State of Vermont
Land Use Review Board
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AFFIRMATIVE DETERMINATION AND APPROVAL

Sent Via Recipient List

I. INTRODUCTION

The Land Use Review Board ("Board") has completed its review of the Chittenden County Regional Planning Commission ("CCRPC") application for a determination of compliance of its adopted regional plan, including its adopted Future Land Use ("FLU") map.

The Board has also completed its review of the CCRPC's Tier 1B area status requests for 39 FLU areas in the following 12 municipalities:

1. Bolton
   - Bolton Village Center
2. Burlington
   - Burlington Downtown Center
   - New North End Village Center
   - Burlington Planned Growth Area
   - New North End Planned Growth Area
   - Winooski Planned Growth Area
3. Essex Junction
   - Essex Junction Downtown Center
   - Essex Junction Planned Growth Area
4. Hinesburg
   - Hinesburg Village Center
   - Hinesburg Planned Growth Area
   - Hinesburg Village Area
5. Jericho
   - Jericho Center Village Center
   - Jericho Corners Village Center
   - Riverside / Underhill Flats Village Center

- Jericho Center Village Area
- Jericho Corners Village Area
- Riverside / Underhill Flats Village Area

6. Milton
   - Milton Downtown Center
   - Main Street Village Center
   - Milton Planned Growth Area
   - Main Street Planned Growth Area
7. Richmond
   - Richmond Village Center
   - Richmond Planned Growth Area
8. Shelburne
   - Shelburne Downtown Center
   - Shelburne Road South Village Center
   - Shelburne Planned Growth Area
   - Shelburne Road North Planned Growth Area
9. South Burlington
   - South Burlington Downtown Center
   - Shelburne Road North Village Center
   - South Burlington Planned Growth Area
   - Shelburne Road North Planned Growth Area
   - Winooski Planned Growth Area
10. Westford
    - Westford Village Center (partial)
11. Williston
    - Taft Corners Downtown Center
    - Williston Village Center
    - Taft Corners Planned Growth Area
    - Williston Planned Growth Area
12. Winooski
    - Winooski Downtown (partial)
    - Winooski Planned Growth Area

II. SCOPE OF REVIEW

A. Adopted Regional Plan

To issue an affirmative determination, the Board must find that the adopted regional plan meets the requirements of 24 V.S.A. § 4348(h)(4) as follows:

(A) Consistency with the State planning goals as described in section 4302 of this chapter with consistency determined in the manner described under subdivision 4302(f)(1) of this chapter.

(B) Consistency with the purposes of the regional plan established in section 4347 of chapter.

(C) Consistency with the regional plan elements as described in section 4348a of this chapter, except that the requirements of section 4352 of this chapter related to enhanced energy planning shall be the under the sole authority of the Department of Public Service.

(D) Compatibility with adjacent regional planning areas in the manner described under subdivision 4302(f)(2) of this chapter.

24 V.S.A. § 4348(h)(4).

To determine consistency, the Board must determine whether there is substantial progress toward attainment of the goal or that a particular goal is not relevant or attainable. If the Board determines that a goal is not relevant or attainable, the analysis turns to whether the plan: (1) describes the situation, (2) explains why the goal is not relevant or attainable, and (3) and indicates what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal. 24 V.S.A. § 4302(f)(1).

To determine if the adopted regional plan is "compatible with adjacent regional planning areas," the Board must determine whether the adopted plan "…will not significantly reduce the desired effect of the implementation of the other plan." If a plan, as implemented, will significantly reduce the desired effect of the other plan, the plan may be considered compatible if it includes the following:

(A) a statement that identifies the ways that it will significantly reduce the desired effect of the other plan;

(B) an explanation of why any incompatible portion of the plan in question is essential to the desired effect of the plan as a whole;

(C) an explanation of why, with respect to any incompatible portion of the plan in question, there is no reasonable alternative way to achieve the desired effect of the plan; and

(D) an explanation of how any incompatible portion of the plan in question has been structured to mitigate its detrimental effects on the implementation of the other plan.

24 V.S.A. § 4302(f)(2).

B. Future Land Use Designations

The Board must find that the future land use (FLU) area boundaries of:

- Downtown Centers
- Village Centers
- Planned Growth Areas
- Village Areas

as depicted on the adopted regional FLU map, are consistent with 24 V.S.A. § 4348a(a)(12)(A)-(C) and 24 V.S.A. §§ 5803(a)-(e) and 5804(a)-(c).

C. Tier 1B Area Status Requests

For the Land Use Review Board to grant Tier 1B area status, the applicant must demonstrate that each municipality with proposed Tier 1B area(s) meets the following requirements of 10 V.S.A. § 6033(c):

(1) The municipality has requested to have the area mapped for Tier 1B.

(2) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

(3) The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

(4) The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in Section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule unless the municipality has adopted flood hazard and river corridor bylaws applicable to the entire municipality that are consistent with the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor).

(5) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B.

(6) The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area.

10 VS.A. § 6033.

See Appendix to Determination of Compliance for the statutory references.

III. OBJECTIONS BY INTERESTED PARTIES

The Board did not receive any timely objections from interested parties as defined in 24 V.S.A. § 4348(i).

IV. RECORD EVIDENCE & HEARING

A. **Documents:** All application documents with the exception of the digital map data referenced below are available on the Board's Regional Plan and Tier 1A/B Database ("Database").

B. **Maps:** All digital GIS data referenced below are available on the Board's FLU and Tier 1A/B Map Viewer ("Map Viewer").

C. **Hearing:** Minutes of the July 22, 2026, public hearing were taken and an audio/visual recording of the July 22, 2026, public hearing was made pursuant to Vermont's Open Meeting Law (1 V.S.A. Chapter 005, Subchapter 002).

V. FINDINGS OF FACT

1. The Board's Findings of Fact are based on the adopted plan application documents and the Tier 1B area status request submissions - Exhibits 036 – 054 on the Database – and the digital GIS data representing the adopted regional future land use map and Tier 1B area status requests – available on the Map Viewer.

2. On October 16, 2025, the CCRPC submitted a preapplication pursuant to 24 V.S.A. 4348(b) and Section 1.100 of the Board's Regional Planning Commission Application Guidelines ("Guidelines"). Preapplication submissions include Exhibits 001-012 and 029 on the Database.

3. Digital GIS data representing the draft regional FLU map were submitted pursuant to Section 1.006(B)(3) of the Guidelines and are available on the Map Viewer.

4. Digital GIS data representing the draft Tier 1B area status requests were submitted pursuant to Section 1.006(B)(5) of the Guidelines and are available on the Map Viewer.

5. On December 22, 2025, the Board issued the preapplication response, which is available on the Database.

6. The CCRPC adopted its regional plan on May 20, 2026.

7. On May 27, 2026, the Board received a timely application for a determination of compliance for the CCRPC's adopted regional plan and Tier 1B area status requests pursuant to Section 1.302 of the Guidelines. See Exhibits 036 – 051.

8. Tier 1B area status requests were made for 39 FLU areas as depicted on the adopted regional FLU map in the following municipalities: Bolton, Burlington, Essex Junction, Hinesburg, Jericho, Milton, Richmond, Shelburne, South Burlington, Westford, Williston, and Winooski. See Exhibits 049 – 050.

9. Digital GIS data representing the adopted regional FLU map were submitted pursuant to Section 1.006(B)(3) of the Guidelines and are available on the Map Viewer.

10. Digital GIS data representing the final Tier 1B area status requests were submitted pursuant to Section 1.006(B)(5) of the Guidelines and are available on the Map Viewer.

11. The application for a determination of compliance and Tier 1B area status requests was deemed complete on June 2, 2026, and this began the Board's review period.

12. On June 3, 2026, the Board issued a notice of public hearing pursuant to 24 V.S.A. § 4348(h)(2).

13. On July 13, 2026, the CCRPC notified its municipalities of the public hearing municipalities as required by 24 V.S.A. § 4348(h)(2) and posted notice on its website.

14. A public hearing was held on July 22, 2026, at the CCRPC offices at 110 W. Canal St., #202, Winooski, Vermont.

15. The record closed on July 22, 2026.

VI. CONCLUSIONS OF LAW

A. Adopted Regional Plan

1. The Board finds that the adopted Chittenden County Regional Plan has met the requirements of 24 V.S.A. § 4348(h)(4) as follows:

    a. Consistency with the State planning goals as described in 24 V.S.A. § 4302.
    b. Consistency with the purposes of the regional plan established in 24 V.S.A. § 4347.
    c. Consistency with the regional plan elements as described in 24 V.S.A. § 4348a.
    d. Compatibility with adjacent regional planning areas in the manner described under 24 V.S.A. § 4302(f)(2).

2. The Board finds that deficiencies in the draft preapplication that were identified in the Board's preapplication response were addressed in the adopted plan application.

B. Future Land Use Designations

1. The Board finds that the adopted regional Future Land Use (FLU) map boundaries of downtown centers, village centers, planned growth areas, and village areas meet the requirements of 24 V.S.A. § 4348(h)(4)(C), 24 V.S.A. § 4348a(a)(12)(A)-(C), and 24 V.S.A. §§ 5803(a)-(e) and 5804(a)-(c).

2. The Board finds that deficiencies in the draft regional future land use map that were identified in the Board's preapplication response were addressed in the adopted plan application.

C. Tier 1B Area Status Requests

1. The Board has reviewed the Tier 1B area status requests for Bolton, Burlington, Essex Junction, Hinesburg, Jericho, Milton, Richmond, Shelburne, South Burlington, Westford, Williston, and Winooski and finds the submitted application and supporting information for these 12 municipalities satisfy the statutory requirements of 10 V.S.A. § 6033(c) and 24 V.S.A. § 4348a(12)(A)-(C).

2. The Board finds that deficiencies in the draft Tier 1B area status requests for Hinesburg and Westford that were identified in the Board's preapplication response were addressed in the final Tier 1B area status requests.

VII. DECISION

A. Adopted Regional Plan – AFFIRMATIVE DETERMINATION

The Board issues this Affirmative Determination of Regional Plan Compliance upon concluding that the adopted Chittenden County Regional Plan meets the requirements of 24 V.S.A. § 4348(h)(4).

The adopted Chittenden County Regional Plan is now considered duly adopted and shall take effect as of the date of this determination pursuant to 24 V.S.A. § 4348(m).

The CCRPC must immediately send the plan to the entities listed in 24 V.S.A. § 4348(d)(A)-(E).

An affirmative determination of regional plan compliance shall remain in effect until plan expiration or readoption. See 24 V.S.A. § 4348(k).

B. Designations – APPROVAL

The Board issues this Approval upon concluding that the adopted future land use (FLU) area boundaries of the:

- Downtown Centers
- Village Centers
- Planned Growth Areas
- Village Areas

as depicted on the adopted regional FLU map, are consistent with 24 V.S.A. § 4348a(a)(12)(A)-(C) and 24 V.S.A. §§ 5803(a)-(e) and 5804(a)-(c).

Upon issuing this Approval the Board confers Center designations to Downtown and Village Centers pursuant to 24 V.S.A. § 5803(a)-(e) and Neighborhood designations to Planned Growth Areas and Village Areas pursuant to 24 V.S.A. § 5804(a)-(c).

C. Tier 1B Area Status Requests – APPROVAL

The Board approves the Tier 1B area status requests upon concluding that each municipality with proposed Tier 1B areas as listed in Section 1 of this Affirmative Determination and Approval meets the requirements of 10 V.S.A. § 6033(c).

This Approval confers Tier 1B status for each of the areas mapped by the CCRPC for Tier 1B area status in the following municipalities:

- Bolton
- Burlington
- Essex Junction
- Hinesburg
- Jericho
- Milton
- Richmond
- Shelburne
- South Burlington
- Westford
- Williston
- Winooski

The Tier 1B status is effective as of the date of this decision.

Dated this 31st day of July 2026.

/s/ Sarah Hadd

Sarah Hadd, Vice Chair
Land Use Review Board

Other Board members participating in this determination: Kirsten Sultan and Alex Weinhagen.

Pursuant to 24 V.S.A. § 4348(m) this Affirmative Determination of Compliance is not appealable.

Recipient List

A copy of the foregoing **Affirmative Determination and Approval for RPC04-0001** has been sent on this July 31, 2026 as follows. To the extent that an email is not listed, the document has been sent by U.S. First Class mail.

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Dated July 31, 2026.

/s/ Catherine Gott
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STATE OF VERMONT
LAND USE REVIEW BOARD

APPENDIX TO DETERMINATION OF COMPLIANCE

This document contains relevant statutory provisions used by the Land Use Review Board in its Determination of Compliance of the adopted Regional Plan, Approval of the Future Land Use Designations, and Approval of Tier 1B requests:

24 V.S.A. § 4302. Purpose; goals p.1
24 V.S.A. § 4347. Purposes of regional plan p.7
24 V.S.A. § 4348a. Elements of a regional plan p.7
24 V.S.A. § 5803. Designation of downtown and village centers p.14
24 V.S.A. § 5804. Designated neighborhood p.15
10 V.S.A. § 6033 Regional plan future land use map review p.16

24 V.S.A. § 4302. Purpose; goals

(a) General purposes. It is the intent and purpose of this chapter to encourage the appropriate development of all lands in this State by the action of its constituent municipalities and regions, with the aid and assistance of the State, in a manner which will promote the public health, safety against fire, floods, explosions, and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy, and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest, and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural, and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet, and privacy; to facilitate the growth of villages, towns, and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this State to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate. In implementing any regulatory power under this chapter, municipalities shall take care to protect the constitutional right of the people to acquire, possess, and protect property.

(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:

(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 downtown centers, village centers, planned growth areas, and village areas as described in section 4348a of this title, and strip development along highways should be avoided. These areas should be planned so as to accommodate a substantial majority of housing needed to reach the housing targets developed for each region pursuant to subdivision 4348a(a)(9) of this title.

(B) Economic growth should be encouraged in locally and regionally designated growth areas, employed to revitalize existing village and urban centers, or both.

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

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

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

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

(4) To provide for safe, convenient, economic, and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

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

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

(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.

(6) To maintain and improve the quality of air, water, wildlife, forests, and other land resources.

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

(B) Vermont's water quality should be maintained and improved according to the policies and actions developed in the basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(C) Vermont's forestlands should be managed so as to maintain and improve forest blocks and habitat connectors.

(7) To make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

(A) General strategies for achieving these goals include increasing the energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and

transportation; and reducing transportation energy demand and single occupancy vehicle use.

(B) Specific strategies and recommendations for achieving these goals are identified in the State energy plans prepared under 30 V.S.A. §§ 202 and 202b.

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

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

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

(9) To encourage and strengthen agricultural and forest industries.

(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.

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

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

(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, and consistent with housing targets provided for in subdivision 4348a(a)(9) of this title.

(B) New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.

(C) Sites for multifamily and manufactured housing should be readily available in locations similar to those generally used for single-family dwellings.

(D) Accessory dwelling units within or attached to single-family residences that provide affordable housing in close proximity to cost-effective care and supervision for relatives, elders, or persons who have a disability should be allowed.

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

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

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

(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.

[Subdivision (c)(14) effective until January 1, 2028]

(14) To encourage flood resilient communities.

(A) New development in identified flood hazard 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.

(15) To equitably distribute environmental benefits and burdens as described in 3 V.S.A. chapter 72.

(d) All plans and regulations prepared under the authority of this chapter shall be based upon surveys of existing conditions and probable future trends, and shall be made in the light of present and future growth and requirements, and with reasonable consideration, for the landowner, to topography, to needs and trends of the municipality, the region and the State, to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas, and with a view to conserving the value of buildings.

(e) Use of goals.

(1) The goals established in this section shall be employed, as provided under this chapter, to carry out the general purposes established in this section.

(2) After July 1, 1989, none of the following shall be prepared or adopted, unless consistent with the goals established in this section:

(A) all plans prepared by regional planning commissions, and all plans required of State agencies under 3 V.S.A. § 4020;

(B) measures implementing State agency plans.

(f) Standard of review.

(1) As used in this chapter, “consistent with the goals” requires substantial progress toward attainment of the goals established in this section, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal. The determination of relevance or attainability shall be subject to review as part of a consistency determination under this chapter.

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

(A) a statement that identifies the ways that it will significantly reduce the desired effect of the other plan;

(B) an explanation of why any incompatible portion of the plan in question is essential to the desired effect of the plan as a whole;

(C) an explanation of why, with respect to any incompatible portion of the plan in question, there is no reasonable alternative way to achieve the desired effect of the plan; and

(D) an explanation of how any incompatible portion of the plan in question has been structured to mitigate its detrimental effects on the implementation of the other plan.

24 V.S.A. § 4347. Purposes of regional plan

A regional plan shall be made with the general purpose of guiding and accomplishing a coordinated, efficient, equitable, and economic development of the region that will, in accordance with the present and future needs and resources, best promote the health, safety, order, convenience, prosperity, and welfare of current and future inhabitants as well as efficiency and economy in the process of development. This general purpose includes recommending a distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry, and other uses as will tend to:

(1) create conditions favorable to transportation, health, safety, civic activities, and educational and cultural opportunities;

(2) reduce the wastes of financial, energy, and human resources that result from either excessive congestion or excessive scattering of population;

(3) promote an efficient and economic utilization of drainage, energy, sanitary, and other facilities and resources;

(4) promote the conservation of the supply of food, water, energy, and minerals;

(5) promote the production of food and fiber resources and the reasonable use of mineral, water, and renewable energy resources;

(6) promote the development of housing suitable to the needs of the region and its communities; and

(7) help communities equitably build resilience to address the effects of climate change through mitigation and adaptation consistent with the Vermont Climate Action Plan adopted pursuant to 10 V.S.A. § 592 and 3 V.S.A. chapter 72.

24 V.S.A. § 4348a. Elements of a regional plan

(a) A regional plan shall be consistent with the goals established in section 4302 of this title and shall include the following:

(1) A statement of basic policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment.

(2) A natural resources and working lands element, which shall consist of a map or maps and policies, based on ecosystem function, consistent with Vermont Conservation Design, support compact centers surrounded by rural and working lands, and that:

(A) Indicates those areas of significant natural resources, including existing and proposed for forests, wetlands, vernal pools, rare and irreplaceable natural areas, floodplains, river corridors, recreation, agriculture using the agricultural lands identification process established in 6 V.S.A. § 8, residence, commerce, industry, public, and semipublic uses, open spaces, areas reserved for flood plain, forest blocks, habitat connectors, recreation areas and recreational trails, and areas identified by the State, regional planning commissions, or municipalities 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.

(B) Indicates those areas that have the potential to sustain agriculture and recommendations for maintaining them that may include transfer of development rights, acquisition of development rights, or farmer assistance programs.

(C) 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. A plan may include specific policies to encourage the active management of those areas for wildlife habitat, water quality, timber production, recreation, or other values or functions identified by the regional planning commission.

(D) Encourages preservation of rare and irreplaceable natural areas, scenic and historic features and resources.

(E) Encourages protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 V.S.A. § 1253.

(3) An energy element, including an analysis of resources, needs, scarcities, costs, and problems within the region across all energy sectors, including electric, thermal, and transportation; a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy

resources; a statement of policy on patterns and densities of land use likely to result in conservation of energy; and an identification of potential areas for the development and siting of renewable energy resources and areas that are unsuitable for siting those resources or particular categories or sizes of those resources.

(4) A transportation element consisting of a statement of present and prospective transportation and circulation facilities, and a map showing existing and proposed highways, including limited access highways, and streets by type and character of improvement, and where pertinent, anticipated points of congestion, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, and recommendations to meet future needs for such facilities, with indications of priorities of need, costs, and method of financing.

(5) A utility and facility element, consisting of a map and statement of present and prospective local and regional community facilities and public utilities, whether publicly or privately owned, showing existing and proposed educational, recreational and other public sites, buildings and facilities, including public schools, State office buildings, hospitals, libraries, power generating plants and transmission lines, wireless telecommunications facilities and ancillary improvements, water supply, sewage disposal, refuse disposal, storm drainage, and other similar facilities and activities, and recommendations to meet future needs for those facilities, with indications of priority of need.

(6) [Repealed.]

(7) A program for the implementation of the regional plan's objectives, including a recommended investment strategy for regional facilities and services based on a capacity study of the elements in this section.

(8) A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions.

(9) A housing element that identifies the regional and community-level need for housing that will result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on housing and not more than 15 percent on transportation. To establish housing needs, the Department of Housing and Community Development shall publish statewide and regional housing targets or ranges as part of the Statewide Housing Needs Assessment. The regional planning commission shall consult the Statewide Housing Needs Assessment; current and expected demographic data; the current location, quality, types, and cost of housing; other local studies related to housing needs; and data gathered pursuant to subsection 4382(c) of this title. If no such data has been gathered, the regional planning commission shall gather it. The regional planning

commission's assessment shall estimate the total needed housing investments in terms of price, quality, unit size or type, and zoning district as applicable and shall disaggregate regional housing targets or ranges by municipality. The housing element shall include a set of recommended actions to satisfy the established needs.

(10) 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.

(11)(A) A flood resilience element 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 this subdivision (A) and to mitigate risks to public safety, critical infrastructure, historic structures, and public investments.

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

(12) A future land use element, based upon the elements in this section, that sets forth the present and prospective location, amount, intensity, and character of such land uses in relation to the provision of necessary community facilities and services and that consists of a map delineating future land use area boundaries for the land uses in subdivisions (A)–(J) of this subdivision (12) as appropriate and any other special land use category the regional planning commission deems necessary; descriptions of intended future land uses, consistent with the smart growth principles in section 4303 of this chapter; and policies intended to support the implementation of the future land use element using the following land use categories:

(A) Downtown or village centers. These areas are the mixed-use centers bringing together community economic activity and civic assets. They include downtowns, villages, and new town centers previously designated under chapter 76A and downtowns and village centers seeking benefits under the Community Investment Program under section 5803 of this title. The downtown or village centers are the traditional or historic central business and

civic centers within planned growth areas, village areas, or may stand alone. Municipalities may have more than one center, including planned new or emerging centers that anchor planned growth or village areas. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws.

(B) Planned growth areas. These areas include the high-density existing settlement and future growth areas with high concentrations of population, housing, and employment in each region and town, as appropriate. They include a mix of historic and nonhistoric commercial, residential, and civic or cultural sites with active streetscapes, supported by land development regulations; public water or wastewater, or both; and multimodal transportation systems. These areas include growth centers and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the following criteria:

(i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title and has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.

(ii) This area is served by public water or wastewater infrastructure.

(iii) The area is generally within walking distance from the municipality's or an adjacent municipality's downtown or village center.

(iv) The area excludes identified flood hazard and river corridor areas, except those areas containing preexisting development in areas suitable for infill development as defined in section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

(v) The municipal plan indicates that this area is intended for higher-density residential and mixed-use development.

(vi) The area provides opportunity for development, infill development, and redevelopment that is needed to meet the regional and municipal housing targets that meet the present and future needs of a diversity of social and income groups in the community.

(vii) The area is served by planned or existing transportation infrastructure that conforms with complete streets principles as described under 19 V.S.A. chapter 24 and establishes pedestrian access directly to the downtown or village center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title.

(C) Village areas. These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, or mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the downtown center or village center. Village areas shall meet the following criteria:

(i) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with section 4350 of this title.

(ii) The municipality has adopted bylaws and regulations in accordance with sections 4414, 4418, and 4442 of this title.

(iii) Unless the municipality has adopted flood hazard and river corridor bylaws, applicable to the entire municipality, that are consistent with the standards established pursuant to 10 V.S.A. § 755b (flood hazard) and 10 V.S.A. § 1428(b) (river corridor), the area excludes identified flood hazard and river corridors, except those areas containing preexisting development in areas suitable for infill development as defined in 29-201 of the Vermont Flood Hazard Area and River Corridor Rule.

(iv) The municipality has either public water or wastewater. If no public wastewater is available, the area must have soils that are adequate for wastewater disposal.

(v) The area has some opportunity for infill development or new development areas where the village can grow, support the development of housing to meet the regional and municipal housing targets, and be flood resilient.

(D) Transition or infill area. These areas include areas of existing or planned commercial, office, mixed-use development, or residential uses either adjacent to a planned growth or village area or a new stand-alone transition or infill area and served by, or planned for, public water or wastewater, or both. The intent of this land use category is to transform these areas into higher-density, mixed-use settlements, or residential neighborhoods through infill and redevelopment or new development. New commercial linear strip development is not allowed as to prevent it negatively impacting the economic vitality of commercial areas in the adjacent or nearby planned growth or village area. This area could also include adjacent greenfields safer from flooding and planned for future growth.

(E) Resource-based recreation areas. These areas include large-scale resource-based recreational facilities, often concentrated around ski resorts, lakeshores, or concentrated trail networks, that may provide infrastructure, jobs, or housing to support recreational activities.

(F) Enterprise areas. These areas include locations of high economic activity and employment that are not adjacent to planned growth areas. These include industrial parks, areas of natural resource extraction, or other commercial uses that involve larger land areas. Enterprise areas typically have ready access to water supply, sewage disposal, electricity, and freight transportation networks.

(G) Hamlets. Small historic clusters of homes and may include a school, place of worship, store, or other public buildings not planned for significant growth; no public water supply or wastewater systems; and mostly focused along one or two roads. These may be depicted as points on the future land use map.

(H) Rural; general. These areas include areas that promote the preservation of Vermont's traditional working landscape and natural area features. They allow for low-density residential and some limited commercial development that is compatible with productive lands and natural areas. This may also include an area that a municipality is planning to make more rural than it is currently.

(I) Rural; agricultural and forestry. These areas include blocks of forest or farmland that sustain resource industries, provide critical wildlife habitat and movement, outdoor recreation, flood storage, aquifer recharge, and scenic beauty, and contribute to economic well-being and quality of life. Development in these areas should be carefully managed to promote the working landscape and rural economy, and address regional goals, while protecting the agricultural and forest resource value.

(J) Rural; conservation. These are areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping 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.

(b) The various elements and statements shall be correlated with the land use element and with each other. The maps called for by this section may be incorporated on one or more maps, and may be referred to in each separate statement called for by this section.

(c) The regional plan future land use map shall delineate areas within the regional planning commission's member municipalities that are eligible to receive designation benefits as centers and neighborhoods when the future land use map is approved by the Land Use Review Board per 10 V.S.A. § 6033. The areas eligible for designation as centers shall be identified on the regional plan future land use map as regional

downtown centers and village centers. The areas eligible for designation as neighborhoods shall be identified on the regional plan future land use map as planned growth areas and village areas in a manner consistent with this section and chapter 139 of this title. This methodology shall include all approved designated downtowns, villages, new town centers, neighborhood development areas, and growth centers existing on December 31, 2025, unless the subject member municipality requests otherwise.

(d) With the exception of preexisting, nonconforming designations approved prior to the establishment of the State Community Investment program, the areas eligible for designation benefits under that program upon the Land Use Review Board's approval of the regional plan future land use map for designation as a downtown center or village center shall not include development that is disconnected from a downtown or village center and that lacks an existing or planned pedestrian connection to the center via a complete street.

(e) The Vermont Association of Planning and Development Agencies shall develop, maintain, and update standard methodology and process for the mapping of areas eligible for Tier 1B status under 10 V.S.A. § 6033 and designation under chapter 139 of this title. The methodology shall be issued on or before December 31, 2024, in consultation with the Department of Housing and Community Development and Land Use Review Board.

24 V.S.A. § 5803. Designation of downtown and village centers

(a) Designation established. A regional planning commission may apply to the LURB for approval and designation of all downtown and village centers by submitting the regional plan future land use map adopted by the regional planning commission. The Department and State Board shall provide comments to the LURB and the regional planning commission on areas eligible for center designation as provided in section 4348 of this title.

(b) Inclusions. The areas mapped by the regional planning commissions as a center shall allow for the designation of preexisting, designated downtowns, village centers and new town centers in existence on or before December 31, 2025.

(c) [Repealed]

(d) Approval. The LURB shall conduct its review pursuant to 10 V.S.A. § 6033.

(e) Transition. All designated downtowns, village centers, or new town centers existing as of December 31, 2025 will retain current benefits until December 31, 2026 or until approval of the regional future land use maps by the LURB, whichever comes first. All existing designations in effect December 31, 2025 will expire December 31, 2026 if the regional plan does not receive LURB approval under this

chapter. All benefits for unexpired designated downtowns, village centers, and new town centers that are removed under this chapter shall remain in effect until July 1, 2034. Prior to June 30, 2026, no check-in or renewals shall be required for the preexisting designations. New applications for downtowns, villages, and new town centers may be approved by the State Board prior to the first public hearing on a regional future land use map or until December 31, 2025, whichever comes first.
. . .

24 V.S.A. § 5804. Designated neighborhood

(a) Designation established.

(1) A regional planning commission may request approval from the LURB for designation of areas on the regional plan future land use maps as a designated neighborhood under 10 V.S.A. § 6033. Areas eligible for designation include planned growth areas and village areas identified on the regional plan future land use map. This designation recognizes that the vitality of downtowns and villages is supported by adjacent and walkable neighborhoods and that the benefits structure must ensure that investments for sprawl repair or infill development within a neighborhood is secondary to a primary purpose to maintain the vitality and livability and maximize the climate resilience and infill potential of centers.

(2) Approval of planned growth areas and village areas as designated neighborhoods shall follow the same process as approval for designated centers provided for in 10 V.S.A. § 6033 and consistent with sections 4348 and 4348a of this title.

(b) Transition. All designated growth center or neighborhood development areas existing as of December 31, 2025 will retain current benefits until December 31, 2026 or upon approval of the regional plan future land use maps, whichever comes first. All existing neighborhood development area and growth center designations in effect on December 31, 2025 will expire on December 31, 2026 if the regional plan future land use map is not approved. All benefits that are removed for unexpired neighborhood development areas and growth centers under this chapter shall remain active with prior designations existing as of December 31, 2025 until December 31, 2034. Prior to December 31, 2026, no check-ins or renewal shall be required for the existing designations. New applications for neighborhood development area designations may be approved by the State Board prior to the first hearing for a regional plan adoption or until December 31, 2025, whichever comes first.

(c) Requirements. A designated neighborhood shall meet the requirements for planned growth area or village area as described in section 4348a of this title.
. . .

§ 6033. Regional plan future land use map review

(a) The Board shall review requests from regional planning commissions to approve or disapprove portions of future land use maps for the purposes of changing jurisdictional thresholds under this chapter by identifying areas on future land use maps for Tier 1B area status and to approve designations pursuant to 24 V.S.A. chapter 139. The Board may produce guidelines for regional planning commissions seeking Tier 1B area status. If requested by the regional planning commission, the Board shall complete this review concurrently with regional plan approval. A municipality may have multiple noncontiguous areas receive Tier 1B area status. A request for Tier 1B area status made by a regional planning commission separate from regional plan approval shall follow the process set forth in 24 V.S.A. § 4348.

(b) The Board shall review the portions of future land use maps that include downtowns or village centers, planned growth areas, and village areas to ensure they meet the requirements under 24 V.S.A. §§ 5803 and 5804 for designation as downtown and village centers and neighborhood areas.

(c) To obtain a Tier 1B area status under this section the regional planning commission shall demonstrate to the Board that the municipalities with Tier 1B areas meet the following requirements as included in subdivision 24 V.S.A. § 4348a(a)(12)(C):

(1) The municipality has requested to have the area mapped for Tier 1B.

(2) The municipality has a duly adopted and approved plan and a planning process that is confirmed in accordance with 24 V.S.A. § 4350.

(3) The municipality has adopted permanent zoning and subdivision bylaws in accordance with 24 V.S.A. §§ 4414, 4418, and 4442.

(4) The area excludes identified flood hazard and fluvial erosion areas, except those areas containing preexisting development in areas suitable for infill development as defined in Section 29-201 of the Vermont Flood Hazard Area and River Corridor Rule unless the municipality has adopted flood hazard and river corridor bylaws applicable to the entire municipality that are consistent with the standards established pursuant to subsection 755(b) of this title (flood hazard) and subsection 1428(b) of this title (river corridor).

(5) The municipality has water supply, wastewater infrastructure, or soils that can accommodate a community system for compact housing development in the area proposed for Tier 1B.

(6) The municipality has municipal staff, municipal officials, or contracted capacity adequate to support development review and zoning administration in the Tier 1B area.