VERMONT
LAND USE REVIEW BOARD
Application #: RPC03-0001
Exhibit #: 073
Date Received: 10-24-2026

From: Stephen Whitaker
To: Act250 - Board
Cc: Dingledine, Brooke
Subject: RPC03-0001 (CVRPC): the Regional Plan Review Checklist is not the report 24 V.S.A. § 4348(h)(1) requires, and the description of map changes uses the wrong baseline
Date: Saturday, October 24, 2026 8:35:56 PM

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October 24, 2026

Land Use Review Board · Act250.Board@vermont.gov

Re: RPC03-0001 (CVRPC): the Regional Plan Review Checklist is not the report 24 V.S.A. § 4348(h)(1) requires, and the description of map changes uses the wrong baseline

Members of the Board:

I write to support my earlier letter asking the Board not to deem this application complete without the statutory conformance report. CVRPC's application (received October 21, 2026) contains a checklist and two change summaries. It contains no report documenting conformance, and its description of changes to the future land use map measures against the wrong map. Both gaps go to what the Board is asked to approve.

1. What the statute requires

> "Within 15 days following adoption, a regional planning commission shall submit its regionally adopted regional plan to the Land Use Review Board for a determination of regional plan compliance **with a report documenting conformance** with the goals established in section 4302 of this chapter and the plan elements established in section 4348a of this chapter and a description of any changes to the regional plan future land use map." 24 V.S.A. § 4348(h)(1).

The plan goes to the Board "with" a report. The plan is not its own report. The same report was due at least 30 days before the first hearing (§ 4348(d)(1)), so that the public could test the plan before adoption, and only a person who took part in the adoption process may object (§ 4348(i)(1)). Section 4302(f)(1) shows the same expectation of written reasons: a planning body that finds a goal not relevant or attainable must "describe the situation, explain why," and that finding is "subject to review." Review requires something to review.

The burden of establishing that the statutory standards are met is the RPC's (Guidelines § 1.008).

2. A checklist cannot do that work

1. **It records a conclusion, not the reasons for it.** " Met" says CVRPC reached a result. It does not say how. A report states facts: this area is served by this line, the walking route is this long, this sidewalk is in the capital program at this page. A party can answer each with a map, a record or a measurement. A checked box offers nothing to answer.

2. **For Planned Growth Areas, it asks the wrong question.** Section 4348a(a)(12)(B) says these areas "should generally meet" seven criteria: an approved plan and confirmed planning process; service by public water or wastewater; walking distance to a downtown or village center; exclusion of flood hazard and river corridor areas; a municipal plan calling for higher-density mixed use; opportunity to meet housing targets; and complete-streets infrastructure, existing or in the capital program. The checklist form puts one line to each land use area: "RPC mapped this area consistent with the mapping process and standards." That asks whether CVRPC followed the VAPDA methodology, which the regional commissions wrote. It does not ask whether any area meets the statute.

3. **CVRPC's filed checklist shows the gap.** In Application Ex. 057, the implementation program (element 6) is marked "Met," and the narrative describes an implementation table but never mentions a capacity study, which § 4348a(a)(7) requires the investment strategy to be "based on." For Goal 1(A), which concerns accommodating a substantial majority of the housing targets, the narrative gives land-area percentages and quotes policies; it does not state what share of the targets the growth areas can absorb. The cover text still says the checklist documents "the CVRPC plan dated June 12, 2026," the preapplication draft, not the plan adopted October 20. The preapplication checklist (Board docket Ex. 005; Objection Ex. 2) already described Planned Growth Area service as locations "generally close enough to existing infrastructure that future connections

are possible." That is not "served by."

3. The description of map changes compares to the wrong map

Section 4348(h)(1) requires "a description of any changes to the regional plan future land use map." Section 4348(d)(2) requires, for each municipality, "a municipality-wide map showing old versus new areas with labels." "Old" can only mean the map now in effect. A draft that has not been adopted is not a regional plan future land use map, and a change from an unadopted draft is not a change to the map.

CVRPC's summary of changes to the map (Application Ex. 060) opens: "Since the Pre-Application draft of the CVRPC 2026 Regional Future Land Use Map was submitted to the Land Use Review Board (LURB) on June 25, 2026, CVRPC has been working diligently to incorporate feedback." The plan summary (Application Ex. 059) uses the same baseline. Each entry therefore reports how the June 25 draft changed. None reports how the adopted map differs from the regional plan future land use map in effect today. That is the map CVRPC attached to its August 6, 2026 memorandum (Objection Ex. 1, vol. p. 18). The memorandum calls it the 2024 map; its face reads "Readopted: 10/13/2020." It is the last regional future land use map adopted before the plan now submitted. The June 25 draft is not an adopted map: CVRPC never adopted it, and revised it in response to comments from the Board, state agencies, commissioners and the public (Application Exs. 059, 060).

Country Club Road in Montpelier shows what that omission hides. Application Ex. 060 says: "The Planned Growth Area for 203 Country Club Rd was expanded to include the entire parcel." That reads as a boundary adjustment. On the map in effect, the parcel is Rural. Moving land from Rural to Planned Growth Area is the largest kind of change the map can make: it is the change that feeds Tier 1B and Tier 1A status and affects Act 250 jurisdiction. The summary gives no criterion, distance or infrastructure to justify it, and a reader would never learn that the parcel was Rural.

CVRPC knows the right baseline. Its August 6, 2026 memorandum summarizing proposed map changes attached that map and compared the draft 2026 map against it, town by town (Objection Ex. 1, Tables 1 and 2). The adopted-stage description dropped it, and a description that cannot be compared to the operative map gives the Board and the public nothing to compare.

4. The Guidelines do not say otherwise

- Guidelines § 1.106(A) states that the draft checklist serves the § 4348(d)(1) requirement “for a preliminary report.” It is confined to the preapplication stage, and the word “preliminary” implies a later, final report.

- Guidelines § 1.302(A)(3) lists the checklist as an item the adopted-plan application must include. It does not say the checklist is the § 4348(h)(1) report. (Guidelines v1.5)

- CVRPC’s Executive Director answered my request for the report by saying CVRPC “has followed section 1.106” and does not intend to submit another document (Objection Ex. 3). That relies on a preapplication provision for a final-stage duty.

- The Board’s web page describing the completed checklist as the required statutory report is not a Guideline. If a Guideline did equate the two at the final stage, it would conflict with § 4348(h)(1), and § 1.003 provides that a conflicting provision does not stand.

- That other commissions filed checklists is not a finding that those checklists documented conformance. It is a reason to apply the statute here.

5. What I ask

1. That the Board not deem the application complete until CVRPC files a report documenting conformance, element by element and, for each Planned Growth Area, criterion by criterion.

2. That the Board require a description of changes measured against the regional plan future land use map now in effect (Objection Ex. 1), not an

unadopted draft, identifying every area whose category changed, and in particular every change out of a Rural category.

3. If the Board concludes that a Guideline allows the checklist to serve as the report, that it still find the application incomplete. A Guideline cannot overrule the statute. Section 4348(h)(1) requires a report documenting conformance, and a checklist that records conclusions is not one. A Guideline that provides otherwise conflicts with the statute and, under Guidelines § 1.003, does not stand.

4. That the report and the revised description of changes be posted to the docket for public review.

Thank you for your attention to this.

Respectfully,

Stephen Whitaker

Interested party, RPC03-0001