

# Preapplication Review Comment Form

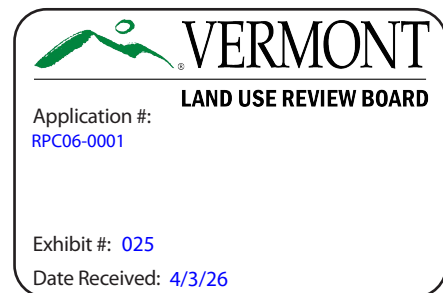
The purpose of the Land Use Review Board's preapplication review of a draft regional plan is to provide comments to the regional planning commission on whether draft regional plan conforms with 24 V.S.A. § 4302, 4348a, 5803, and 5804.

This comment form lays out the statutory requirements for a regional plan to receive an affirmative determination from the Board. This form does not need to be completed in its entirety, and a commentor can elect to complete only certain sections. If you have no comments under the given section, leave that section blank.

## Commentor Information

1. Select the Regional Planning Commission you are providing comments for.

- Addison County – RPC01
- Bennington County – RPC02
- Central Vermont – RPC03
- Chittenden County – RPC04
- Lamoille County – RPC05
- Mount Ascutney – RPC06
- Northeastern Vermont Development Association – RPC07
- Northwest – RPC08
- Rutland – RPC09
- Two-Rivers Ottauquechee – RPC10
- Windham – RPC11



2. Name of commentor.

Anne Margolis

3. Commentor email address.

anne.margolis@vermont.gov

4. Partner Agency (if representing a partner agency).

Public Service Department

## Section 2 – Part A – Consistency with State Planning Goals (15 Goals)

Per 24 V.S.A. § 4348(h)(4), for the Land Use Review Board to issue a determination of plan compliance, it must find that the plan is consistent with the State planning goals as established in 24 V.S.A. § 4302. The application must describe plan compliance.

In this section, the RPC was required to provide detailed information about how the plan meets the general and specific goals out-lined in 24 V.S.A. §§ 4302(a), (b) and (c).

5. The draft plan must meet the general purpose of 24 V.S.A. § 4302(a), which states: "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."

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6. 4302(b) - GENERAL 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.

7. 4302(c) - 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. Are the proposed designated areas (downtown and village centers, planned growth areas, and village areas) adequate to accommodate the regional housing targets as required by 24 V.S.A. § 4302(c)(1)(A)?

- (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.

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8. Are the proposed designated areas (downtown and village centers, planned growth areas, and village areas) adequate to accommodate the regional housing targets as required by 24 V.S.A. § 4302(c)(1)(A)?

9. 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. 24 V.S.A. § 4302(c)(2).

10. Goal 3: To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters. 24 V.S.A. § 4302(c)(3).

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11. 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.
- (A) Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated. 24 V.S.A. § 4302(c)(4).

12. Goal 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. 24 V.S.A. § 4302(c)(5).

13. Goal 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. 24 V.S.A. § 4302(c)(6).

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14. Goal 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. 24 V.S.A. § 4302(c)(7).

The Department has reviewed the draft regional plan for consistency with Goal 7 and finds it discusses the efficient use of energy and development of renewable energy resources in support of statewide emissions reduction requirements. The Department will separately review Mount Ascutney Regional Commission's (MARC's) plan for conformance with Department's enhanced energy planning standards pursuant to Act 174 of 2016 when MARC submits it to the Department for that review and will provide relevant comments from that review directly to MARC.

15. Goal 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. 24 V.S.A. § 4302(c)(8).

16. Goal 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.

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(E) Public investment should be planned so as to minimize development pressure on agricultural and forest land. 24 V.S.A. § 4302(c)(9).

17. 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. 24 V.S.A. § 4302(c)(10).

18. Goal 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 multi-family 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. 24 V.S.A. § 4302(c)(11).

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19. Goal 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. 24 V.S.A. § 4302(c)(12).

20. Goal 13: To ensure the availability of safe and affordable childcare and to integrate childcare issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and childcare work force development. 24 V.S.A. § 4302(c)(13).

21. Goal 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.

24 V.S.A. § 4302(c)(14).

\*This goal is effective until 1/1/28, after which it is replaced with updated language accounting for the forthcoming statewide minimum flood hazard area standards established by rule by the Agency of Natural Resources

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22. Goal 15: With development of the regional plans, the regional planning commissions are required "[a]t the outset of the planning process and throughout the process, regional planning commissions shall solicit the participation of each of their member municipalities, local citizens, and organizations by holding informal working sessions that suit the needs of local people. The purpose of these working sessions is to allow for meaningful participation as defined in 3 V.S.A. § 6002, provide consistent information about new statutory requirements related to the regional plan, explain the reasons for new requirements, and gather information to be used in the development of the regional plan and future land use element." 24 V.S.A. 4348(a). Additionally, goal 15 requires the regional plan "[t]o equitably distribute environmental benefits and burdens as described in 3 V.S.A. chapter 72." The referenced chapter is titled: "Environmental Justice."

"'Meaningful participation' means that all individuals have the opportunity to participate in energy, climate change, and environmental decision making. Examples include needs assessments, planning, implementation, permitting, compliance and enforcement, and evaluation. Meaningful participation also integrates diverse knowledge systems, histories, traditions, languages, and cultures of Indigenous communities in decision-making processes. It requires that communities are enabled and administratively assisted to participate fully through education and training. Meaningful participation requires the State to operate in a transparent manner with regard to opportunities for community input and also encourages the development of environmental, energy, and climate change stewardship." 3 V.S.A. § 6002(6). Please provide any comments you have as to whether the development of the draft regional plan meets these requirements.

## Section 3 – Part B – Consistency with the Purposes of a Regional Plan

Per 24 V.S.A. § 4348(h)(4), for the Land Use Review Board to issue a determination of plan compliance, it must find that the plan is consistent with the purposes of a regional plan as established in 24 V.S.A. § 4347. “Consistency” is defined in 24 V.S.A. § 4302(f)(1).

The application must provide detailed information describing how the plan is consistent with the purposes of a regional plan.

23. 24 V.S.A. § 4347 - Purposes of a 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.

## Section 4 – Part C – Required Elements of a Regional Plan

The draft regional plan must include the following elements. 24 V.S.A. § 4348a(a).

24. 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. 24 V.S.A. § 4348a(a)(1).

25. 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.

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(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. 24 V.S.A. § 4348a(a)(2).

26. 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. 24 V.S.A. § 4348a(a)(3).

The Department has reviewed the draft regional plan for consistency with this element and generally finds it includes required aspects of an energy element. The Department is also required to separately review regional plans submitted to it for Act 174 compliance. Plans must meet enhanced energy planning standards, one of which is that the plan has an energy element pursuant to 24 V.S.A. § 4348a(a)(3). The Department will conduct a separate review of MARC's draft regional plan (if and when it is requested of the Department) and its adopted regional plan for conformance with this and other enhanced energy planning standards and will provide relevant questions and comments from those reviews to MARC directly.

27. 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. 24 V.S.A. § 4348a(a)(4).

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28. 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. 24 V.S.A. § 4348a(a)(5).

29. 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. 24 V.S.A. § 4348a(a)(7).

30. A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regions. 24 V.S.A. § 4348a(a).

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31. 24 V.S.A. § 4302(f)(2) defines “compatibility” as follows:

(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.

32. 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. 24 V.S.A. § 4348a(a)(9).

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33. 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. 24 V.S.A. § 4348a(a)(10).

34. A flood resilience element that:

- 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
- 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.

A flood resilience element may reference an existing regional hazard mitigation plan approved under 44 C.F.R. § 201.6. See 24 V.S.A. § 4348a(a)(11).

## Section 5 – Future Land Use Element

The draft regional plan must include a future land use element. 24 V.S.A. § 4348a(a)(12). As the Board reviews the future land use map and land use categories, the Board will be relying on the land use categories listed in 24 V.S.A. § 4348a(a)(12) and on the Mapping Process and Standards v 3.0, which summarizes the methodology and planning considerations followed by the RPCs in developing the future land use map.

35. 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; and policies intended to support the implementation of the future land use element using the land use categories as defined by 24 V.S.A. § 4348a(a)(12).

36. Downtown Center - The traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. 24 V.S.A § 4348a(12)(A).

Share any comments you have on proposed downtown centers.

37. Village Center - The traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers

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are not required to have public water, wastewater, zoning or subdivision bylaws.  
24 V.S.A § 4348a(12)(A).

Share any comments you have on proposed village centers.

38. Planned Growth Area - 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. 24 V.S.A § 4348a(12)(B).

Share any comments you have on proposed planned growth areas.

39. Village Area - These areas include the traditional settlement area or a proposed new settlement area, typically composed of a cohesive mix of residential, civic, religious, commercial, and mixed-use buildings, arranged along a main street and intersecting streets that are within walking distance for residents who live within and surrounding the core. These areas include existing village center designations and similar areas statewide, but this area is larger than the village center designation. 24 V.S.A § 4348a(12)(C).

Share any comments you have on proposed village areas.

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40. 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. 24 V.S.A § 4348a(12)(D).

Share any comments you have on proposed transition or infill areas.

41. Resource-based Recreation Area - 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. 24 V.S.A § 4348a(12)(E).

Share any comments you have on proposed resource-based recreation areas.

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42. Enterprise Area - 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. 24 V.S.A § 4348a(12)(F).

Share any comments you have on proposed enterprise areas.

43. 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. 24 V.S.A. § 4348a(12)(G).

Share any comments you have on proposed hamlets.

44. 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. 24 V.S.A § 4348a(12)(H).

Share any comments you have on proposed rural - general elements.

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45. Rural; Agriculture 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. 24 V.S.A § 4348a(12)(I).

Share any comments you have on proposed rural - agriculture and forestry elements.

46. 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. The mapping of these areas and accompanying policies are intended to help meet requirements of 10 V.S.A. chapter 89. Any portion of this area that is approved by the LURB as having Tier 3 area status shall be identified on the future land use map as an overlay upon approval. 24 V.S.A § 4348a(12)(J).

Share any comments you have on proposed rural - conservation elements.

47. Do the Rural Conservation areas identified on the plan's FLU map help meet the requirements of the Community Resilience and Biodiversity Act (10 V.S.A. Chapter 89) (see 24 V.S.A. 4348a(12)(J))?

## Section 6 – Part E – New Tier 1B Status Requests

With Tier 1B Status Requests, the Board's review has two subparts: first, whether each municipality with proposed Tier 1B status areas meets the requirements of 10 V.S.A. § 6033(c)(1)-(6); and, second, whether the underlying proposed Tier 1B area/s as designated in the Future Land Use Map meets the requirements for a "downtown or village centers", "planned growth areas", and "village areas" as described in 24 V.S.A. § 4348a(12)(A)-(C).

### 48. Subpart 1 - Requirements of 10 V.S.A 6033(c)

Instructions: to the extent that you have comments on whether the municipality/ies with proposed Tier 1B status areas meet the requirements of 10 V.S.A. § 6033(c), list the municipality, and if it does not meet the requirements of 10 V.S.A. 6033(c), any additional comments.

The subsections of 10 V.S.A. § 6033(c) are as follows:

- (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

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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.

49. Subpart 2 - Underlying Future Land Use Map Designations

To the extent that you have comments on whether any FLU area as proposed on the Future Land Use Map and underlying a proposed Tier 1B area does not meet the requirements for a downtown or village center, planned growth area, or village area as described in 24 V.S.A. § 4348a(12)(A)-(C), list the municipality, description of the Tier 1B area, any underlying FLU map areas, and if it does not meet the requirements, any additional comments.

Submit this form by email to the Land Use Review Board at [act250.Board@vermont.gov](mailto:act250.Board@vermont.gov).