



CHITTENDEN COUNTY RPC

Communities Planning Together

Planning Advisory Committee

Wednesday, May 9, 2018

2:30pm to 4:30pm

CCRPC Main Conference Room, 110 West Canal Street, Winooski

WIFI Info: Network = CCRPC-Guest; Password = ccrpc\$guest

Agenda

- 2:30 Welcome and Introductions, Joss Besse**
- 2:35 Approval of December 6, 2017 Minutes***
- 2:40 Municipal Plans Guideline Review and Act 250/Section 248 Review Guidelines*, Emily Nosse-Leirer & Regina Mahony**
We'll review some edits to these documents to address the new enhanced energy component, Determination of Energy Compliance, and the 8-year timeframe for municipal plans. This will just be an initial review and then we'll ask for a recommendation in July. We are hoping the Board can adopt the changes to the Act 250/Section 248 guidelines in July and can adopt the changes to the Plan Review guidelines in September, because while the new ECOS Plan will (hopefully) be adopted in June, the Certification of Energy Determination won't happen until August.
- 3:25 Input on Aviation Rules for Private Airports*, John Zicconi, Executive Secretary, VT Transportation Board**
See attached email regarding possible revisions to aviation facilities including those that govern private helipads, seaplane landing sites, and private airstrips.
- 3:45 Draft 2017 Housing Data*, Melanie Needle**
Attached is a preliminary draft of the 2017 housing data. Please review to see if your data seems correct. Also, Regina will provide a debrief on the first Housing Convening and the January Economics of Housing workshop. The video is on CCTV's site here: <https://www.cctv.org/watch-tv/programs/economics-housing-panel-discussion>.
- 4:05 Regional Act 250/Section 248 Projects on the Horizon, Committee Members**
- 4:15 Other Business**
- Staff recommended that both Charlotte and Milton Town Plans be approved by the CCRPC Board as these Plans have been adopted at the local level and have not had any significant changes since the last PAC review. These plans were adopted by the CCRPC Board in March.
 - We'll discuss whether an Essentials Training for our region (101 to planning & development review) would be helpful for new PC/DRB members? Would another training be helpful? Also, would it be helpful to survey folks getting off the Boards to see what types of training they would recommended (they might be a good source!)?
 - Drinking Water Protection Resources – Staff will post resources from a workshop on our website: <https://www.ccrpcvt.org/our-work/municipal-planning-assistance/comprehensive-plans/>
 - Act 171 guidance from ANR is final as of March 2018: <http://anr.vermont.gov/sites/anr/files/co/planning/documents/guidance/Act171Guidance.pdf>.
 - The Form-Based Codes Institute (FBCI) at Smart Growth America is looking for five communities to host our highly-regarded, [two-day classes](#) where you can learn the nuts and bolts of form-based codes. To host a [class](#) in your community, simply [email us \(info@smartgrowthamerica.org\)](mailto:info@smartgrowthamerica.org) by **Friday, May 18** with your responses to the following questions: are folks interested, do we have a room to offer for 50 attendees, and identify two or three local organizations (like APA or CNU chapters, ULI district council, municipal league, or zoning association) in your area who you think would be interested in helping FBCI market the class.

4:30 Adjourn

* = Attachment

NEXT MEETING: June 13, 2018 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, December 6, 2017
TIME: 3:30 p.m. to 4:30 p.m.
PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT

Members Present:

Victor Sinadinoski, Milton
Everett Marshall, Huntington
Andrew Strniste, Underhill
Ken Belliveau, Williston
Paul Conner, South Burlington
Robin Pierce, Essex Junction
Jess Draper, Richmond
Sarah Hadd, Colchester
Alex Weinhausen, Hinesburg

Staff:

Regina Mahony, Planning Program Manager
Emily Nosse-Leirer, Planner (via phone)

1. Welcome and Introductions

Paul Conner called the meeting to order at 3:36 p.m.

2. Approval of November 8, 2017 Minutes

Everett Marshall made a motion, seconded by Victor Sinadinoski, to approve the November 8, 2017 minutes with a correction from Essex under the Act 250 projects: the address should be 251 River Road (not 281). No further discussion. MOTION PASSED.

3. Richmond Town Plan - Final Review

The public hearing was opened. No one from the public was in attendance.

Alex Weinhausen made a motion, seconded by Victor Sinadinoski to close the public hearing. No discussion. MOTION PASSED.

Emily Nosse-Leirer provided an overview of the Staff report. She stated that the public engagement for this Plan was excellent; and the format is really interesting. She found the Plan meets statutory requirements with the exception of three required edits: 1. Basin Planning reference – need to specifically mention the Winooski Tactical Basin Plan. 2. Forest Blocks and wildlife connectors – make some edits in that chapter. 3. Define the River Corridor and River Corridor Protection Area.

The PAC provided the following comments:

- State designation areas need to be mapped and discussed in the Plan.
- Elderly & housing needs?
- Like the format.
- Having targets is great. Though some of these seem impossible to measure. Is there baseline data and data on how to measure them? No consensus that a lack of baseline data at this point is a problem. Great to work towards this.
- Lots of action items, with direction on what to do next to prioritize these. Richmond was encouraged to at least identify a lead responsible party.
- Recommended a top 10 list of implementation items.
- 100-year flood plain – current nomenclature is the Special Flood Hazard Area. Could put 100-year flood plain in parenthesis if that helps.
- Future Land Use map – two properties are labeled with landowners instead of land use/business type. No consensus on this being a problem. You could do both, like “Severance Corners Growth Center”.

- Natural and Working Lands is confusing – what is intended? It isn't clear if this is intended for protection or development. Similarly, what's encouraged and what's allowed in Rural Agricultural and Residential Areas? There is a concern regarding how this plan is meeting the state planning goal of village development surrounded by rural country-side. Emily Nosse-Leirer explained that she thought the Plan meets this goal by many of the action items described in the other sections of the Plan (i.e. natural resource conservation v. land use section). Perhaps Richmond could reference some of that in the Land Use section to be clear that there is an intent to address the 1-acre zoning.
- Renewable energy targets – Energy Technical Plan Goal #1 and 3. Try to get more aggressive because the State goals are much more aggressive.
- Working Lands/Forest Fragmentation – decrease forest fragmentation rate by 2%? Try to mitigate the loss by reducing the rate of loss, not the actual amount of loss.
- The PAC would like to see some of these suggestions addressed before the plan is adopted, since this review is before the PC public hearing.
- Make sure to leave the door open to better address the fragmentation issues and land use.
- Really great public engagement.

[Sarah left at 4:10pm.]

- Perhaps the Rural Agriculture and Working Lands are too much in one category.

Jess Draper explained their timeframe, and explained that they only have one day between the Planning Commission public hearing and submitting this to the Selectboard. The plan needs to go on the Town Meeting day ballot so they don't have much time.

Ken Belliveau made a motion, seconded by Robin Pierce, that the PAC finds that the draft 2018 Richmond Town Plan, as submitted and with the statutory edits described above (and in bold font in the Staff Report), meets all statutory requirements for CCRPC approval, and that the municipality's planning process meets all statutory requirements for CCRPC confirmation. Upon notification that the Plan has been adopted by the municipality, CCRPC staff will review the plan, and any information relevant to the confirmation process, for changes. If staff determines that changes are substantive, those changes will be forwarded to the PAC for review. Otherwise the PAC recommends that the Plan, and the municipal planning process, should be forwarded to the CCRPC Board for approval.

There was a lot of discussion regarding strengthening the protection of the countryside surrounding the village. Paul Conner made a friendly amendment to add a stronger connection* between the land use and resource pieces to ensure this state goal is adequately addressed in the Plan. This amendment was accepted by Ken Belliveau, and Robin Pierce. No further discussion. MOTION PASSED. Jess Draper abstained.

*This stronger connection can be made in two specific locations:

Page 13 has a section called "Constraints and Possibilities" which states that some areas in Richmond are already constrained, but says that the town "needs to identify ideal future land uses" for the rest. This could be a good place to explain that actions elsewhere in the plan set up a basis for this, especially the Natural and Cultural Resources technical plan and Economic Development technical plan.

Page 17 has the "Taking Action" section for the Future Land Use technical plan. There aren't any actions listed here because all the Future Land Use actions are in other parts of the plan (Natural and Cultural Resources, etc.). It would be helpful to communicate where those actions are in the plan.

4. Municipal Plans and the New 8-year Requirement

Regina Mahony explained that she'd like to discuss what the PAC wants to see in new municipal Plans now that they won't expire for 8-years, instead of 5-years. There was discussion regarding what was promised to the Legislature when this change was requested: need more time implement the plans rather than create the plans; the plans will get more strategic/implementable; and within 8-years we won't 're-adopt' plans like we used to (just re-adopt the exact same plan without updating it). Therefore, should the Plans that are now approved for 8 years be completely up to date, including data, data analysis and includes all new statutory requirements?

The other part of it is the implementation requirement. The municipalities now need to show how the Plans are being implemented. Regina Mahony suggested that CCRPC needs to confirm the planning process twice in the 8-year period. We will do the first one about 18 to 24 months before the Plan expires; and we think this is when we'll ask how the previous plan has been implemented so far.

The PAC decided that this should be added to another agenda, with a bit more information about what exactly will be required so that municipalities can react to that. Regina Mahony will add this to another agenda.

5. Other Business

- a. CENSUS – LUCA. If you want CCRPC's help you need to fill out the forms to tell the Census that by December 15, 2017.
- b. ECOS Plan Update – Regina gave an update on where all the ECOS Plan pieces are. The public comment period for the CEDS is still open, and the MTP will go out for public comment in the next two weeks.
- c. Regina Mahony asked for two UPWP Committee volunteers. Ken Belliveau is interested. Regina Mahony will send a note to the full PAC.
- d. Great Resource: Censusreporter.org. It is an interface between the Census and people who want to use the data. Lots of helpful charts that you can embed in other things. Just put our County or your municipality in to see how easy it is.

9. Adjourn

The meeting adjourned at 4:30 p.m.

Respectfully submitted, Regina Mahony

Chittenden County Regional Planning Commission

Guidelines and Standards for Confirmation of Municipal Planning Processes ~~and~~ Approval of Municipal Plans and Granting Determinations of Energy Compliance

Adopted September 23, 2002;

Amended January 13, 2003, November 28, 2005, May 22, 2013, ~~&~~ October 19, 2016 & September X,

2018

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 (24 VSA 4350(e)):

- ♦ Eligibility to charge impact fees, to apply for municipal planning grants, and to participate in State Designation Programs;
- ♦ 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.

A municipality may write an enhanced energy plan to make progress towards Vermont's energy goals. A municipality is under no obligation to adopt an enhanced energy plan, as defined by 24 VSA §4352. However, a municipality that receives a Determination of Energy Compliance ~~is~~ gains benefits, as described in 30 VSA §248 (b)(1)(C).

"With respect to an in-state electric generation facility, the Commission shall give substantial deference to the land conservation measures and specific policies contained in a duly adopted regional and municipal plan that has received an affirmative determination of energy compliance under 24 V.S.A. § 4352. In this subdivision (C), "substantial deference" means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The term shall not include consideration of whether the determination of energy compliance should or should not have been affirmative under 24 V.S.A. § 4352."

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 an eight-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 all 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];

- 2) The municipality is engaged in a process to implement its municipal plan, consistent with the program for implementation required under 24 VSA §4382; and
- 3) The municipality is maintaining its efforts to provide local funds for municipal and regional planning.

Section 4350(b) additionally requires that a municipality must have its plan be approved by the Regional Planning Commission in order to obtain or retain confirmation of its planning process. CCRPC shall 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 advance 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 the elements required by state law in [24 VSA §4382\(a\)](#). At the time of the adoption of these guidelines, there are 12 required elements. However, the number of required elements may change based on future legislation.

24 VSA §4352 (b)-(c) states that a municipality that wishes to seek a Determination of Energy Compliance submits its plan to the Regional Planning Commission, if the regional plan has an affirmative determination of energy compliance. CCRPC's regional energy plan received this determination on August X, 2018. CCRPC shall issue an affirmative Determination of Energy Compliance if the plan:

- 1) is consistent with the regional plan,
- 2) includes an energy element,
- 3) is consistent with Vermont's energy goals and policies:
 - a. greenhouse gas reduction goals, 25 by 25 goal for renewable energy and Vermont's building efficiency goals,
 - b. State energy policy,
 - c. the distributed renewable generation and energy transformation categories of resources to meet the requirements of the Renewable Energy Standard, and
- 4) meets the standards for issuing a determination of energy compliance included in the State energy plans, as described by the Vermont Department of Public Service in their Energy Planning Standards for Municipal Plans.

The Department of Public Service standards described in Part 4 have been written to ensure that [compliance with those](#) standards demonstrates that a municipal plan has met requirements 1-3 above.

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 required elements set out in 24 VSA §4382, and
- 3) is consistent with the goals set out in 24 VSA §4302.

Amended Plan: A municipal plan that has been previously adopted and approved may be amended to change a limited portion of the plan. CCRPC has reviewed the plan to ensure that -the section(s) continue to meet the required elements and goals related to the amended section(s), and consistency with the Regional Plan. An amended plan does not [necessarily](#) incorporate changes made to planning requirements since its adoption and approval, and the expiration date of the plan does not change based on the amendment.

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.

Readoption: In accordance with 24 VSA §4385 and §4387 an expired plan or plan that is about to expire may be readopted. A readopted plan is one that is brought into full compliance with statute.

Guidelines for Evaluating the Municipal Plans

Appendix A includes the goals as specified in 24 VSA §4302 with which the municipal plans must be consistent, and the elements as specified in 24 VSA §4382(a) which must be contained within the municipal plans. There are many ways to satisfy each goal and element 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 goals and elements as well as to request assistance from CCRPC in developing its plan.

Confirmation of a Municipal Planning Process & Approving Readoption of a Municipal Plan

Materials to Submit:

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

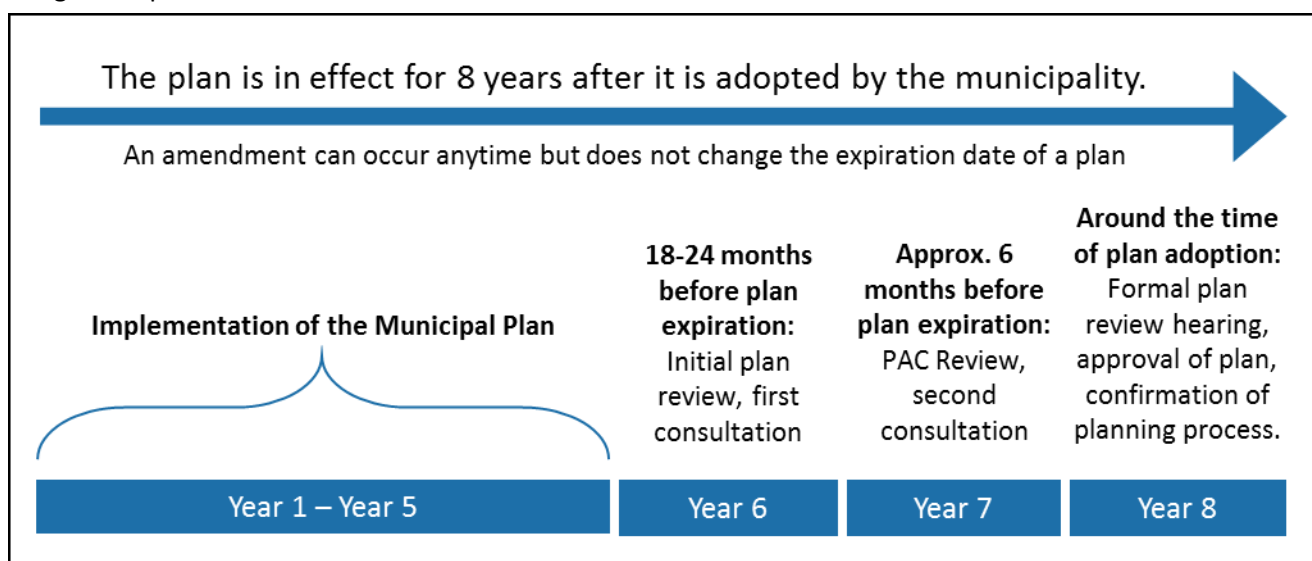
- ◆ A letter signed by the appropriate municipal authority requesting CCRPC to consider confirmation of its planning process and approval of its plan (a sample letter is available from CCRPC staff);
 - ◆ A summary of the municipality's funding over the prior five years dedicated to municipal and regional planning purposes;
 - ◆ A concise summary, in the format provided in Appendix A (CCRPC will make Appendix A available electronically), 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),
 - ◇ Contains the required elements of 24 VSA §4382(a); and
 - ◆ Documentation of the municipality's process to implement the adopted plan, as described in 24 VSA §4350(c). Documentation can take two forms:
 - ◇ If the previously adopted plan includes an implementation table or spreadsheet, add a column indicating what progress has been made on actions from the previous plan (for example, "completed in 2017," "ongoing," or "no progress.").
 - ◇ If the previously adopted plan does not include an implementation table or spreadsheet, fill out the Municipal Plan Implementation Assessment provided in Appendix B (CCRPC will make Appendix B available electronically).
 - ◇ Examples of implementation tables will be provided by CCRPC upon request.
- ◆ One pdf version of the plan (including maps) submitted for approval.

A municipality requesting a Determination of Energy Compliance -must submit

- ◆ A summary of how the plan meets the Energy Planning Standards for Municipal Plans. A checklist containing the standards can be downloaded from the Department of Public Service Website:
<http://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards>

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

The general process is as follows:



1. Initial Staff Review – Staff will initiate informal plan reviews approximately 18-24 months prior to the expiration of each municipal plan. Staff will share these reviews with Municipal Staff, Municipal Planning Commissions and the PAC. This review shall also function as one of the two required consultations within an 8-year period (§4350(a)), and will include a review of progress made on the existing plan's implementation program. When initial reviews are completed, CCRPC staff will provide the reviews to the CCRPC Board representatives and alternates from the municipality being reviewed, as well as its adjoining municipalities. This will ensure that municipalities are aware that their neighbors are beginning a plan update and provide an opportunity for neighboring municipalities to become involved early in the process.

The municipality may also request staff and/or PAC review of their draft Plan at any point in the Plan development process prior to the formal review described below. This allows the municipality to gain detailed feedback and suggestions from staff and the PAC while there is still time to incorporate it.

CCRPC receives 30-day Planning Commission public hearing notice for Town Plan amendments. If not concurrent with the municipal request for approval as described in Step 2 below, CCRPC staff will review the draft plan and provide an informal Staff recommendation to both the Planning Advisory Committee (PAC) and the municipal Planning Commission in time for their public hearing. The CCRPC Board will be cc'd on the informal Staff recommendation.

2. Planning Advisory Committee Review of Draft Plan – In accordance with 24 VSA §4385(c) the municipal request for approval from the RPC may be before or after adoption of the plan by the municipality, at the option of the municipality. However, CCRPC would prefer if the formal request is made 120 days before the current municipal plan expires to aid with CCRPC review scheduling. Upon receipt of the formal review request, Staff will review the plan.

Staff will schedule the formal plan review for the next available PAC meeting (and hold the required public hearing at this meeting if there is adequate time to warn the hearing). The CCRPC Commissioner and Alternate Commissioner from the municipality and Commissioners/Alternate Commissioners from the municipality's neighboring municipalities will be invited to participate in this formal PAC Review.

The PAC will provide its written recommendation to CCRPC and the municipality. If the PAC recommends that the plan not be approved because of deficiencies, the municipality may address that recommendation at the full CCRPC Board or agree to rectify the deficiencies and resubmit its plan for PAC review. The PAC review will serve as the second of the two consultations required every eight years by 24 VSA §4350(a).

3. CCRPC Review and Action CCRPC will hold a public hearing (if not held under Step 2) and consider the recommendation of the PAC at a regularly scheduled meeting. Scheduling of this meeting will occur in consultation with the municipality. The municipality may attend the CCRPC meeting and voice its positions related to the PAC's recommendation.
 - a. The CCRPC may approve or not approve the municipal plan. 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.
 - b. Pursuant to 24 VSA 4350 (f) 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.

If CCRPC 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. ~~The municipality may appeal the decision in accordance with 24 VSA 4476.~~

The CCRPC forwards a copy of its resolution of approval to the Department of Economic, Housing and Community Development and the municipal clerk.

Expiration - The CCRPC's approval of the plan will remain in effect until the plan expires, which will occur eight years after the plan is adopted by the municipality.

CCRPC Review Process for Granting an Affirmative Determination of Energy Compliance

- 1) Once a readopted or amended municipal plan with an enhanced energy element has been adopted, a municipality shall request CCRPC to issue a Determination of Energy Compliance. The municipality shall submit a summary of how the plan meets the Energy Planning Standards for Municipal Plans in the form of the Department of Public Service's checklist, which can be downloaded from the Department of Public Service Website: <http://publicservice.vermont.gov/content/act-174-recommendations-and-determination-standards>
- 2) Staff will review the plan against the Energy Planning Standards for Municipal Plans and make a recommendation to the PAC.
 - a. If a municipality is seeking a Determination of Energy Compliance at the same time as it is seeking CCRPC approval of the plan and confirmation of the planning process, compliance with the Energy Planning Standards will be reviewed during the PAC review as described in Step 2, and the public hearing will be held following the public hearing on the full plan. If the energy element of the plan meets the requirements of 24 VSA §4348a(a)(3) but does not meet the more stringent Energy Planning Standards, the PAC may recommend approval and confirmation of the plan, but not recommend granting an affirmative Determination of Energy Compliance.
 - b. A municipality may seek a Determination of Energy Compliance based on plan amendments without readopting its plan. If a previously approved plan with a confirmed planning process has been amended to meet the Energy Planning Standards but has not otherwise been changed to meet any revisions to planning statute, the PAC will review the energy section(s) of the plan. The CCRPC may grant an affirmative Determination of Energy Compliance to the amended plan without re-approving the plan or confirming the planning process. This will grant the municipality the benefits of having an enhanced energy plan, but will not change the expiration date of the plan.
- 2)3) CCRPC will hold a public hearing (if not held during PAC review) and consider the recommendation of the PAC at a regularly scheduled meeting. Scheduling of this meeting will occur in consultation with the municipality. The municipality may attend the CCRPC meeting and voice its positions related to the PAC's recommendation. If the municipality is seeking confirmation and approval of the plan at the same time, CCRPC will review both issues during the same meeting.
- a. Per 24 VSA §4352, the CCRPC may grant an affirmative determination of energy compliance. CCRPC must grant or not grant an affirmative determination of energy compliance within two months of CCRPC's

receipt of the adopted plan pursuant to 24 VSA 4385. Pursuant to 24 VSA 4350 (f), CCRPC's decisions to grant an affirmative Determination of Energy Compliance must be made by a majority vote of the Commissioners representing municipalities in accordance with CCRPC's bylaws.

If CCRPC does not grant an affirmative determination of energy compliance, 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.

The CCRPC forwards a copy of its resolution of approval to the Department of Public Service and the Municipal Clerk.

Expiration - The CCRPC's determination of energy compliance will remain in effect until the plan expires, which will occur eight years after the plan is adopted by the municipality.

Amending an Un-Expired Plan

With the clarification in Act 90 that an amendment to a plan does not affect or extend the plan's expiration date (24 VSA §4385(d)), CCRPC has a simplified review process for plan amendments. Upon request, CCRPC will review plan amendments to ensure that the amendment would not alter or risk the municipality's standing plan approval and confirmation status. —

Materials to Submit

A municipality requesting CCRPC to review an amendment to a municipal plan needs to provide the following materials to CCRPC:

- ◆ A letter from the municipality requesting CCRPC to review its plan amendment and briefly describing the amendment and the reason for amending (a sample letter is available from CCRPC staff);
- ◆ An electronic copy of the amended section/chapter in its entirety with the changes clearly indicated. It is not necessary to send a copy of the full plan.

CCRPC Review Process for Reviewing an Amended Municipal Plan

1. The municipality will contact CCRPC staff to inform staff of the intent to amend an unexpired plan that has been previously approved and for which the planning process has been confirmed.
2. Upon receipt of the amendment review request, Staff will review the amended section(s) of the plan to determine whether the section(s) continue to meet the required elements and goals related to the amended section(s), and consistency with the Regional Plan.
 - a. If staff determines that the proposed amendments do not need to be formally reviewed by the PAC and the CCRPC, following staff review, staff will provide a letter stating that the plan amendment does not impact the municipality's standing plan approval and planning process confirmation, ~~or does not~~. If not, Staff will provide recommendations to address the issues of concern. Staff will distribute the proposed amendments and the letter to the PAC for information.
 - b. If staff are concerned that the amendments may impact the municipality's standing plan approval and planning process confirmation, or have any other concerns, Staff will ask the PAC to review the amendment.
 - c. If the municipality would prefer formal CCRPC approval of the plan amendment, CCRPC will conduct a formal review upon request and follow the full process for readoption of a plan described above.
3. The CCRPC will forward a copy of this letter to the Department of Economic, Housing and Community Development, the PAC, and the municipal clerk.

DRAFT

Guidelines and Standards for Reviewing Act 250 and Section 248 Applications

*Adopted by the Chittenden County Regional Planning Commission January 26, 2004
Amended by the Chittenden County Regional Planning Commission: September 26, 2005,
September 19, 2012, ~~and~~ October 16, 2013 and July X, 2018*

CCRPC Participation in the Act 250 Process

INTRODUCTION

History of Act 250

Vermont experienced new growth in the 1960's, which brought many important planning issues to the forefront. This period of new growth was characterized by the following:

- Completion of Interstate Highway 89 and the southern Vermont section of Interstate Highway 91;
- IBM locating a primary facility in Essex Junction; and
- A growing tourist industry.

Vermonters are sensitive to the link between the natural and human environments. Many people were concerned that this link was threatened and, in the absence of a mechanism to protect or strengthen this relationship, development was proceeding apace. The steadfastness of concerned Vermont natives began to gain recognition with the State government in the late 1960's.

Prior to *Act 250*, there were no State-level environmental regulations or land use controls in Vermont. In 1970, Vermont enacted the *Land Use and Development Law* (commonly known as *Act 250*). That law created nine District Commissions and an Environmental Board tasked to review development applications based on 10 criteria specified in *Act 250*.

Why Does CCRPC Review Act 250 Applications?

CCRPC reviews *Act 250* development applications as part of an effective regional planning process for the betterment of Chittenden County. Each of Vermont's eleven Regional Planning Commissions is a party by right which may appear and participate in the *Act 250* proceeding of a proposed development whose site is located either in or on the boundaries with a municipality that is a member of that Regional Planning Commission ["Act 250 Environmental Board Rule 14(A)(3)"]. In addition, pursuant to 24 V.S.A. § 4345a(13) all RPCs "shall appear before district environmental commissions to aid them in making a determination as to the conformance of developments and subdivisions with the criteria of 10 V.S.A. § 6086."

CCRPC REVIEW PROCESS

In General

The CCRPC's Executive Committee ("EC") and designated CCRPC staff are responsible for the review of *Act 250* applications.

CCRPC staff shall initially review each application before the District 4 Environmental Commission (with specific attention given to those applications going to a hearing) for the purpose of identifying for the EC:

1. whether the proposed project is or is not in conformance with the provisions of the current *Chittenden County ECOS Plan*- (hereafter referred to as the Regional Plan), with specific attention given to the Planning Areas section of the Regional Plan; and
2. whether the proposed project fails to comply with one or more of the 10 Act 250 criteria, 10 V.S.A. §§ 6086 (a) (1) through (10), with specific attention paid to the criteria dealing with transportation and/or traffic and the other criteria within CCRPC's expertise based on approved technical reports and/or on in-house technical expertise or expert opinion of individuals consulted by in-house staff; and -
3. whether the proposed project avoids known constraints or minimize impacts to possible constraints identified in the Regional Plan. The constraints are identified in the current *Regional Plan* and are based on statewide or local policies that are currently adopted or in effect. Because these constraints are protected at the state and local level already, CCRPC will defer to the relevant municipality or state agency with jurisdiction over the constraint.

More detailed descriptions of each constraint are available in Appendix A: Local Constraint Language. This appendix will guide CCRPC in providing comments and participating in hearings before the District Environmental PUC Commission.

CCRPC Actions

The EC may take action on an application only if there is an affirmative vote by the majority of those present. In the absence of such an affirmative vote, the EC and Executive Director will jointly bring the matter forward to the full CCRPC Board for action. To the best of our ability we will take action within a posted meeting – however, if participation is required before a meeting of either the EC or the full CCRPC Board can be held Staff will send the letter to Act 250 only if no objections have been heard from the Executive Committee. Formal review and action will be taken on the letter at the first available meeting following submittal of the letter.

CCRPC staff shall review all applications as required by 24 V.S.A. § 4345a(13) (with specific attention given to those applications going to a hearing) and will recommend one or more of the following actions to the EC:

Letters: The EC may submit one or more letters to the District Environmental Commission or Environmental Division of Vermont Superior Court to represent the position of CCRPC that accomplish one or more of the following purposes:

- Request clarification of specific matters in the application,
- Indicate if the proposed development is in conformance with the current Regional Plan, or

The Full CCRPC Board may submit one or more letters to the District Environmental Commission or Environmental Division of Vermont Superior Court to represent the position of CCRPC that accomplish one or more of the following purposes:

- Indicate if the proposed development is not in conformance with the current Regional Plan, or
- Indicate if the proposed development does not comply with one or more of the ten Act 250 criteria, or
- Request a hearing.

Hearings: If the EC determines it is beneficial for CCRPC to actively participate in a District Environmental Commission hearing, the EC will designate the Executive Director, CCRPC staff, or an EC member to attend and represent CCRPC at the District Environmental Commission hearing.

Pre-Submission and Post-Submission Discussions

In order to improve the likelihood that a project will be consistent with the Regional Plan, CCRPC staff shall have a discussion with the Planning and/or Zoning staff of its member municipalities at the Planning Advisory Committee (PAC) meetings on at least a quarterly basis and inquire if any new projects currently under municipal planning and zoning review appear likely to have an Act 250 hearing. When CCRPC staff learns of such a project, CCRPC staff shall request a meeting with municipal staff and the project applicant, so that any regional issues, concerns or potential impacts may be identified and addressed at the earliest stages. These discussions are intended to provide information and not formulate CCRPC's position on specific applications.

Appeals

The Environmental Division of Vermont Superior Court is responsible for reviewing appeals of District Environmental Commission rulings. Before CCRPC may be a party in an appeal of a District Environmental Commission decision to the Environmental Division of Vermont Superior Court (either to contest a District Environmental Commission decision or to support a District Environmental Commission decision that is contested by others), the Commission must approve such action, following recommendations made by the Executive Committee. Before CCRPC may be a party in an appeal of an Environmental Division of Vermont Superior Court decision to the Vermont Supreme Court (either to contest an Environmental Court decision or to support an Environmental Court decision that is contested by others), the Commission must approve such action, following recommendations made by the Executive Committee.

CCRPC Participation in the Section 248 Process

INTRODUCTION

The Vermont Public ~~Service Board~~Utilities Commission (“~~PSB~~PUC”) is a State quasi-judicial board with jurisdiction over public utilities, cable television, water utilities, electric utilities, water carriers, gas utilities, telephone utilities, and resellers of telephone services, as described in 30 V.S.A. § 203. An entity that proposes to construct certain types of new/renovated gas or electric facilities must obtain a Certificate of Public Good from the ~~PSB~~PUC pursuant to 30 V.S.A. § 248. The ~~PSB~~PUC may not issue a Certificate of Public Good unless it finds (among other conditions) that the “...facility 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.” 30 V.S.A. § 248(b)(1). In addition, 24 V.S.A. § 4345a(14) requires regional planning commissions to “appear before the public service board to aid the board in making determinations under 30 V.S.A. § 248.”

The Regional Plan received a Determination of Energy Compliance from the Public Service Department on August X, 2018. This means that the PUC should give the plan “substantial deference.” “Substantial deference” means that a land conservation measure or specific policy shall be applied in accordance with its terms unless there is a clear and convincing demonstration that other factors affecting the general good of the State outweigh the application of the measure or policy. The known and possible constraints and suitability policies identified in the Regional Plan will receive substantial deference in PUC proceedings.

More detailed descriptions of each constraint are available in Appendix A: Local Constraint Language. This appendix will guide CCRPC in providing comments and participating in hearings before the PUC.

CCRPC REVIEW PROCESS

Criteria for CCRPC Review

In reviewing petitions for Certificates of Public Good, CCRPC will focus its review on:

1. Compliance or non-compliance of the petition or plan for the proposed facility with the provisions of the current Regional Plan, with specific attention given to the Planning Areas section of the Regional Plan; ~~or~~and
2. Whether the proposed facility will or will not unduly interfere with the orderly development of the region. While the statute does not provide specific criteria for review (such as the 10 Act 250 criteria), CCRPC will review the petition with specific attention paid to transportation and/or traffic, the suitability policies identified in the -Regional Plan, and the other criteria within CCRPC’s expertise based on approved technical reports and/or on in-house technical expertise or expert opinion of individuals consulted by in-house staff; and.
3. Whether the proposed facilities avoid known constraints or minimize impacts to possible constraints identified in the Regional Plan. The constraints are identified in the current Regional Plan and are based on statewide or local policies that are currently adopted or in effect. When constraints are already protected at the state level or in a municipality with a plan that has received a Determination of Energy Compliance, CCRPC will defer to the relevant municipal or state agency review of the constraint. When a constraint is protected at

the municipal level in a municipality with a plan that has not received a Determination of Energy Compliance, in consultation with the municipality CCRPC will review whether known constraints are being avoided and whether impacts to possible constraints are being minimized.

During review, CCRPC may also ask for clarification of specific matters in the petition or plan for the proposed facility.

CCRPC RECOMMENDATIONS TO THE PUC DURING THE 45-DAY NOTICE PERIOD

At least 45 days before filing a Section 248 petition with the Commission, an applicant must provide advance notice of the proposed project to the municipal and regional planning commissions and the municipal legislative bodies in the town where the project will be located.

A regional planning commission must make any recommendation to the PUC and to the petitioner within 40 days of the submittal of the advanced notice. CCRPC will make such recommendations after staff review and EC approval.- Although § 248 is silent with respect to the nature of a regional planning commission's recommendations, CCRPC's policy is that any recommendations made by CCRPC will be expressed in a letter that provides the PUC and the petitioner with information about CCRPC's preliminary determination on the review criteria identified above, along with requests for any additional information needed to make that determination.

CCRPC PARTICIPATION AFTER A PETITION FOR A CERTIFICATE OF PUBLIC GOOD IS FILED

When a Petition for a CPG is filed, CCRPC will review the Petition in light of any comments submitted during the advance notice period. CCRPC may:

1. Hold a CCRPC hearing
2. Submit comments during a PUC hearing
3. Intervene in a PUC hearing and becoming a party to the case
4. Request a hearing.

During any step, CCRPC may request that the Department of Public Service exercise its authority to retain experts and other personnel to review the proposed facility.

CCRPC Hearing

Although 30 V.S.A. § 248(f) specifically authorizes regional planning commissions to hold a public hearing on the plan for the proposed facility that is the subject of a §248 petition, it does not specify any additional details on the nature or requirements of such a hearing. It is CCRPC's policy to limit the hearing to requesting more information or presenting of evidence regarding the review criteria identified above. CCRPC shall attempt to hold its public hearing at locations and times that are convenient to members of the public who are most likely to be interested in the outcome of the petition.

Submitting Comments during a PUC Hearing

When notified of a hearing before the PUC, CCRPC staff will make a recommendation to the Executive Committee (EC) regarding the petition, with a particular emphasis on any issues raised during the advance notice period. If all issues have been adequately addressed, CCRPC will submit comments stating that and will not participate further.

Intervening in PUC Hearings

When notified of a hearing before the PUC, CCRPC's Executive Committee (EC) and staff will review the petition, with a particular emphasis on any issues raised during the advance notice period. If issues raised in the advance notice period have not been addressed, CCRPC's EC and staff will work with the affected municipality to determine whether further participation is needed.

CCRPC may intervene in a PUC hearing. The EC has the authority to decide that it is beneficial for CCRPC to intervene in a PUC hearing, or the EC may decide to bring the decision to the full CCRPC Board. If the CCRPC Board agrees, it shall designate a representative to attend and represent CCRPC at the Public Service Board hearing.

To participate in a **PSBPUC** hearing beyond providing comments on the petition (as noted above), CCRPC must be granted "intervenor status" by the **PSBPUC**. Although 30 V.S.A. § 248 does not automatically recognize that regional planning commissions are parties in **PSBPUC** hearings, the current practice of the **PSBPUC** is to allow entities that receive copies of the application according to 30 V.S.A. § 248(4)(C) an opportunity to submit a request to be named as a party when they file a Notice of Appearance. If CCRPC deems that it is necessary to participate in hearings governed by 30 V.S.A. § 248, it shall accompany its Notice of Appearance submission with a letter requesting Intervenor Status. If this request is denied and CCRPC continues to deem it necessary to participate, CCRPC may submit a Motion to Intervene.

CCRPC's participation in a PUC hearing will be limited to the review criteria identified above.

Requesting a PUC Hearing

When notified that a petition has been submitted to the PUC, CCRPC will review the petition in consultation with the affected municipality, with a particular emphasis on any issues raised during the advance notice period. If the issues raised have not been addressed and a hearing has not been scheduled, CCRPC is able to request a hearing. The EC has the authority to decide that it is beneficial for CCRPC to request a PUC hearing, or the EC may decide to bring the decision to the full CCRPC Board. If the CCRPC Board agrees, it shall designate a representative to attend and represent CCRPC at the Public Service Board hearing.

DETERMINING PREFERRED SITES FOR SOLAR GENERATION FACILITIES

Vermont's net metering rules (5.100 Rule Pertaining to Construction and Operation of Net-Metering Systems) allows Regional Planning Commissions and municipalities to identify preferred sites for net metering projects by identifying a preferred site in a joint letter of support from the municipal legislative body and the municipal and regional planning commission. Upon request, CCRPC's Executive Committee and staff will review the site's consistency with the review criteria identified above. CCRPC will participate in a joint letter if the criteria are met.

[NOTE: this process may change based on legislative changes in the 2018 session.]

CCRPC Policies Related to Both Act 250 and Section 248 Participation

ACT 250/SECTION 248 MONTHLY REPORTS

The EC shall use its monthly draft minutes to the full Commission to provide information pertaining to Act 250 and Section 248 applications in which a letter and/or testimony was submitted. In addition, the letters will be presented to the full Commission in the monthly meeting packets. For each application the EC minutes shall identify:

- 1) the project name, location, and a brief description,
- 2) note any hearing dates on the project, and
- 3) any actions the EC decided to exercise.

CONFLICT OF INTEREST

Real or apparent conflicts of interest will be guided by *CCRPC Bylaws, Article XII Resolving Conflicting Interests*.



April 16, 2018

Re: Transportation Board Aviation Rules

Dear Municipal, State, Planning, and Federal Officials and Members of the Aviation Community:

The Vermont Transportation Board over the past few years has experienced a steady stream of permit applications pursuant to 5 V.S.A § 207 to site helicopter landing areas and other aviation facilities for private use. Some of these applications proposed to locate a helipad within a residential neighborhood or close to a village setting, while others proposed a facility in more private locations. In every case, the host municipality had no local regulations – zoning or otherwise – with which to review such an application, leaving only the Transportation Board with regulatory authority.

Both statute and rules that govern the Board's review of these facilities were written long ago and provide little guidance on how the Board is to consider such applications other than that an application be supported by "a showing that the proposed facility has received municipal approval" and the mandate that the Board "consider and determine whether in the public interest the application ought to be granted." Neither statute nor the Board's rules, however, define "municipal approval" or "public interest." The Board also recognizes that many municipalities do not have a process for municipal approval of these facilities. We encourage all cities and towns to consider adopting such a process.

As a result, the Board is considering revising its rules that pertain to aviation facilities, including those rules that govern private helipads, seaplane landing sites, and private airstrips. Given the increasing number of applicants wishing to site these facilities where neighboring property could be affected, the Board seeks input that will help guide its discussions and decision making prior to embarking on the formal rule-making process.

A copy of the current statutes and rules that govern applications for new aviation facilities is attached to this letter. Should you wish to provide input on how the Board's rules could be revised, the Board requests that you provide such guidance, in writing, by July 1, 2018. Electronic proposals can be submitted to john.zicconi@vermont.gov, while snail mail proposals can be addressed to 14 Baldwin Street, Montpelier, VT 05602.

Should you have questions, please feel free to contact my office.

Sincerely,

A handwritten signature in black ink, appearing to read "J. B. Zicconi".

John B. Zicconi
Executive Secretary
Vermont Transportation Board
john.zicconi@vermont.gov

5 V.S.A. § 207

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*** Statutes current through the 2011 session ***

TITLE FIVE. AERONAUTICS AND SURFACE TRANSPORTATION GENERALLY
PART 2. AERONAUTICS
CHAPTER 9. GENERAL PROVISIONS

5 V.S.A. § 207 (2012)

§ 207. Registration; licenses, certificate of approval

(a) The board is authorized to approve airport and restricted landing area sites or other air navigation facilities in accordance with rules to be adopted by the board. Certificates of approval shall be granted for airports and restricted landing areas which were being operated on or before July 1, 1945.

(b) [Redesignated.]

(c) All proposed airports, restricted landing areas, and other air navigation facilities shall be first approved by the board before they are used or operated. A municipality or person proposing to establish an airport, restricted landing area, or a seaplane landing area shall make application to the board for a certificate of approval of the site selected and the general purpose or purposes for which the airport, restricted landing area, or seaplane landing area is to be established to insure that it shall conform to minimum standards of safety and shall serve public interest. A municipality or officer or employee or any person shall not operate an airport, restricted landing area, seaplane landing area, or other air navigation facility for which a certificate of approval has not been issued by the board.

(d) The application for a certificate of approval of the site selected shall be in writing and substantially describe the property involved and the general purposes for which it is to be acquired and the manner in which the acquisition is asserted to serve the public interest. The application shall designate the names of all owners or persons known to be interested in lands adjoining the property and their residences, if known, and shall contain such further matter as the board by rule shall determine. The application shall be supported by documentation showing that the proposed facility has received municipal approval. After evaluating the application, the board shall issue its order giving notice of the time and place of hearing on the application. The applicant shall give notice of the proceedings to all persons owning or interested in adjoining lands by delivery of a true copy of the application and order for hearing by registered or certified mail to the last known address of each of the persons; the notice to be mailed at least 12 days prior to the date of the hearing. Notice of the hearing and a general statement of the purpose shall be published at least once in a newspaper of common circulation in the town where the property described in the application is situated at least two days before the date of the hearing, and a similar notice

shall be posted in a public place at least twelve days before the hearing. Upon compliance by the applicant with the foregoing provisions for notice, the board shall hear the applicant and all parties interested on the question of approval of the site or sites and shall consider and determine whether in the public interest the application ought to be granted. Whenever the board makes an order granting or denying a certificate of approval of an airport, or a restricted landing area, approval to use or operate an airport or a restricted landing area or other air navigation facility, an aggrieved person may have the decision reviewed on the record by the superior court pursuant to Rule 74 of the Vermont Rules of Civil Procedure.

(e) In determining whether it shall issue a certificate of approval for the location of any proposed airport or restricted landing area, the board shall take into consideration the agency's recommendations, the proposed facility's location, size, and layout, the relationship of the proposed airport or restricted landing area to a comprehensive plan for statewide and nationwide development, existence of suitable areas for expansion purposes, absence of hazardous obstructions in adjoining areas based on a proper glide ratio, the nature of the terrain comprising the airport location and adjoining areas, the nature of the uses to which the proposed airport or restricted landing area will be put and the possibilities for future development, and shall determine that the use will serve the public interest.

(f) Prior to the beginning of aeronautics operations on the site approved, the owner of the site shall apply to the board for operational approval of the airport. In granting operational approval, the board shall take into consideration the agency's recommendations, the length, width, and smoothness of landing strips, longitudinal and transverse grade of the strips, freedom of the usable area from hazardous soil and surface conditions, absence of hazardous obstructions in approach zones, establishment of a suitable wind direction indicator, and other matters pertinent to the character of operations proposed to be undertaken at the subject airport, and shall determine that the proposed use of the site will serve the public interest.

(g) Unless determined otherwise by the board, the hearing provisions of subsection (d) of this section shall not apply to helicopter landing areas, ultralight landing areas, and restricted landing areas designed for personal use.

(h) In emergency circumstances, the agency may suspend temporarily, and in nonemergency circumstances, the board may revoke both temporarily and permanently, any certificate of approval when it shall determine that an airport, restricted landing area, or other air navigation facility is not being maintained or used in accordance with the provisions of this chapter and the rules promulgated. A person aggrieved by a temporary suspension issued by the agency may appeal to the board within 30 days of the agency's decision. Unless otherwise ordered by the board, the temporary suspension shall remain in effect pending final determination of the appeal.

(i) The provisions of subsections (e) to (g) of this section, inclusive, shall not apply to any airport, restricted landing area, or other air navigation facility owned and operated by an agency of the federal government within this state.

TRANSPORTATION BOARD RULES REGARDING AIRPORTS AND HELIPADS

PART III AIRPORTS AND RESTRICTED LANDING AREAS

3.01 License. Every airport and restricted landing area, before operating as such, shall be approved and licensed by the Board.

3.02 Duration and renewal. The license issued under this section shall be effective until revoked.

3.03 Display. The license issued under this section shall be posted in a prominent place at the airport.

3.04 Letter of authority. Upon application from the owner of an airport or the operator of an airport affected by provisions of Part IV or Part V, a letter of authority granting temporary or restricted operation may be issued by the Agency pending full compliance with the provisions of these rules and regulations.

3.05 Inspection. The applicant for any license shall offer full cooperation in respect to any inspection and examination which may be made of the applicant upon proper demand at reasonable hours by any authorized representative of the [Board] Agency prior to or subsequent to the issuance of a license.

3.06 Separation. All airports and landing fields shall be so located and spaced one from the other that their flight pattern and approach areas will not in any way conflict or overlap.

PART IV PROCEDURE FOR APPROVAL OF AIRPORT

4.01 Application for approval of airport site. A municipality or person proposing to establish an airport, restricted landing area, or a sea plane landing area, shall make application to the [Board] Agency for a certificate of approval of the site selected and the general purpose of purposes for which the airport, restricted landing area, or seaplane landing area is to be established. The Agency shall inspect the site to insure that it [shall] will conform to minimum standards of safety and [shall] serve the public interest[.] , and recommend action by the Board.

4.02 Description of site. Such application for a certificate of approval of the site selected shall be in writing and substantially describe the property involved and the general purposes for which it is to be acquired and the manner in which such acquisition is asserted to serve the public interest. Such application shall designate the names of all owners or persons known to be interested in lands adjoining such property and their residences, if known, and shall contain such further matter as the [Board] Agency by rule or regulation from time to time shall determine.

4.03 Order for hearing. Upon filing of such application, and on request from Agency, the Board shall issue its order giving notice of the time and place of hearing on said application.

4.04 Notification by applicant. The applicant shall give notice of such proceedings to all persons owning or interested in adjoining lands by delivery of a true copy of such application and order for hearing by certified mail to the last known address of each of such persons, said notice to be mailed at least twelve days prior to date of hearing.

4.05 Publication of notice. Notice of such hearing and a general statement of the purpose thereof shall be published at least once in a newspaper of common circulation in the town where the property described in the application is situated at least two days before the date of such hearing, and a similar notice shall be posted in a public place at least twelve days before such hearing.

4.06 Hearing. Upon compliance by the applicant with the foregoing provisions for notice, the Board shall hear the applicant and all parties interested, including the Agency, on the question of approval of such site or sites and shall consider and determine whether in the public interest the application ought to be granted.

4.07 Appeal. Whenever the Board makes an order granting or denying a certificate of approval of an airport or a restricted landing area, approval to use or operate an airport, restricted landing area or other air navigation facility, a person aggrieved thereby may appeal therefrom as hereinafter provided.

4.08 Criteria for airport site. In determining whether it shall issue a certificate of approval for the location of any proposed airport or restricted landing area, the Board shall take into consideration its proposed location, size and layout, the relationship of the proposed airport or restricted landing area, to a comprehensive plan for statewide and nationwide development, existence of suitable areas for expansion purposes, absence of hazardous obstructions in adjoining areas based on a proper glide ratio, the nature of the terrain comprising the airport location and adjoining areas, the nature of the uses to which the proposed airport or restricted landing area will be put and the possibilities for future development, and shall determine that such use will serve the public interest.

4.09 Operational approval. Prior to the beginning of aeronautic operations on the site approved, the owner of such site shall apply to the [Board] Agency for operational approval of the airport.

4.10 Criteria for approval. In granting such operational approval the [Board] Agency shall take into consideration the length, width and smoothness of landing strips, longitudinal and transverse grade of such strips, freedom of the usable area from hazardous soil and surface conditions, absence of hazardous obstructions in approach zones, establishment of a suitable wind direction indicator, and other matters pertinent to the character of operations proposed to be undertaken at the subject airport, and shall determine that the proposed use of such site will serve the public interest.

4.11 Approach obstructions. The approach and turning zones within the airport traffic pattern shall be clear of hazards as defined by prevailing FAA standards for airports of a like

size, type, and use, except that where hazards exist the Board may license the airport for restricted use under such terms and conditions as they deem advisable, consistent with safety and in the public interest.

4.12 Expiration of airport approval. If physical preparation of an approved airport or a seaplane landing area site has not begun within one year following issuance of approval by the Board of such site, the rights, privileges, and authority conveyed to the applicant therein shall be terminated, and any further request for use of such site shall be deemed by the Board as a new application; provided, that the Board shall notify the applicant 30 days prior to expiration of the approval.

4.13 Two year limit. At the end of two years after date of issuance of an airport or seaplane landing area site approved by the Board, such approval will be deemed as terminated if the airport or seaplane landing area has not complied with requirements for operations approval as set forth in Sections 4.09 and 4.10.

4.14 Helicopter landing areas and personal landing areas. The provisions of subdivision 4.03 - 4.08 shall not apply to helicopter landing areas or restricted landing areas designated for personal use[.] unless recommended otherwise by Agency.

4.15 Revocation of airport approval or license. The Board may revoke, temporarily or permanently, any certificate of approval issued by it when it shall determine that an airport, restricted landing area, or other air navigation facility is not being maintained or used in accordance with the provisions of this chapter and the rules and regulations lawfully promulgated pursuant thereto[.] or with the conditions stated in such certificate of approval.

4.16 Federal facilities exempt. The provisions of subdivisions 4.03 through 4.15 inclusive, shall not apply to any airport, restricted landing area or other air navigation facility owned or operated by an agency of the federal government within this state.

4.17 Abandonment of airport. When it is determined by the [Board] Agency that use and maintenance of an airport or personal landing area has been abandoned, and that such airport or personal landing area is no longer suitable for safe use, except in emergency, the [Board] Agency shall notify the owner or owners and if such condition is not corrected within 30 days it then shall revoke the license, approval, permit or letter of authority issued [by it] to such airport.

4.18 Closed field symbol. When such notice has been issued to an owner, he shall [permit the Board to] display a suitable "closed field" symbol [when] on the former airport area for the succeeding period of three months, provided that the use to which the airport area may be put by the owner does not make its abandonment evident to air traffic.

4.19 Notification. [to other airports.] When [such] action under paragraph 4.17 has been taken by the [Board, it shall notify all other airports of record in this state.] Agency involving a public use airport the FAA will be notified.

4.20 Reinstatement. An airport which pursuant to regulation 4.17 has been classified "abandoned" may at any time within two years of the date of such classification be reinstated as a licensed airport, provided application is made therefor and evidence is presented to the [Board] Agency satisfying it that such airport complies with the requisite standards for airports contained in [the] these regulations [of the Board] applicable to the type of operation at such airport under its original license.

4.21 Seaplane base site approval. A [license] certificate for the [operation] location of a seaplane base as a commercial airport on any body of water in this state will be granted when all the conditions required of an airport as stated in Part VII (except where changed or inconsistent with this section) have been complied with and in addition thereto it is shown that it has met the following requirement

A. Operation. In case the body of water to be used for landing and take-off is under the jurisdiction of any federal, state, municipal port or other authority, the flight operations on such body of water shall be in conformity with the marine traffic rules and regulations of such authority.

B. Size. The body of water shall have a landing area of sufficient length and width, and the approaches thereto shall be sufficiently clear of obstructions to safely accommodate the landing and take-off characteristics of the type of aircraft to be used thereon. The license issued under this section may be subject to such restrictions and limitations as the Board may determine to be required in the interest of safety and the public interest.

C. Boundary markers. The outline of that part of the area available for landing and take-off and taxiing, when required in the interest of safety, shall be marked as prescribed by the [Board] Agency or as may be required by the marine traffic rules and regulations of the authority having justification.

4.22 Use. The use of such water by seaplanes shall in no way impair or deny the right of the public to the use of public waters.

4.23 Minimum seaplane base facilities. Every seaplane base shall have, in addition to the facilities required of a commercial airport as stated, where applicable, the following minimum service facilities.

A. At least one life preserver of the ring or throwing type with sufficient line attached shall be kept available on the ramp or dock.

B. A power propelled boat (may be an outboard motor) shall be immediately available at all times that flights are in progress.

C. A dock or float, suitable for the type of seaplane using the base, shall be so located as to afford the maximum degree of safety in taxiing approach.

D. Suitable beaching facilities for the type of aircraft using the base. Where an adequate

ramp is maintained, the dock or float may be omitted.

E. At least one mooring anchor and buoy, so located that it may be safely approached from any direction, and of sufficient weight and strength to hold any seaplane using the base in any anticipated wind condition.

F. An adequate supply of lines for heaving, towing, securing, or rescuing operations shall be kept available.

PART VI PERSONAL LANDING AREA

6.01 Personal landing area. A personal [or private] landing area may be approved by the Board when application has been made to-the [Board] Agency prior to any construction or operation and it is shown that compliance is made with the following requirements:

A. Hazards. It can [safely] reasonably be used for the purpose intended and does not impose undue hazards upon adjoining property or its occupants, or endanger the users or use of existing surface communication.

B. Operation. It does not interfere with the safe operation of any public airport or with the safety of any state or federal airway.

C. Local Government Approval. The landing area is in conformance with the requirements of the local government in which situated with respect to land use [zoning] or has the approval of the local governing body.

6.02 Use. A personal landing area shall not be used by a person having less than 15 hours solo flight time.

6.03 Helicopter Landing Area. Approval of helicopter landing areas will be governed by 6.01 and 6.02 herein.

6.04 Ultra Light Aircraft Landing Areas. Approval of landing areas for use by an airman operating aircraft classified as Ultra lights by the FAA will be governed by 6.01 herein.

PART VII MAINTENANCE AND OPERATION

7.01 Criteria for maintenance. After a license or approval for an airport or landing area is issued as herein provided, it shall be so operated and maintained at all times as to meet the requirements and regulations for the original issuance of the particular license, amendments thereto, and applicable rules and regulations issued by the Agency or Board.

7.02 Boundary markers. The outline of the exterior boundary of the entire area available and suitable for landing and take-off shall be marked as prescribed by the [Board] certificate, license or letter issued hereunder.

7.03 Marking of unsafe areas. Any parts of the landing area of a licensed airport temporarily unsafe for landing or which are not available for use, shall be clearly marked with yellow flags of sufficient size to draw attention readily and so placed as to show the boundary of the dangerous area; and in the case of fields licensed for night flying, the boundary of such dangerous area shall be clearly marked between sunset and sunrise with red lanterns.

7.04 Reporting of unsafe conditions. The owner of a licensed airport or landing area shall immediately report to the [Board] Agency any unsafe or hazardous conditions.

7.05 Hazards. All hazards in the approach zone or along the boundary of [an] a licensed airport shall be painted or marked as required by [the Board] or in accordance with such FAA standards as may be applicable.

7.06 Vehicular equipment. No vehicular equipment, such as trucks, mowing machines, graders, rollers, etc., shall be permitted on the landing area without permission of control tower or airport operator, and then shall be clearly marked in a prescribed manner to draw attention readily to the hazard.

7.07 Fencing. Such fencing or barriers shall be constructed as will prevent all persons not engaged in flight activities from having access to a position of danger with relation to aircraft on the field.

7.08 Fire and rescue equipment. Each commercial airport shall have such fire and rescue equipment as may be prescribed from time to time by the [Board] FAA.

7.09 Grass and vegetation. Grass and vegetation on the landing area within the boundary markers shall not be permitted to attain a height that will be an operating hazard. An average height of more than eight inches (8") will be considered hazardous.

7.10 Pasturing. Pasturing or grazing of livestock on licensed airports is prohibited.

7.11 Flight of model aircraft. No model aircraft shall be flown from, or over, any airport or landing area unless permission has been secured from the airport manager or his duly authorized representative. The airport manager shall designate the portion of the field to be used and shall take all necessary precautions to assure the safety of the public on the ground and of the aircraft in the air.

Planning Advisory Committee
May 9, 2018
Preliminary Housing 2017 Data

Background: Annually CCRPC works with municipal staff to count the number of housing units built to measure progress on ECOS Strategy #2 and the Building Homes Together goal of building 700 units each year by 2021. Tables 1 and 2 describe the number of housing units built and demolished in calendar 2017. The data is reported both by municipality, planning area, and by areas planned for growth. Together the suburban, metro, center, enterprise, and village planning areas are our 'areas planned for growth'.

Please keep in mind that CCRPC defines built as those units which received an approved certificate of occupancy (C/O). For those towns that do not issue C/Os, zoning permits serve as a substitute.

Although not reported in the tables below, the University of Vermont demolished two dormitories (391 beds) and replaced them with a new dormitory (699 beds) creating a net gain of 308 beds for 2017.

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Table 1. 2017 Housing Development by Planning Area

Planning Area	New Residential Growth (housing units)	Percent of New Residential Growth	Demolitions	Net Residential Growth (new growth - demolitions)	Percent Net Residential Growth
Center	118	20%	11	107	22%
Enterprise	1	0%	0	1	0%
Metro	273	47%	81	192	39%
Rural	104	18%	2	102	21%
Suburban	62	11%	1	61	12%
Village	29	5%	2	27	6%
Total	587	100%	97	490	100%
Areas Planned for Growth	483	82%	95	388	79%

Table 2. 2017 Housing Development by Town

TOWN	Accessory Unit	Multi-Family	Mobile Home	Single Family	Demolitions	Grand Total
Bolton			1	1		2
Burlington		172	1	5	-2	176
Charlotte				18		18
Colchester	1	4		16	-1	20
Essex	1	5		7	-3	10
Essex Junction	1	81		9	-13	78
Hinesburg	1			7		8
Huntington	3					3
Jericho				3		3
Milton	1	66		8	-1	74
Richmond	2	3		12	-2	15
Shelburne		13		6		19
South Burlington		6		42	-75	-27
St. George				1		1
Underhill	1	2		7		10
Westford	1			8		9
Williston		35		13		48
Winooski		21		2		23
Grand Total	12	408	2	165	-97	490