



Planning for 21st Century Challenges

Vermont Planners Association Recommendations

January 13, 2023

Overview

Vermont statutes governing local, regional, and state agency planning goals and requirements date from the 1960s, to include the Vermont Planning and Development Act (24 VSA Ch. 117) enacted in 1967, and State Land Use and Development Plans (10 VSA Ch. 151, or Act 250) in 1969. State planning requirements were last extensively updated more than thirty years ago in response to a period of relatively rapid growth and development, under Vermont's 1988 Growth Management Act (Act 200).

Planning at the local and regional level improved dramatically following the passage of Act 200, in part due to consistent, dedicated state funding for planning, and Vermont's Geographic Information System (VGIS), established under the Municipal and Regional Planning Fund. Our now outdated state planning requirements, however, do not adequately address 21st century challenges, nor more modern, data- and community-driven, approaches to planning (see Vermont's Statutory Planning Framework, attached).

Recommendations

- ***Establish and adequately fund a one-to two-year "Vermont Planning Commission" staffed by the Department of Housing and Community Development, to review and recommend updates to the state's current planning framework, including state statutes governing municipal, regional, and state agency planning, and in particular state planning policies and required plan elements.***
 - Ensure that the Commission includes representation from affected planning and development organizations in the state (e.g., VAPDA, VPA, VCGI, VLCT) and state agencies, departments, commissions, and organizations currently involved in environmental and land use planning, land conservation, land use law, housing, and community development.
 - Authorize and fund technical planning consultant services needed to support the Commission.
 - Report to the Vermont General Assembly by January 2025, to include recommended statutory changes regarding state planning goals, required plan content (elements), and plan adoption and review procedures applicable to municipal, regional, and state agency planning.

Challenges

Now, more than ever, Vermont needs more informed, coordinated, and strategic local, regional, and state agency planning to address the existential challenges we face. We can no longer rely on outdated planning requirements, historic trends, or the status quo to effectively anticipate and address a changing climate, shifting demographics, ongoing housing shortages, emerging technologies, needed infrastructure improvements, or community resilience, equity, and environmental justice. The planning framework established in state statutes over the past fifty years lacks the substance, focus, and adaptability needed to adequately anticipate and meet the challenges ahead.

- Planning at all levels has become increasingly siloed, technical, and complex. The structure of our current statutory planning framework makes it difficult to address cross-cutting statewide priorities such as climate change.

- State planning requirements are “one size fits all” regardless of context, scale, or size – they lack a strategic focus, making it difficult to more specifically identify and address areas and issues of particular state, regional, or local concern.
- Current state planning goals do not clearly define critical state interests or incorporate more recently enacted state plans, goals, and strategies – e.g., as intended to address climate change, renewable energy, community sustainability and resilience, equity, and environmental justice.
- State planning requirements are structured so that plans tend to focus more on describing the status quo, rather than defining a clear roadmap for the future.
- State planning goals and required plan “elements” are topical rather than issue-oriented, making it difficult to adequately address cross-cutting or specific areas of concern. For example, comprehensive planning, as currently structured, treats land use planning separately from planning for public works and infrastructure. As a result, many plans fail to adequately address the public infrastructure, and associated capital investments needed to support preferred forms of land use, including higher density housing and mixed-use development.
- The processes defined in statute currently reinforce this critical gap in decision making, reducing the usefulness of comprehensive planning. At a time when we anticipate federal infrastructure funding, and the climate action plan demands rethinking how we invest in, build, and deliver public services, few municipalities are well positioned to take advantage of available or potential future funding.
- Planning is also increasingly data-driven, but the state no longer provides community profiles or more comprehensive datasets for use in coordinated local, regional, and state agency planning – including but not limited to basic population, housing, and employment forecasts. The use of federal census and community survey data, especially at the local level, is increasingly problematic and unreliable.
- Planning also now demands broader, more extensive forms of community engagement beyond the minimum, outdated public hearing requirements called for in statute.

Opportunities

While Vermont’s planning processes were cutting edge when established more than 30 years ago, contemporary planning practices have progressed to be much more anticipatory and strategic –e.g., through issues identification, new forms of community engagement, modeling and scenario planning, and the use of applications that focus more on equitable and fiscally viable community outcomes.

Financial, legislative, and administrative support are needed to assess and update state planning requirements and unlock the potential power of local, regional, and state agency planning to more broadly engage local communities, to identify and address current and anticipated needs, to readily adapt to changing circumstances, and to more strategically focus on plan outcomes – including implementation priorities, programs, and actions. We need the ability and guidance to craft plans that are relevant, functional, and useful – that support good decision-making, community investment, and adaptive and equitable responses to changing times and conditions.

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VPA is a non-profit advocacy and educational organization of over 150 planners and related professionals. We are dedicated to the advancement of community planning in Vermont at the local, regional, and state levels, to foster vibrant communities and a healthy environment.

Our membership is diverse, including municipal planners, regional planning commission staff, private planning consultants, state planning professionals, etc. We also work to coordinate VPA's advocacy and education with other groups involved in planning policy such as VAPDA (VT Association of Planning & Development Agencies), VLCT, and the Agency of Commerce and Community Development.



A section of the
Northern New England Chapter
American Planning Association
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Vermont's Statutory Planning Framework

Relevant Statutes:

Vermont Planning and Development Act (24 VSA Ch. 117; State Planning Goals, Plan Elements)

State Land Use and Development Plans (10 VSA Ch. 151; Act 250 – Capability and Development Plan)

State Agency Planning (3 VSA Ch. 67; Agency Planning – Planning and Coordination)

- **State Planning and Development Goals.** There are two separately adopted sets of statewide planning goals and policies that are intended to guide, inform and coordinate local, regional, and state agency planning: 1) the 1975 Act 250 "Capability and Development Plan" (now largely ignored, but under review by the Natural Resource Board), and 2) 1988 "Act 200" state planning goals (24 VSA § 4302) – numbering fourteen as most recently amended.
- **Plan Content.** The Vermont Planning and Development Act (24 VSA Ch. 117) governing local and regional planning also establishes a number of required "plan elements" specific to municipal and regional plans (§§ 4348a, 4382), and prescribed plan adoption processes.
- **Regional Plans.** Regional commissions are required to adopt regional plans that are consistent with state planning goals, address eleven required regional plan elements and associated maps, and are compatible with other regional, and regionally "approved" municipal plans.
- **Municipal Plans.** Municipalities (cities, towns, incorporated villages) are encouraged but not required to plan. Adopted municipal plans must incorporate twelve required plan elements, and associated maps.
- **Data, Analyses.** Municipal and regional plans must be based on available data and analyses.
- **Municipal Plan Preparation.** Municipal plans are prepared by appointed or elected volunteer planning commissions, typically with regional planning commission or planning consultant assistance.
- **Regional Planning Preparation.** Regional plans are prepared by commission staff and committees, sometimes with outside consultant assistance.
- **Public Outreach.** Community engagement in the planning process is required, at minimum through warned public hearings prior to plan adoption.
- **Plan Amendments, Updates, Reoption.** Plans may be amended at any time, but municipal and regional plans must be updated and readopted every eight years to remain in effect.
- **Municipal Plan Approval.** Municipalities may submit local plans for regional review and "approval" – for consistency with state planning goals, compatibility with the regional plan and other approved municipal plans and, in association with "enhanced" energy planning, to benefit from available incentives (e.g., grants, impact fees, state designations, energy facility siting).
- **Municipal Confirmation.** Regional commissions are also required to "confirm" the local planning process at least twice during each eight-year period that a plan is in effect, to include an interim review of the status of local plan implementation efforts.
- **State Agency Planning.** State agency planning now occurs largely outside of the planning framework established under Act 250 and Act 200, but is instead governed by federal, legislative, or administrative mandates specific to each agency plan. State agency planning is generally no longer required to address state planning and development goals, or associated consistency and compatibility requirements.