



Planning Advisory Committee

Wednesday, September 12, 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 July 11, 2018 Minutes*

2:40 Municipal Plan Review Guidelines*, *Emily Nosse-Leirer*

This document was last reviewed by the PAC at the May meeting. We've subsequently incorporated edits from that meeting, as well as edits from the Board's review. We'll review these final edits and request a recommendation for approval to the CCRPC Board. As a reminder we are amending this document to address the new enhanced energy component.

3:00 American Community Survey (ACS) Data Guide, *Melanie Needle and Emily Nosse-Leirer*

At the suggestion of Sarah Hadd, CCRPC staff have developed a guide to using ACS data, based on a Journal of American Planning Association article regarding the ethical use of this data. Melanie and Emily will provide an overview of this guide. We will send the guide out before the meeting.

3:30 Act 250 Commission: Next 50 Years, *Regina Mahony*

There are three opportunities to provide input into the Act 250: Next 50 Years effort. VPA's survey is here: <https://www.surveygizmo.com/s3/4533728/VERMONT-PLANNERS-ASSOCIATION-ACT-250-SURVEY>. The Legislative Commission's survey is here: <https://www.surveymonkey.com/r/9CSPHY7>. The Legislative Commission is also holding public forums throughout the State. The forum in our region is on September 12th in Burlington at the Elks Lodge (925 North Ave) from 6 to 8pm. The best location for information about these forums is here: <https://www.facebook.com/Act250Next50/>.

3:45 Regional Act 250/Section 248 Projects on the Horizon, *Committee Members*

4:00 Other Business

- a. A number of our municipal plans will be expiring in early 2019. To make our review process easier, we may need to add an extra PAC meeting in February 2019. If you have a plan expiration coming up and would like us to review drafts before they are adopted, we're happy to do that.
- b. Williston Town Plan Amendment* - FYI regarding an amendment to Williston's Town Plan; and a reminder of this CCRPC process.
- c. CCRPC will host the next Housing Convening on Monday, October 29th at 6pm. The topic will be Housing Trust Funds. Please help spread the word.
- d. [VT Housing Conference](#) will take place on Tuesday, November 13th and Wednesday, November 14th. This year's conference has a municipal focus. It conflicts with our November PAC meeting, therefore I've suggested that we switch that meeting to the first Wednesday of November.

4:30 Adjourn

* = Attachment

NEXT MEETING: November 7, 2018 at 2:30pm to 4:30pm. *This is the first Wednesday of the month.*

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.

1 CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION
2 PLANNING ADVISORY COMMITTEE - MINUTES
3

4 DATE: Wednesday, July 11, 2018
5 TIME: 2:30 p.m. to 4:00 p.m.
6 PLACE: CCRPC Offices, 110 West Canal Street, Suite 202, Winooski, VT
7

Members Present:	David White, Burlington
Victor Sinadinowski, Milton	Eric Vorwald, Winooski
Ken Belliveau, Williston	Everett Marshall, Huntington
Jessica Draper, Richmond	
Paul Conner, South Burlington	Staff:
Dana Hanley, Essex	Regina Mahony, Planning Program Manager
Darren Schibler, Essex	Emily Nosse-Leirer, Planner

8
9
10 **1. Welcome and Introductions**

11 Regina Mahony called the meeting to order at 3:33 p.m. Regina welcomed Winooski's new Planner, Eric Vorwald,
12 and the Committee introduced themselves.
13

14 **2. Approval of June 13, 2018 Minutes**

15
16 David White made a motion, seconded by Everett Marshall, to approve the June 13, 2018 minutes. No further
17 discussion. MOTION PASSED. Eric Vorwald abstained.
18

19 **3. Act 250/Section 248 Review Guidelines**

20 Emily Nosse-Leirer provided a brief overview of the amendments to these guidelines; and explained the changes
21 since the last time the PAC saw the amendments. The PAC had the following comments/questions:
22

- 23 1. Add in "PUC proceedings" to the end of the highlight on Page 4, and change "should" to "will".
- 24 2. There was a discussion about whether CCRPC should be reaching out to more Staff than the Planning office
25 to determine the municipalities position on an application. The PAC indicated that the PUC only notifies the
26 Planning Commission and the Selectboard. Those Departments decide how the applications are handled in
27 house; and the process is probably different from municipality to municipality. More than likely the Planning
28 Office is going to be the right place to get the information as they do the development review themselves and
29 coordinate with other Departments as needed. CCRPC Staff have never had a problem with the Planning
30 Office as the main point of contact. After discussion, there was consensus to leave the policy as "municipal
31 staff" generally.
- 32 3. There was a question about whether CCRPC Staff is now looking at every PUC advanced notice and
33 petition. CCRPC Staff is looking at them all for energy generation. We will only look at telecommunications
34 projects if they go to hearing. This should be made clear in the guidelines.
35

36 Everett Marshall made a motion, seconded by David White, to recommend that the CCRPC adopt the Guidelines and
37 Standards for Reviewing Act 250 and Section 248 Applications with the amendments described above. No further
38 discussion. MOTION PASSED.
39

40 **4. Essex Land Use Regulation Housing Audit Study**

41 Dana Hanley explained that Essex requested CCRPC to conduct an audit of their land use regulations to identify
42 barriers to affordable housing. They are struggling with affordable housing and weren't ready to conduct a housing
43 needs assessment yet (VHFA is updating their website which will be a big help once this is done). This was a good
44 step to start thinking about what amendments may be needed from the regulatory side to address affordable housing.
45

46 Regina Mahony provided an overview of the report and explained some the research that she included in the report;
47 as well as municipal comparisons. The report includes a review of the Development Review Process, Accessory

1 Dwelling Units (ADU), Base Density, Bonus Density & Planned Unit Developments and Parking. Overall the
2 recommendations are to make the regulations more predictable, objective and less-discretionary in the areas where
3 the Town would like to see more growth.
4

5 There was a good discussion about eliminating the owner occupancy requirement associated with ADUs to create
6 more flexibility and promote the use of them. Or a much simpler approach would be to allow duplexes and multi-
7 family in single family districts. In Huntington they tried to allow ADUs in detached structures as a permitted use,
8 and the DRB wanted to keep it as a Conditional Use.
9

10 There was further discussion regarding the Town Center Master Plan process and a hesitancy from the community to
11 go to 6 stories. They may get to 5 stories. There may be a change in the construction standards that allow for a 5 story
12 wood construction; where it used to be 4. If that is the case allowing 5 stories would go a long way in more units, and
13 affordability within a cheaper construction style.
14

15 There was a question about whether solar canopies over parking lots have been installed in Vermont. A number of
16 examples were mentioned.
17

18 Regina Mahony will send out a link to the resources used for the study for others to download.
19

20 **5. Regional Act 250/Section 248 Projects on the Horizon**

21 Burlington: nothing new

22 Huntington: nothing

23 Essex: just minor amendments to existing permits.

24 South Burlington: There is a project in 2 front of the Holiday Inn in the FBC that is subject to Act 250. Eventually a
25 large residential neighborhood (160 3 housing units at Nolan Farm and Dorset) will go to Act 250. Other projects are
26 in priority housing areas and not subject to Act 250.

27 Richmond: nothing

28 Williston: Additional amendments/phases for Finney Crossing. A previous amendment for the Hotel is under appeal.
29 They've begun preliminary talks with the State Police & VTrans to relocate the police barracks adjacent to the park
30 & ride.

31 Milton: 252 Middle Road solar project expansion.

32 Winooski: nothing
33

34 **6. Other Business**

- 35 a. FloodTraining.vermont.gov is now fully available for administrative officers (AO) of municipal flood hazard
36 and river corridor bylaws. The site features tools and case studies for AOs, members of Development
37 Review Boards and other community officials. The new site complements FloodReady.vermont.gov with its
38 focus on community planning for flood resilience, and the technical materials available at the DEC
39 Rivers page.
- 40 b. FY19 Municipal Planning Grant program has been announced and applications are due on October 1. See the
41 [Program Description](http://ProgramDescription) for more details. Also as a reminder CCRPC's work program solicitation will go out in
42 November, and are due in January so you can pair the two programs if you'd like.
- 43 c. Here are the 2018 Legislative Session Summaries:
- 44 i. VLCT: <https://www.vlct.org/news/2018-legislative-wrap>
- 45 ii. DHCD:
46 [http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/DHCD_Legislative%20Up](http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/DHCD_Legislative%20Update_2018_FINAL.pdf)
47 [date_2018_FINAL.pdf](http://accd.vermont.gov/sites/accdnew/files/documents/CD/CPR/DHCD_Legislative%20Update_2018_FINAL.pdf)
- 48 iii. VPA's summary was included in the meeting packet.
- 49 d. White + Burke is looking for a municipal project to "workshop" at the VT Development Conference.
- 50 e. VPA's Summer Celebration will be in Bromley this year.
- 51 f. Regina Mahony has not yet had a chance to organize the next convening of the Housing Committees. This
52 will likely take place at the end of October, as the end of August may not be the best time.
53

- 1 **7. Adjourn**
- 2 The meeting adjourned at 4:30 p.m.
- 3
- 4 Respectfully submitted, Regina Mahony

DRAFT

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 9, 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:

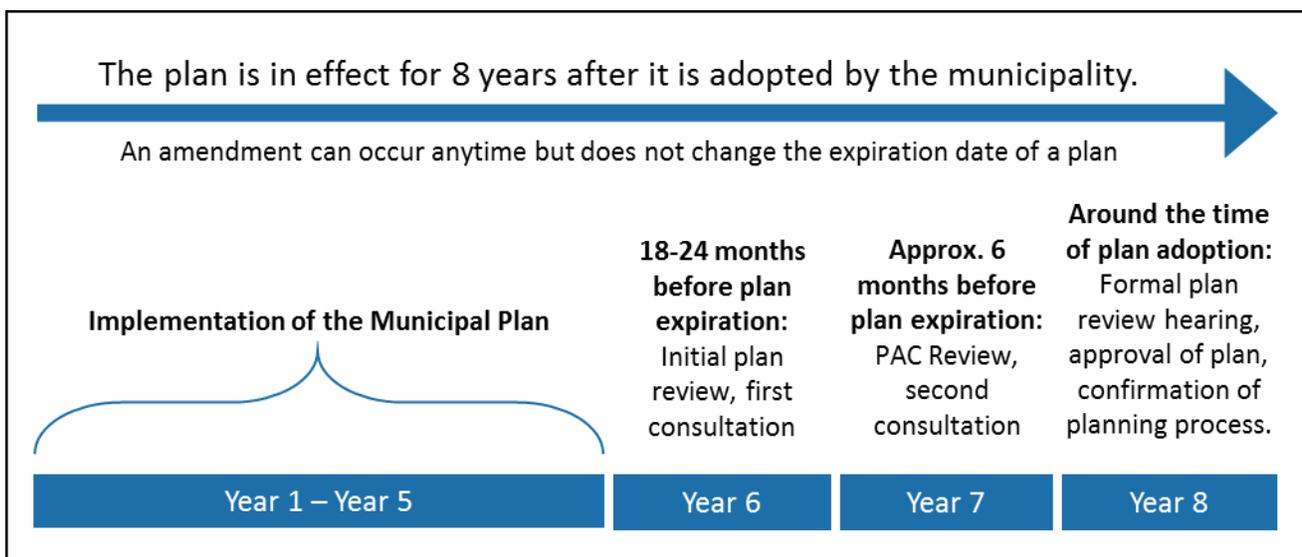
- ◆ A letter signed by the appropriate municipal authority requesting CCRPC to consider confirmation of its planning process and approval of its plan (a sample letter is available from CCRPC staff);
- ◆ A summary of the municipality’s funding over the prior five years dedicated to municipal and regional 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 of the request.

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 or does not impact the municipality's standing plan approval and planning process confirmation, ~~or~~ ~~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.

Appendix A – Municipal Plan Review Tool

Chittenden County Regional Planning Commission

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

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 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, that indicates 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, areas reserved reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality that require special consideration for aquifer protection; for wetland protection, for the maintenance of forest blocks, wildlife habitat, and habitat connectors; or for other conservation purposes; sets 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; identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of § 4302 of this title, and how the area meets the requirements for the type of designation to be sought; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.

Comments:

Choose an item. Pages:
MAPS Present Land Use Plan <input type="checkbox"/> Prospective Land Use Plan <input type="checkbox"/>

(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 <input type="checkbox"/>

(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 <input type="checkbox"/>

(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 <input type="checkbox"/>

(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.

Comments:

Choose an item.
Pages:

(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.

Comments:

Choose an item.
Pages:

(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.

Comments:

Choose an item.
Pages:

§4382(c) Data:

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

(1) population characteristics and distribution, including income and employment;

(2) the existing and projected housing needs by amount, type, and location for all economic groups within the municipality and the region;

(3) existing and estimated patterns and rates of growth in the various land use classifications, and desired patterns and rates of growth in terms of the community's ability to finance and provide public facilities and services.

Comments:

Choose an item.
Pages:

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, forests and other land resources.

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 7:

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

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 8:

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

Choose an item.
Pages:

(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:

Goal 9:

To encourage and strengthen agricultural and forest industries.

Choose an item.
Pages:

(A) Strategies to protect long-term viability of agricultural and forestlands 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.

(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.

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 11:

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

Choose an item.
Pages:

(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.

Choose an item.
Pages:

(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.

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.

Details of CCRPC's review process can be found in "Chittenden County Regional Planning Commission Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans," as adopted October 19, 2016.

MEMORANDUM

TO: Williston Planning Commission; Matt Boulanger, Director of Planning and Zoning
FROM: Emily Nosse-Leirer, Senior Planner
DATE: August 10, 2018
RE: Amendments to the 2016-2024 Williston Comprehensive Plan

The Chittenden County Regional Planning Commission recently received notice of proposed amendments to the 2016-2024 Williston Comprehensive Plan. The CCRPC approved the 2016-2024 Town of Williston Comprehensive Plan and confirmed Williston's planning process on September 20, 2017. CCRPC staff have reviewed the proposed amendments, which are intended to (1) adopt the *Williston Village Master Plan* as an amendment to the 2016-2024 Comprehensive Plan, and (2) make changes to Chapter 13 of the 2016-2024 Comprehensive Plan to add additional goals for the protection of forests, river corridors and archaeological and cultural resources.

The proposed amendments continue to meet the relevant required elements and goals and are consistent with the ECOS Regional Plan. Therefore, CCRPC's approval of the 2016-2024 Town of Williston Comprehensive Plan and confirmation of Williston's planning process would **not** be affected by these amendments.

After receiving notice that the Town of Williston has amended the Comprehensive Plan, CCRPC staff will review the amended sections again to confirm that the amendments continue to meet the relevant statutorily required elements and goals and are consistent with the ECOS Regional Plan. CCRPC will send a letter stating this to the Town of Williston and the Department of Housing and Community Development.

CCRPC's process for approving and confirming municipal plans, including the process of reviewing amendments, can be found in the "Chittenden County Regional Planning Commission Guidelines and Standards for Confirmation of Municipal Planning Processes and Approval of Municipal Plans," available at <https://www.ccrpcvt.org/wp-content/uploads/2016/01/Plan-Review-Guidelines-FINAL-with-Appendices-October-2016.pdf>