confirmation period (twice within an 8
 - 50 year period) regarding engagement in a process to implement the plan in Section 4350: “(2) is
 - 51 engaged in a process to implement its municipal plan, consistent with the program for
 - 52 implementation required under section 4382 of this title; and”

- And further information about what to submit and how the RPC can ensure that the Plan's are being implemented in Section 4350: "(c) In order to retain confirmation of the planning process, a municipality shall document that it has reviewed and is actively engaged in a process to implement its adopted plan. (1) When assessing whether a municipality has been actively engaged in a process to implement its adopted plan, the regional planning commission shall consider the activities of local boards and commissions with regard to the preparation or adoption of bylaws and amendments; capital budgets and programs; supplemental plans; or other actions, programs, or measures undertaken or scheduled to implement the adopted plan. The regional planning commission shall also consider factors that may have hindered or delayed municipal implementation efforts. (2) The consultation may include guidance by the regional planning commission with regard to resources and technical support available to the municipality to implement its adopted plan and recommendations by the regional planning commission for plan amendments and for updating the plan prior to readoption under section 4387 of this title."
- Added to Section 4385: "An amendment to a plan does not affect or extend the plan's expiration date." Not sure if this helps or hurts – municipalities have done it both ways. Paul Conner explained that this is so that you can make a minor amendment without having to update all of the data throughout the entire Plan.
- Changes the expiration of the plan from 5 years to 8 years (Section 4387).
- Provides clarification on what a PC shall do to readopt the plan, including a program and schedule for implementing the plan.
- 8 year expiration date applies to plans adopted or readopted (not amended) on or after July 1, 2015. Otherwise in effect July 1, 2016.
- Regina Mahony indicated that we'll likely need to amend our Plan review guidelines to reflect some of these changes.
- H. 249 – now signed and is 2016 Act 89.
 - Added Intermunicipal Service Agreements as an authority that RPCs can undertake. Need to draft bylaws specifying process for entering into, method of withdrawal from and method of terminating service agreements. Bylaws shall be adopted by a vote of at least 67 % of the commissioners of the RPC.
 - A service agreement shall be ratified by the RPC and legislative bodies of municipalities participating (voluntary).
 - Excludes essential legislative functions, taxing authority and eminent domain from this authority.
 - Takes effect July 1, 2016. CCRPC will need to establish bylaws before making any planned changes to RSEP and StreamTeam contracts and MOU.
- S.230 – not yet signed. Includes a certification process that is intended to provide the municipalities with a stronger say (substantial deference) in the Public Service Board process. Need to get the Regional Plan certified first, and then we can certify local plans. The criteria for certification is not yet determined; the bill calls for the criteria to be established by a Committee in the fall. CCRPC's contract on energy planning will start soon which will help us prepare for the certification step. Regina Mahony asked the PAC who thought they would want to seek certification? Most municipalities felt that they would need to see the criteria first; and Shelburne indicated that they would likely want certification. We will likely need to add this process into our Municipal Plan review guidelines as well. Until July 1, 2018 municipalities can go directly to the PSB for certification, provided that the Region has not yet been certified.

6. Regional Act 250/Section 248 Projects in the Horizon

- Colchester – Brigante Woods – 45 lots PUD on Malletts Bay (single family and multi)
- So. Burlington – Technology Park FedEx Distribution facility – 180,000 sq.ft., revised version of Old Farm Road O'Brien, So. East quadrant
- Essex – 248 500 kW on one of our most beautiful roads and their Town Plan says solar projects of 500 kW and greater should only be in commercial/industrial. So they came in at 496 kW. 9 lot residential

1 has to go to Act 250. Al Senecal – 2 projects. And the Town is looking at another
2 industrial/conservation zone on the Jericho border.

- 3 • Burlington – 274 units of housing at the Burlington Town Center so it does not trigger Act 250 (hotel
4 rooms still question – developer essentially just pulled them out); 700 units at Burlington College that
5 will go to Act 250 (32 units/acre); Sun Common community solar array on Pine Street on top of
6 Farrell distributing. Not sure if City Market will have to go to Act 250.
- 7 • Bolton – none
- 8 • Huntington – none
- 9 • Williston – amendments to existing Act 250 for stormwater upgrades; and amendments to Finney
10 Crossing – 2 or 3 buildings that were going to be commercial are now going to be residential; 35 unit
11 on Williston Road (Snyder); Maple Tree Place is going to be sold to a national buyer.
- 12 • Charlotte – none that Daryl knows of.
- 13 • Shelburne – 100 units single family, cottage, single floor and townhouses near the Kwiniaska golf
14 course, west of Spear street (just went through sketch).

15
16 **7. Other Business**

- 17 a. May 31st PC Summit – Agenda and more information coming soon.
- 18 b. CCRPC's 50th Anniversary Annual Meeting on June 15th.
- 19 c. Local Act 250 & MAPA list – need to get this reported to ACCD correctly. Regina Mahony will follow
20 up with an email.

21
22 **8. Adjourn**

23 The meeting adjourned at 4:35 p.m.

24
25 Respectfully submitted, Regina Mahony

Supporting the Tech Industry and Young Professionals in Chittenden County

CCRPC PAC Meeting—May 11, 2016



Presentation Overview

1. Why STEM and young professionals?
2. The current state of STEM and young professionals
3. Building Blocks of the STEM economy
4. What can CCRPC do?

Science

Technology

Engineering

Mathematics

=

STEM fields

Sectors that
use STEM, such
as medicine

=

STEM-related
fields

Why STEM and Young Professionals?

STEM jobs are an important part of economic development for the region.

The Chittenden County and Vermont CEDS identify STEM sectors as some of the target sectors for economic development.

- *Highly paid positions*
- *A growing concentration and number of companies*

The region needs young professionals to fill those jobs.

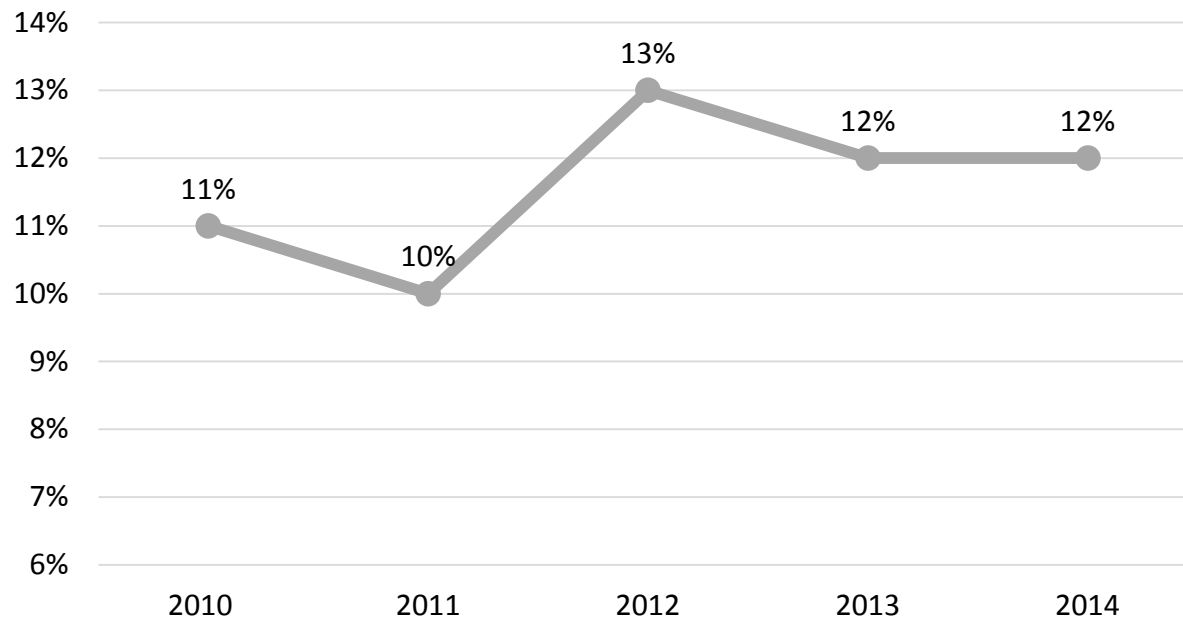
- *The workforce is aging*
- *Attracting and retaining young professionals is key*

Current Conditions

What are the current conditions of the STEM economy and young professionals?

A High Concentration of STEM Jobs

Proportion of Total Jobs in STEM Fields,
Chittenden County



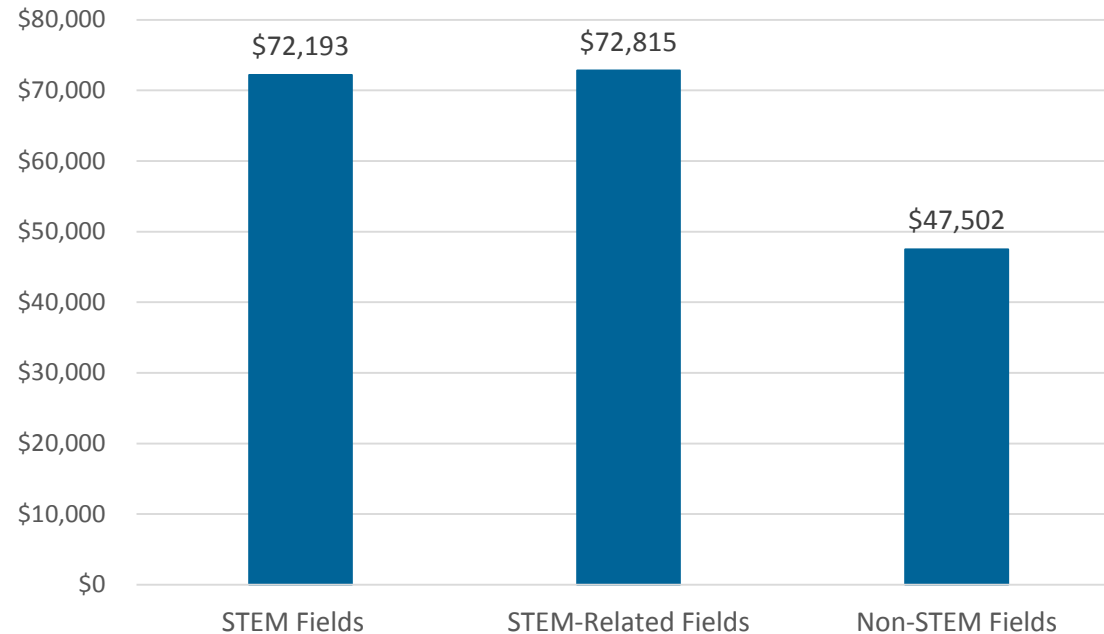
US Census 1-year American Community Survey and Bureau of Labor Statistics

Sector	Location Quotient
Computer and electronic product manufacturing	4.12
Food manufacturing	1.64
Ambulatory health care services	1.53
Electrical equipment and appliance manufacturing	1.32
Machinery manufacturing	1.15
Fabricated metal product manufacturing	1.07
Bureau of Labor Statistics	

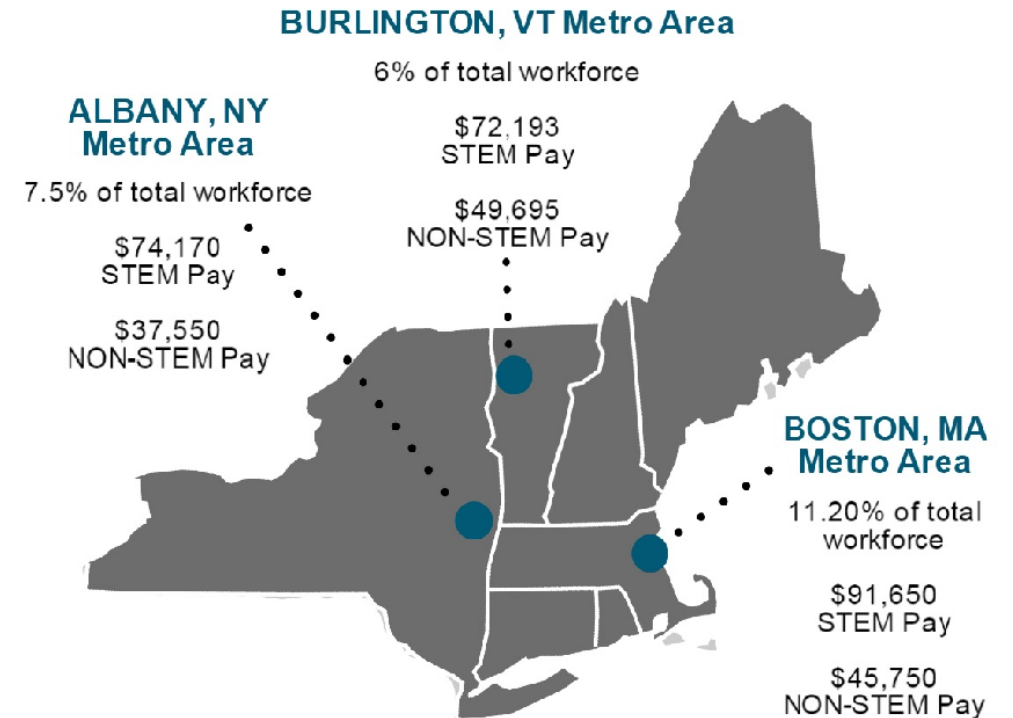
The region ranks **#2 in the USA**
in patents per capita

STEM Jobs Pay Well

Annual Average Earnings by Field of Employment



Source: US Census 1-year American Community Survey and Bureau of Labor Statistics



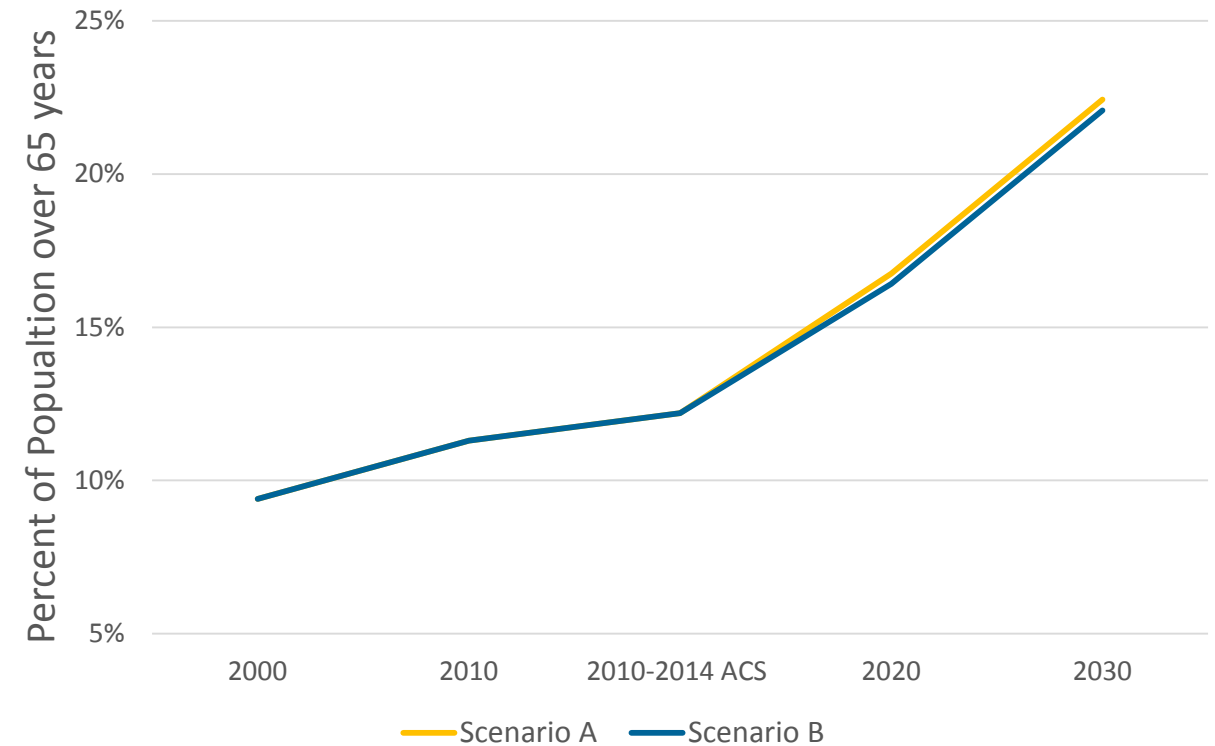
Low Unemployment

Unemployment is very low:
3.6% in 2015.

But...

- *The labor force participation rate is low*
- *Underemployment is high*

Projected Population Over 65 Years



Source: ACCD

Job Concentration vs. Employee Concentration

Employers express concern about finding skilled employees

- *46% of employers surveyed by Davis and Hodgdon Associates*
- *62% of employers surveyed by the Vermont Business Roundtable and Economic Policy Resources*

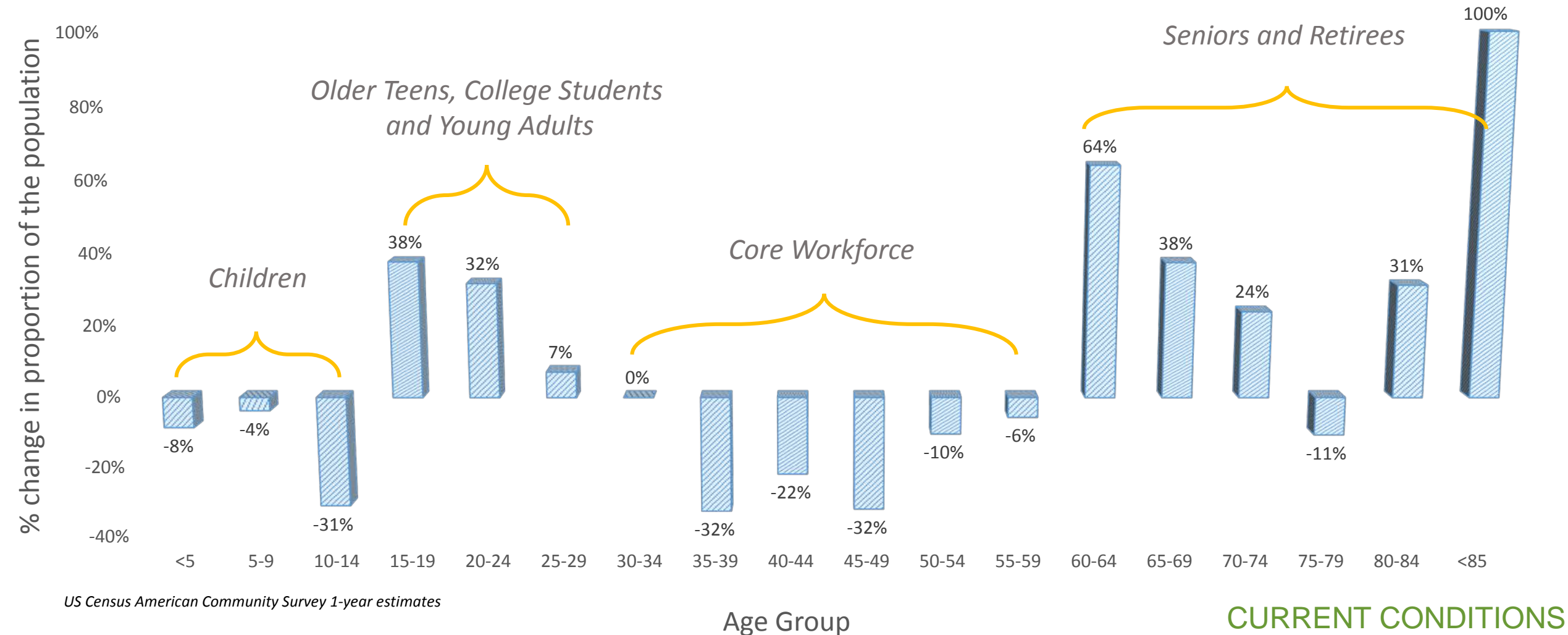


Employees express concern about finding the right job

- *Not enough STEM companies for job mobility*
- *Not enough job opportunities for partners of employees*

An Aging Population

CHANGE IN AGE COHORTS, 2005-2014



Building Blocks for a STEM Economy

How can the region create and maintain an environment where a strong STEM economy can thrive, and make sure there are enough people to work in it?

A STEM Economy Needs:

- Well-educated workers at all levels
- Initiatives and programs to support innovation
- Adequate infrastructure
- **Affordable Housing**



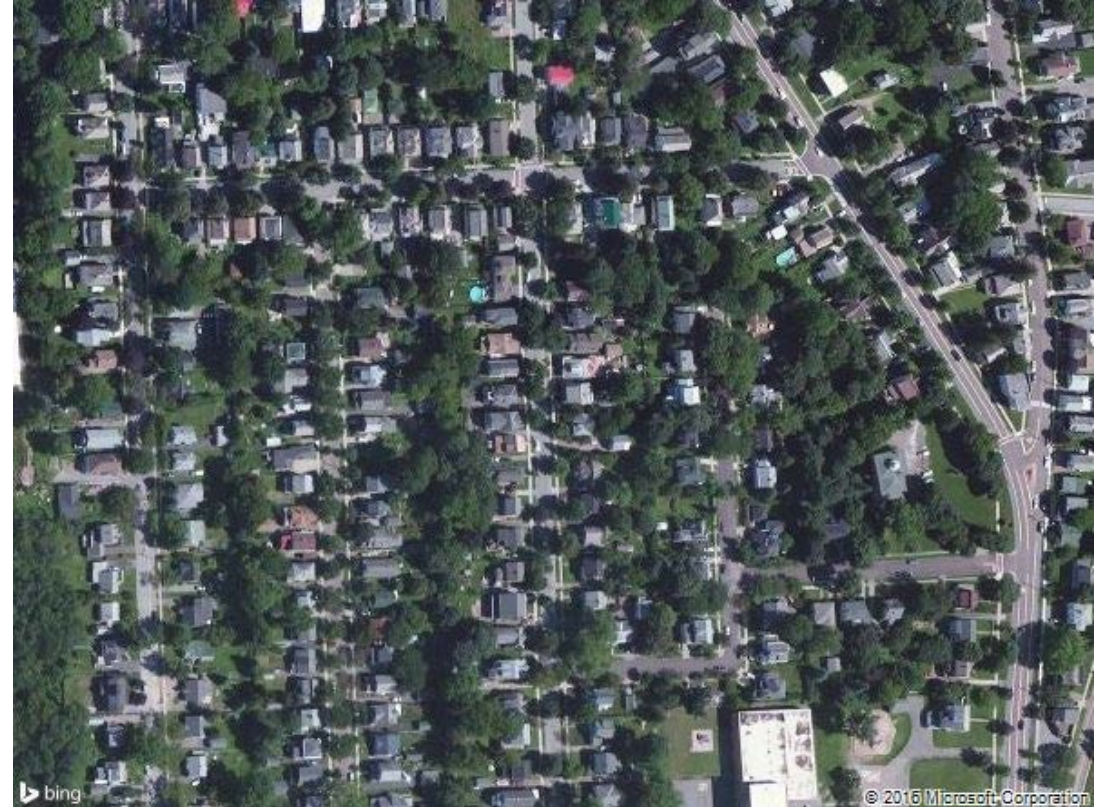
Housing and Cost

Cost is high.

Demand is shifting.

- *Both young adults and retirees in Vermont express preferences for living in denser neighborhoods and in smaller homes*
- *Household size is shrinking*

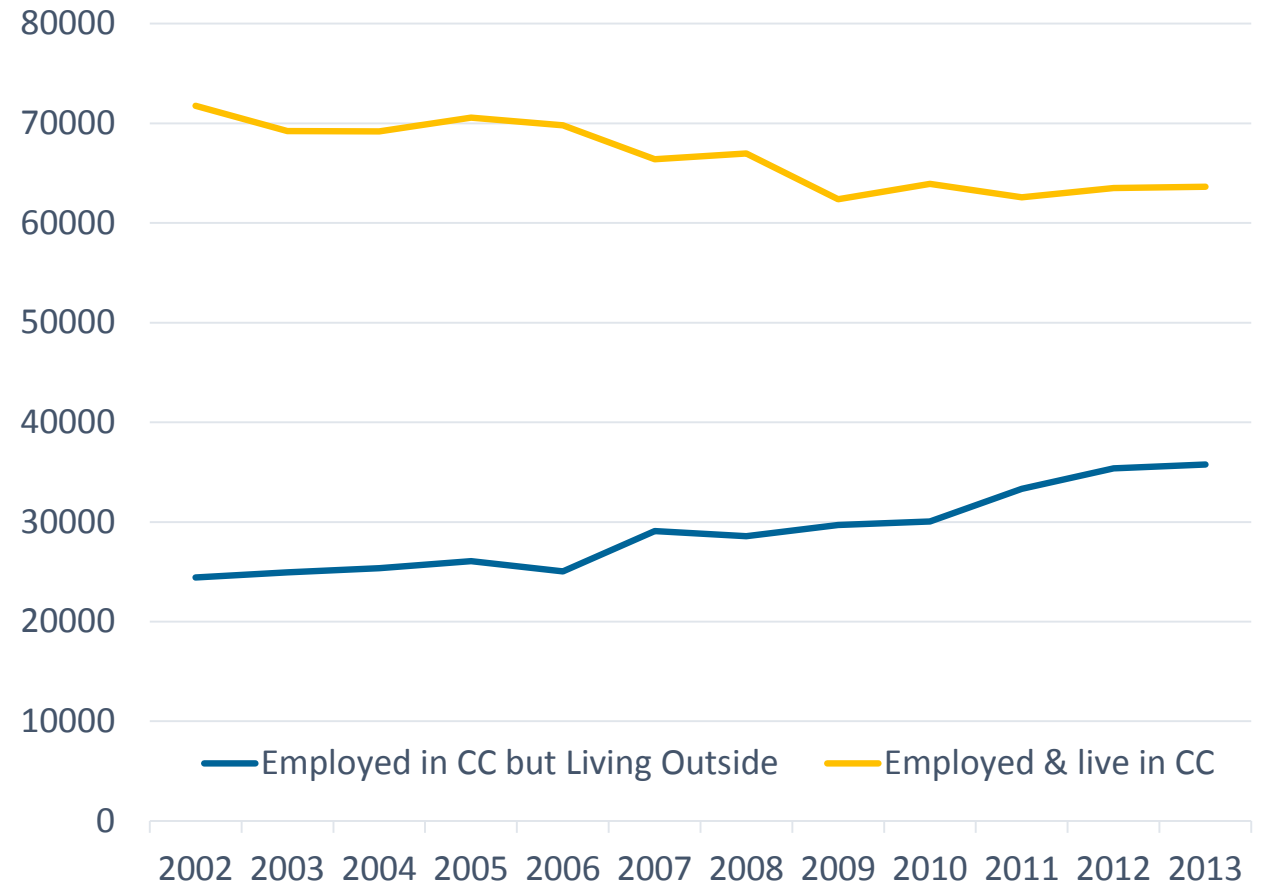
Young professionals are seeking different housing options.



Housing and Cost

Every day, **32,960** people who live outside of Chittenden County commute to jobs here.

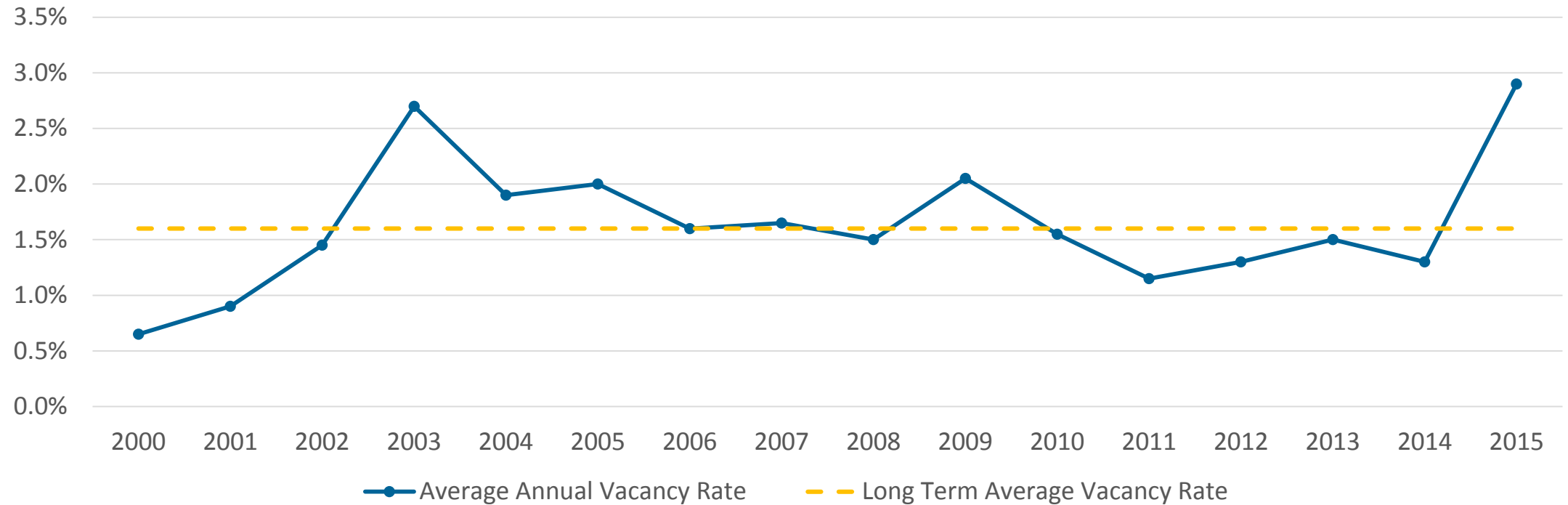
Where do Chittenden County Employees Live?



Source: U.S. Census Bureau Longitudinal Employer-Household Dynamics

Housing and Cost

Rental Vacancy Rates



Conclusions

What's next?

Conclusions

To grow the STEM economy, Chittenden County must:

- 1. Educate, attract and retain STEM professionals, especially young professionals*
- 2. Make housing available for all incomes, ages and household types*
- 3. Provide and maintain appropriate infrastructure*
- 4. Continue to provide opportunities and incentives for businesses to begin and grow*

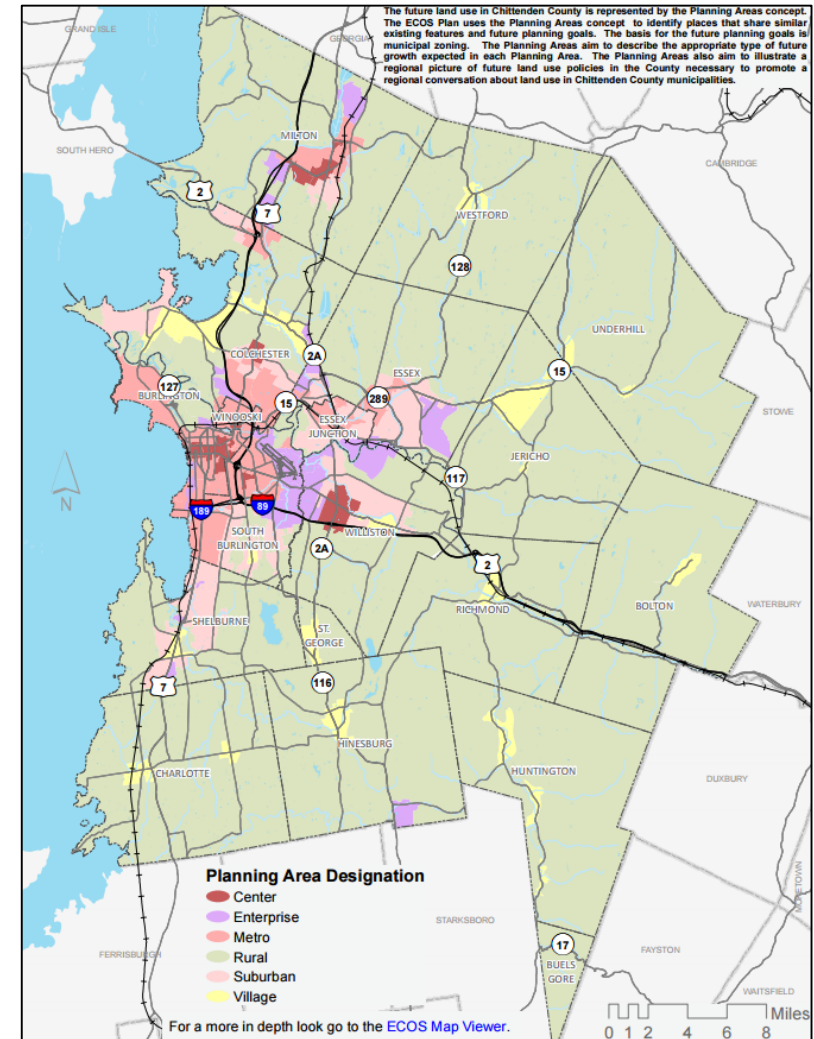
CCRPC's Role

1. Promote investment in all modes of transportation, especially between areas with high planned housing density and employment centers, and prioritize those investments in order to best grow the economy;
2. Collaborate with partners like the Chamber of Commerce to enhance the Vermont brand and promote Chittenden County as a burgeoning tech center;



CCRPC's Role

3. Collaborate with GBIC to promote the development of industrial space that achieves a higher level of density and greater compatibility within traditional development patterns, uses less land and provides for all modes of transportation (per ECOS Strategy 1, Action 2);



CHITTENDEN COUNTY RPC
Communities Planning Together

CCRPC's Role

- 4. Assist towns in meeting the challenges of the Lake Champlain Total Maximum Daily Load and associated regulations;
- 5. Promote housing development for all income levels in areas planned for growth by providing assistance to municipalities; and



CCRPC's Role

6. Lead a regional housing conversation



CCRPC will work in collaboration with regional partners to identify the number of units needed for residents in all stages of life and to identify how that increased housing can be built.

Town Plan Review Tool

This form addresses the statutory requirements of the State of Vermont for town plans, as cited in the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act). It includes the 12 required elements found in § 4382 of the Act; the four planning process goals found in § 4302(b), the 14 specific goals found in § 4302(c); and the standard of review found in § 4302(f), which covers consistency with goals and compatibility standards.

During the Regional approval and confirmation process, specified in § 4350 of the Act, the regional planning commission is required to assess town plans and the process whereby they are developed according to the criteria of the Act. Sections of relevant statute are quoted at each question.

	Required Elements § 4382	Met	Not Met
1	Statement of Objectives, Policies, Programs	<input type="checkbox"/>	<input type="checkbox"/>
2	Land Use Plan	<input type="checkbox"/>	<input checked="" type="checkbox"/>
3	Transportation Plan	<input type="checkbox"/>	<input type="checkbox"/>
4	Utility and Facility Plan	<input type="checkbox"/>	<input type="checkbox"/>
5	Rare Natural Resources/Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
6	Educational Facilities Plan	<input type="checkbox"/>	<input type="checkbox"/>
7	Implementation Program	<input type="checkbox"/>	<input type="checkbox"/>
8	Development Trends	<input type="checkbox"/>	<input type="checkbox"/>
9	Energy Plan	<input type="checkbox"/>	<input type="checkbox"/>
10	Housing Element	<input type="checkbox"/>	<input type="checkbox"/>
11	Economic Development Element	<input type="checkbox"/>	<input type="checkbox"/>
12	Flood Resiliency Plan	<input type="checkbox"/>	<input type="checkbox"/>

	State Planning Goals § 4302	Met	Not Met
1	Development Pattern	<input type="checkbox"/>	<input type="checkbox"/>
2	Economy	<input type="checkbox"/>	<input type="checkbox"/>
3	Education	<input type="checkbox"/>	<input type="checkbox"/>
4	Transportation	<input type="checkbox"/>	<input type="checkbox"/>
5	Natural and Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
6	Quality of Resources	<input type="checkbox"/>	<input type="checkbox"/>
7	Energy	<input type="checkbox"/>	<input type="checkbox"/>
8	Recreation	<input type="checkbox"/>	<input type="checkbox"/>
9	Agriculture and Forest Industries	<input type="checkbox"/>	<input type="checkbox"/>
10	Use of Resources	<input type="checkbox"/>	<input type="checkbox"/>
11	Housing	<input type="checkbox"/>	<input type="checkbox"/>
12	Public Facilities	<input type="checkbox"/>	<input type="checkbox"/>
13	Child Care	<input type="checkbox"/>	<input type="checkbox"/>
14	Flood Resiliency	<input type="checkbox"/>	<input type="checkbox"/>

TOWN PLAN REQUIRED ELEMENTS

Title 24 Chapter 117: Municipal and Regional Planning and Development

24 V.S.A. § 4382. The plan for a municipality

(a) 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 and shall include 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.

Comments:

Choose an item.
Pages:

(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; 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;

Comments:

Choose an item.
Pages:

MAPS

Present Land Use Plan ☐

Prospective Land Use Plan ☐

(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;

Comments:

Choose an item.
Pages:

MAP

Transportation ☐

(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;

Comments:

Choose an item.

Pages:

MAP

Utility and Facility ☐

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

Comments:

Choose an item.

Pages:

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

Comments:

Choose an item.

Pages:

MAP

Educational Facility ☐

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

Comments:

Choose an item.

Pages:

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

Comments:

Choose an item.

Pages:

(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;

Comments:

Choose an item.

Pages:

(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.

Choose an item.

Pages:

Comments:

(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.

Choose an item.

Pages:

Comments:

(12)(A) 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 floodplains, 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.

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

Choose an item.

Pages:

Comments:

GOALS AND STANDARDS OF REVIEW

GOALS

24 VSA § 4302

(a) General purposes . . .

(b) It is also the intent of the legislature that municipalities, regional planning commissions and state agencies shall engage in a continuing planning process that will further the following goals:

(1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.

(2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.

(3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.

(4) To encourage and assist municipalities to work creatively together to develop and implement plans.

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

Goal 1:

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, or employed to revitalize existing village and urban centers, or both.

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

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 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.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 3:

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

Choose an item.

Pages:

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 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.

Choose an item.

Pages:

(A) Highways, air, rail and other means of transportation should be mutually supportive, balanced and integrated.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 5:

To identify, protect and preserve important natural and historic features of the Vermont landscape including:

Choose an item.

Pages:

(A) significant natural and fragile areas;

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

(C) significant scenic roads, waterways and views;

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

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 6:

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

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 7:

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

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 8:

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

(A) Growth should not significantly diminish the value and availability of outdoor recreational activities.

(B) Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Choose an item.

Pages:

Goal 9:

To encourage and strengthen agricultural and forest industries.

(A) Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.

(B) The manufacture and marketing of value added agricultural and forest products should be encouraged.

(C) The use of locally-grown food products should be encouraged.

(D) Sound forest and agricultural management practices should be encouraged.

Choose an item.

Pages:

(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 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.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 11:

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 multi-family and manufactured housing should readily available in locations similar to those generally used for single-family conventional dwellings.

(D) Accessory apartments within or attached to single family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 12:

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

(A) Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.

(B) The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

Choose an item.

Pages:

Choose an item.

Pages:

Choose an item.

Pages:

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 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.

Choose an item.

Pages:

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

Goal 14:

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 floodplains 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.

Choose an item.

Pages:

How has the Town Plan addressed this goal :

If the goal is not relevant or attainable, how does the plan address why :

STANDARD OF REVIEW

24 V.S.A. § 4302(f)

(1) As used in this chapter, "consistent with the goals" requires substantial progress toward attainment of the goals established in this section, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, 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. The determination of relevance or attainability shall be subject to review as part of a consistency determination under this chapter.

(2) As used in this chapter, for one plan to be "compatible with" another, the plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan. If a plan, as implemented, will significantly reduce the desired effect of the other plan, the plan may be considered compatible if it includes the following:

- (A) a statement that identifies the ways that it will significantly reduce the desired effect of the other plan;
- (B) an explanation of why any incompatible portion of the plan in question is essential to the desired effect of the plan as a whole;
- (C) an explanation of why, with respect to any incompatible portion of the plan in question, there is no reasonable alternative way to achieve the desired effect of the plan, and
- (D) an explanation of how any incompatible portion of the plan in question has been structured to mitigate its detrimental effects on the implementation of the other plan.

24 V.S.A. § 4350. Review and consultation regarding municipal planning effort

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities' planning efforts, ascertaining the municipalities' needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when 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 section 4302 of this title; and
- (2) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process after January 1, 1996, a municipality must have an approved plan. A regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

- (A) is consistent with the goals established in section 4302 of this title;
 - (B) is compatible with its regional plan;
 - (C) is compatible with approved plans of other municipalities in the region; and
 - (D) contains all the elements included in subdivisions 4382(a)(1)-(10) of this title.
-

The following are proposed procedures for Regional Planning Commission review of town plans. The first procedure pertains to review of town plan re-adoptions and town plan amendments. The second is an alternate procedure for review of town plan amendments. For review of amendments, it is up to the discretion of the Regional Planning Commission as to which procedure will be used.

Proposed Town Plan Review & Approval Process

The following may be used for town plan re-adoption reviews as well as town plan amendment reviews

1. The regional planning commission (RPC) receives a request for town plan approval.
2. If the staff review reveals a flaw that would preclude RPC approval, the town will be notified. It is the town's option as to whether they want a final decision on the plan or if the plan should be withdrawn from the approval process.
3. Staff comments, including draft findings and recommendations, will be provided to the committee or board given responsibility by the RPC's bylaws for town plan approval.
4. The RPC's public hearing will be held before the RPC makes its final decision on the plan.
5. In all cases the RPC will take final action on the plan approval request within 60 days of its receipt.

Proposed Town Plan Amendment Review Process

This is an alternative procedure for town plan amendment reviews

1. The regional planning commission (RPC) receives a request to review an amendment to the town plan.
2. Staff comments, including draft findings and recommendations, will be provided to the committee or board given responsibility by the RPC's bylaws for town plan approval.
3. The town will be notified whether or not the amendment may be approved within the context of the current regional approval of the town plan, or if the amendment constitutes a material change to the plan that is beyond the scope of the current regional approval.
4. If the amendment constitutes a change to the plan that is beyond the scope of the current regional approval, the town will be given the option of submitting the amended plan for regional approval.



LEGAL AND REGULATORY NOTES



CHANGES TO THE OPEN MEETING LAW

On May 24, 2016, amendments to the Open Meeting Law went into effect when the governor signed Act 129 of the 2015-2016 Legislative Biennium. The Open Meeting Law applies to all "public bodies" which includes all municipal boards, councils, commissions, committees, and subcommittees. The law has been amended in the following ways:

Electronic participation at meetings.

When one or more members of a public body participate in a meeting electronically (e.g., by conference call or Skype), any vote taken by the public body that is not unanimous must be taken by roll call. 1 V.S.A. § 312(a)(2)(B). Previously, the law required that all votes be taken by roll call, regardless of whether they were unanimous.

If a quorum or more members of a public body participate in a meeting electronically, the agenda for that meeting must designate at least one physical location where a member of the public can attend and participate

in the meeting. 1 V.S.A. § 312(a)(2)(D).

The law no longer requires a distinct public notice regarding the electronic participation, although the law still requires public notice and an agenda prior to all regular and special meetings.

Posting of minutes. Minutes must be available for inspection and posted to a website, if one exists, no later than five calendar days from the date of the meeting. 1 V.S.A. § 312(b)(2). Previously, the law did not specify whether the days were calendar days or business days.

Except for draft minutes that have been substituted with updated minutes, posted minutes may not be removed from the website sooner than one year from the date of the meeting for which the minutes were taken. 1 V.S.A. § 312(b)(2). Previously, the law did not specify how long minutes must remain posted on a website.

Responding to a complaint of violation.

Upon receipt of written notice of an alleged violation of the Open Meeting Law, the public body must respond publicly within 10 calendar days. 1 V.S.A. § 314(b)(2). The public body may either (a) acknowledge an inadvertent violation of the law and state its intent to "cure" the violation within 14 calendar days; or (b) state that the public body has determined that no violation occurred and that no "cure" is necessary. The failure to respond to a complaint within 10 calendar days is treated as a denial of the allegation. Previously, the law required a response within seven calendar days, and the failure to respond within those seven days was treated as a denial.

"Curing" a violation of the law. A public body can "cure" a violation of the law by fixing the error that led to that violation. If the violation was due to (i) a meeting that was not noticed in accordance with the law, (ii) a meeting from which a person or the public was wrongfully excluded, or (iii) an executive session not authorized by the law, the public body must do this by either ratifying or declaring as void, any action taken at or resulting from that meeting. 1 V.S.A. § 312(b)(4). Regardless of the basis for the violation, the public body must also adopt specific measures that prevent future violations of the law. A public body will not be liable for the complainant's attorney's fees and litigation costs if it cures a violation. 1 V.S.A. § 314(b)(1).

More information about the Open Meeting Law, including the recently-updated Frequently Asked Questions about the law, is posted at <http://www.vlct.org/vermont-local-government/vermont-open-meeting-law/>. Act 129 is archived on the Vermont Legislature's website.

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AE Aldrich+Elliott
WATER RESOURCE ENGINEERS

Innovation

Leading Initiatives in
Sustainable Water Resources

Water, Wastewater, & Stormwater

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