



PREAPPLICATION RESPONSE LETTER

State of Vermont
Land Use Review Board
10 Baldwin Street, Montpelier, VT 05633-3201
<https://act250.vermont.gov/>

SENT VIA EMAIL ONLY

November 21, 2025

Rutland Regional Planning Commission
Attn: Devon Neary
devon@rutlandrpc.org

Re: Rutland Regional Planning Commission Preapplication Response

Dear Devon Neary:

The Land Use Review Board has completed its preapplication review of the Rutland County Regional Planning Commission's (RRPC) preapplication that was deemed complete on September 22, 2025. A meeting occurred on October 16, 2025.

Separately, the Board requested comments from our state partners and the public. Copies of those comments can be found on the database:

<https://anrweb.vt.gov/ANR/Act250/RPDetail.aspx?AppNum=RPC09-0001>

I. BOARD REVIEW

The purpose of the preapplication process is for the Board to review whether the draft regional plan is in conformance with 24 V.S.A. §§ 4302, 4348a, 5803, and 5804. 24 V.S.A. § 4348(b). Additionally, the Board must find that the plan is consistent with the purposes 24 V.S.A. § 4347. 24 V.S.A. § 4348(h)(4)(B). The Board has also reviewed the Commission's Tier 1B status request to see if it meets the requirements of 10 V.S.A. § 6033(c) and 24 V.S.A. § 4348a(a)(12)(A)-(C). This preapplication response addresses the statutory standard and identifies areas where the Board has determined that the draft plan is deficient and needs revision to conform. If the RRPC disagrees, the Board will need additional information about why the RRPC believes the statutory standard is met. This information should be included with the adopted regional plan. This response letter also includes optional recommendations of the Board that the RRPC may choose to address within the adopted regional plan. It is important to note that this preapplication response is advisory only and does not guarantee an affirmative determination when the adopted plan or Tier 1B status request is submitted pursuant to Section 1.200 of the Board's *Regional Planning Commission Application Guidelines*.

A. Further the State Planning Goals 24 V.S.A. § 4302

The Board has reviewed the draft regional plan to determine if the plan furthers the goals of 24 V.S.A. § 4302.



1. Conformance with 24 V.S.A. § 4302(a).

The draft plan reflects appropriate development of land in a manner to promote public health, safety, welfare, comfort, and prosperity. It posits the importance of mitigating property tax burden on agricultural, forested, and other open lands. The plan encourages appropriate architectural design and renewable energy resource development. It addresses traffic congestion, encourages growth in communities to create an optimum natural, built, and cultural environment, and plans for the prevention of negative impacts of growth. **The draft regional plan adequately considers and reflects the general purposes of 24 V.S.A. § 4302(a).**

2. Conformance with 24 V.S.A. § 4302(b)

The draft plan presents a framework for organized planning across the Rutland region for municipalities, the regional commission, and state agencies and services, the goal of which includes the efficient and most beneficial deployment of the region's resources. The RRPC conducted a public outreach effort that encouraged citizen participation in the development of the plan, and the plan encourages local decision-making for issues of local impact. The plan includes mechanisms that encourage municipalities to work collaboratively to implement the regional plan and individual municipal plans. **The draft plan reflects furtherance of the goals listed in 24 V.S.A. § 4302(b).**

3. Conformance with 24 V.S.A. § 4302(c)

The draft regional plan must further the fifteen goals of 24 V.S.A. 4302(c).

Goal 1:

The first goal is to plan development that maintains the historic settlement pattern of compact village and urban centers separated by rural countryside. 24 V.S.A. § 4302(c)(1). The plan consistently encourages residential development and economic growth to primarily occur in growth areas consisting of downtown and village center future land use areas (FLUA) surrounded by planned growth and village area FLUA. Transition/Infill and Enterprise FLUA are also designated for specialized growth or redevelopment. The plan encourages infrastructure investment in these growth areas as well. The plan makes numerous references to the importance of following smart growth principles for new development in the region. This concentration of development in growth areas works in concert with maintaining rural working lands and conservation of forests and wildlife habitat and other natural resources outside of concentrated growth centers.

“Smart growth,” as defined in 24 V.S.A., Chapter 76A, Section 2791(13), is put forward as a tool to accomplish these aims. The RRPC commits to offering biannual smart growth trainings, preparing “a Fiscal Smart Growth Land Use Planning Guide by 2030 outlining strategies to increase municipal revenues and reduce property owner tax burden ...,” and assisting three municipalities to implement the strategies outlined. See

Draft Plan at 76. **The draft plan is consistent with the statutory goal of compact centers surrounded by rural countryside (Goal 1).**

Advisory Recommendation: The Board asks that the Commission consider providing more detail about how public investments will support planned “smart growth” development within identified growth FLU areas.

Goal 2:

The second goal requires the plan “[t]o 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).

The Economic Development chapter stresses that a diverse economy is a resilient economy. It emphasizes the importance of bringing economic opportunity to those communities that bear the heaviest economic burdens. It also emphasizes the importance of balancing economic development with environmental health. An education section in the Community Facilities and Public Utilities chapter reiterates need for expanded career development programming across the region to meet workforce development needs. See *Draft Plan* at 79 and 225. The Working Lands chapter emphasizes the importance of boosting the agricultural and forest economies in the region. **With these and other strategies articulated throughout, the draft plan expresses these statutory economic development goals and is consistent with Goal 2.**

Advisory Recommendation: Before submitting the adopted regional plan, the Board asks that the Commission revise the draft plan to explain the discrepancy between the assertion that 25,000 jobs were gained last year with the statement that 19,000 were lost and 17,000 gained. See *Draft Plan* at 85.

Goal 3:

The third goal requires the plan to “[t]o 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). The Economic Development chapter posits educational and vocational training programs as essential to retaining an adequate workforce for the region. The education section in the Community Facilities and Public Utilities chapter reiterates need for expanded career development programming across the region to meet workforce development needs as also emphasized in the Economic Development chapter. See *Draft Plan* at 79 and 225. **The draft plan is consistent with Goal 3.**

Advisory Recommendation: Before submitting the adopted regional plan, consider elaboration of online training opportunities as a means of educational service delivery to rural and dispersed populations. Also, consider indicating the presence of Vermont State University in Rutland and Killington.

Goal 4:

The fourth goal requires the plan “[t]o 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.” 24 V.S.A. § 4302(c)(4). As well as “[h]ighways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.” 24 V.S.A. § 4302(c)(4)(A). The Transportation chapter addresses multimodal transportation throughout the region, including rail, air, public transit, personal vehicular travel, and active modes such as walking, biking, and wheelchair use. Various strategies for improving safety and resilience of the transportation infrastructure are discussed, including electrification of vehicular transport and infrastructure. Complete streets principles are emphasized, particularly for centers and growth areas. Tools such as quick build projects are promoted to facilitate pedestrian and bicycle use while addressing safety and economic development needs along streets that are oriented singularly for efficient movement of cars. Growing passenger and freight rail and air connections are also promoted. **The draft plan is generally consistent with Goal 4. See comments on the Transportation element in Section I(D)(4) of this preapplication response for requested revision to give more attention to addressing transportation impacts of growth in Tier 1A and 1B areas.**

Goal 5:

The fifth goal requires the plan “[t]o 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).

The draft plan includes a Cultural Resources chapter that emphasizes the importance of maintaining historic resources and other aspects of the region's cultural heritage. It discusses the need to balance protection of archeological sites with well-designed public education about archeological sites in the region. Scenic roads and viewsheds are also put forth as important cultural resources as well as economic assets in the public facilities chapter as well as in other sections of the plan. **However, the draft plan does not sufficiently identify particular historic and cultural resources as required by 24 V.S.A. § 4302(c)(5)(D).**

Requested Revision: The Commission should provide more inventory and context for regional historic landscapes, districts, and structures to meet 24 V.S.A. § 4302(c)(5)(D). This could include a map showing such features.

The Natural Resources chapter identifies significant natural resources as well as the many important water resources in the region. **However, significant natural and fragile areas are not identified as required by 24 V.S.A. § 4302(c)(5)(A).**

Requested Revision: Before submitting the adopted regional plan, the Commission should revise the plan to explicitly identify existing significant natural and fragile areas in the region.

The plan discusses how to protect the region's natural resources in the Natural Resources chapter as well as the Working Landscape chapter. The plan defers to the Agency of Natural Resources as a primary administrator of natural resource protection and preservation. More attention could be given to describing efforts that can be made by the Commission and municipalities to protect the region's natural resources.

Advisory Recommendation: Consider adding details about how the RRPC and its member municipalities can effectuate the preservation and protection of natural resources through open space plans, overlay districts, and other planning tools. The Commission should also consider more encouragement of municipal regulatory protections for air, water, wildlife, and forest resources.

Goal 6:

The sixth goal requires the plan "[t]o 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).

The draft plan addresses subsection (A) by describing enhanced review for development projects having substantial regional impact for projects that trigger Act 250. In addition, proposed development in "areas of special flood hazard, necessary wildlife habitats or significant natural communities, Class I wetlands, areas identified with threatened or endangered species" will trigger regional plan policy authority in those Act 250 permit review processes. The Natural Resources chapter references ANR's basin planning for the watersheds in the region (B).

The Natural Resources chapter includes a map of forested priority and highest priority wildlife habitat blocks and asserts the importance of forests for resiliency, as carbon sinks, wildlife habitat, water purification, and their recreation and forest industry assets.

The plan includes a policy asserting that development in Rural FLUA should not substantially fragment highest priority interior forest blocks or high priority wildlife corridors (C). The plan also commits to assisting municipalities to develop plans, bylaws, and studies focused on reducing parcelization caused by development. **The draft plan is consistent with Goal 6. See related comments on the Natural Resources Element in section I(D)(2) of this preapplication response.**

Goal 7:

The seventh goal requires the plan “[t]o 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 draft plan’s Enhanced Energy chapter provides strategies consistent with Goal 7.

Advisory recommendation: The draft plan details the need for weatherization and highlights this as a strategy but does not discuss the reported failure to meet previous weatherization targets. *See Draft Plan* at 10 and 248. Before submitting the adopted regional plan, the Commission should consider providing analysis as to why the previous weatherization targets were not met and what tailored approaches should be pursued to justify continued weatherization efforts as a primary means of addressing the regional thermal energy goals.

Goal 8

The eighth goal requires the plan “[t]o 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).

The Community Facilities and Public Utilities chapter addresses public recreation infrastructure. The Transportation chapter gives attention to shared use and rail trail paths. **The draft plan is consistent with Goal 8.**

Advisory Recommendation: The plan asserts the importance of providing indoor recreation opportunities, but then goals and measures for addressing this need for future recreation planning, especially for winter activities, are not provided. See *Draft Plan* at 203. Before submitting the adopted plan, consider revising the plan to address future indoor recreation needs.

Goal 9:

The ninth goal requires the plan “[t]o 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.

24 V.S.A. § 4302(c)(9).

The Working Landscape chapter includes an analysis of current conditions and future trends for both sectors in the region that reflects the priorities of this goal. The chapter addresses how to increase equitable access to farm and forest jobs and enterprises, and to increase access to healthy and regionally produced foods. The increasing importance of resilience in the face of climate change for both industries is also discussed. A diversification and trend toward value added products is posited as necessary for both industries. **The draft plan is consistent with Goal 9.**

Goal 10:

The tenth goal requires the plan “[t]o 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). The Natural Resources chapter includes a section on earth extraction activities and policies that include providing for harvest of these resources while ensuring appropriate reclamation. **The draft plan is consistent with Goal 10.**

Goal 11:

The eleventh goal requires the plan “[t]o 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 (ADU) 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).

To further this goal, the draft plan lays out the following strategies and objectives: (1) achieve a housing supply in which households spend no more than 30% of their incomes toward housing and no more than 15% of their incomes toward transportation; (2) increase the number of smaller units in multifamily structures in the region's mixed-use cores; (3) promote ADUs to accommodate family elders or others in need of supervised care; (4) market the county's significant share of vacant units and buildings to developers for rehabilitation or conversion; (5) increase the share of multifamily units, manufactured homes, and ADUs to ensure sufficient affordability is maintained; (6) promote off-site construction of homes to increase affordability of units in the region; (7) promote home sharing; (8) 85% of new housing units should be affordable; and (9) promote the new Community and Housing Infrastructure Program (CHIP) to address infrastructure needs to support new housing development. **The draft plan is consistent with Goal 11. See related comments under the Housing element in section I(D)(9) of this preapplication response for requested revisions.**

Goal 12:

The twelfth goal requires the draft plan:

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).

Intermunicipal cooperation is emphasized in the draft plan to maintain services into the future as volunteer officials age, and recruitment for part-time staff positions becomes

more difficult. The plan documents declining population trends and emphasizes the need to reverse that trend. The need for regional cooperation as facilities become costly and staffing shortages more commonplace is recognized. **The draft plan is consistent with Goal 12.**

Advisory Recommendation: Before submitting the adopted plan, consider providing more discussion of consolidation of some services given the lack of viable long-term solutions both statewide and nationally.

Goal 13:

The thirteenth goal requires the plan “[t]o 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.” 24 V.S.A. § 4302(c)(13).

Childcare facilities are enumerated and future needs assessed in the Community Facilities and Public Utilities chapter. Increased compensation for childcare workers is identified as a key need. Increased capacity is identified by municipality aligned with employer density. *See Draft Plan at 227.* **The draft plan is consistent with Goal 13.**

Goal 14:

The fourteenth goal requires the plan to encourage flood resilient communities. 24 V.S.A. § 4302(c)(14). The plan includes a Climate Resilience chapter that encourages flood resilience strategies be pursued throughout the region. **The draft plan is consistent with Goal 14.**

Goal 15:

The fifteenth goal requires the 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.” The State of Vermont has explained:

It is further the policy of the State of Vermont to provide the opportunity for the meaningful participation of all individuals, with particular attention to environmental justice focus populations, in the development, implementation, or enforcement of any law, regulation, or policy.

3 V.S.A. § 6003.

“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).

Equity is a key principle of the draft regional plan and ensuring benefits and burdens are equitably distributed is cited throughout the plan. An equity analysis relating to the energy sector is provided within the energy element of the plan. However, the plan as a whole does not include an equity analysis relative to statutory environmental justice populations (racial, income, language metrics by census block). The draft regional plan does not provide sufficient information to show how the RRPC provided meaningful participation to environmental justice populations in the development of its draft plan. While the draft plan acknowledges the importance of reaching underserved and historically marginalized communities throughout its narrative, this does not go far enough. Additional steps must be taken to engage identified environmental justice populations now and in the future.

For instance, the draft plan posits equity in terms of a clean environment:

Achieving equity requires the elimination of threats to the Region's natural resources. Pollution from harmful plastics and chemicals can contaminate the air, water, and food that residents rely on, ultimately affecting their health. Certain groups and areas disproportionately suffer from pollution. This includes outdoor workers and recreational users, who are vulnerable to bacteria, viruses, or parasites; individuals experiencing homelessness; residents in flood-prone zones; and those at increased risk due to age, health conditions, or specific medications. Even individuals in good health may lack the financial means to reduce their exposure to risks, prevent harmful effects, or recover when problems arise. Communities can only achieve true equity by taking proactive steps to protect those who are most susceptible to pollution.

Draft Plan at 298-299. This paragraph identifies vulnerable groups but does not say how these groups may have been engaged to develop plan policies around these issues.

Another example in the Implementation chapter references an equity analysis and asserts that the analysis "will serve as a tool" to engage marginalized groups in the planning process to ensure "they benefit from economic growth, including access to good jobs, infrastructure improvements, and environments that promote healthy living." *See draft plan at 382.* However, the results of the equity analysis are not presented in the plan and this commitment to engaging disadvantaged groups and addressing disparate burdens is not clearly reflected in the implementation matrices.

Additionally, the plan includes the following action in the Natural Resources section: "Advocate for socially marginalized groups to have access to and benefit from natural resources." *Draft Plan at 399.* While the draft plan identifies "ARC Rutland Area" and "Come Alive" as partners for this action, these groups are not further described. According to its website, Come Alive Outside is an organization that aims to connect communities to the health and wellbeing benefits of the outdoors. According to its

website, ARC Rutland Area advocates for people with disabilities. The appended separate engagement report lists engagement with one group, "Releaf," as one of a dozen natural resource-oriented stakeholders. A web search revealed the group's full name (Vermont Racial Equity in Land, Environment, Agriculture, and Food Systems Collective) and organizational purpose. This information should be provided within the plan, and it should be clear how these different groups helped RRPC to comply with 3 V.S.A. § 6001 *et. seq.*

Upon request, the Commission submitted a supplemental "Equity Analysis" presentation that generally addresses various causes for disparities in health and safety and the importance of facilitating meaningful participation by marginalized or disadvantaged communities. The presentation outlines work to be done in this realm but does not provide goals, actions, or policies in line with such a plan.

Although the draft plan continually explains the importance of equity, admirably commits to providing equity throughout the region, and acknowledges that disadvantaged communities bear unequal environmental burdens, more details about current distributional inequities in the region and actions to be taken to achieve equity throughout the region are not provided. **Goal 15, therefore, is not met by the draft plan.**

Requested Revisions: Before submitting the adopted regional plan, the Board needs more information about how the RRPC complied with Goal 15 and with 3 V.S.A. 6001 *et. seq.* Accordingly, the Board asks the following revisions be considered or accompanying information provided:

- **Include details of an equity analysis that describe where regional public environmental investments are made, which geographic areas receive environmental benefits from those investments, and how much of those investments are provided to environmental justice focus populations.**
- **Describe how environmental burdens are distributed in the region and whether environmental justice focus populations are disproportionately affected.**
- **Include a summary of engagement strategies focused on disadvantaged groups and how the RRPC has reached or will reach these populations.**
- **Clearly identify more goals, policies and actions that will be taken by the RRPC to identify and engage marginalized communities in environmental policy and implementation decisions.**

B. Consistency with the Purposes of a Regional Plan 24 V.S.A. § 4347

As part of the Board's review of the draft regional plan, the Board must make a determination of whether the plan is consistent with the purposes of the regional plan found in 24 V.S.A. § 4347. 24 V.S.A. § 4348(h)(4)(B). Section 4347 states:

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.

As the draft plan addresses the separate goals enumerated in Part A of this preapplication response (above) and through the various required elements as enumerated in Part D (below), **the draft plan is consistent with these 24 V.S.A. § 4347 purposes.**

C. Conformance with Outreach Requirements of 24 V.S.A. § 4348(a)

As part of the development of the regional plan,

... 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).

Each chapter in the plan asserts that the information presented was informed by public engagement and outreach with reference to an appended engagement report. The plan asserts the importance of reaching underserved and historically marginalized communities throughout its narrative. The separate engagement report describes the extensive public outreach strategy and efforts of the RRPC. The strategy was devised

with the assistance of consultant "b Creative." In addition, the RRPC's Regional Plan Review Checklist summarizes the engagement and outreach efforts pursued over the course of two years that the plan has been in development. Outreach included tabling at regional events, meetings with community groups, a survey, and multiple meetings with officials of each member municipality. The RRPC reportedly rescheduled outreach efforts when too few participants showed up. **The Board concludes that the plan was developed with the participation of its member municipalities and provided for meaningful participation to communities throughout the region. See Section I(A)(iii) Goal 15 of this preapplication response for requested revisions on engagement with environmental justice focus populations in particular.**

D. Conformance with 24 V.S.A. § 4348a

The Board has reviewed the draft regional plan and has determined whether it conforms with the required elements of 24 V.S.A. § 4348a(a). The subsections below match the subsections of 24 V.S.A. § 4348a(a). Subsection 6 was repealed by the legislature but is listed as a placeholder below and is intentionally left blank.

1. Statement of Basic Policies

A regional plan must meet contain: "[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). The draft regional plan includes guiding policies at the end of each chapter, including Land Use, Community Facilities and Public Utilities, and Natural Resources. **The draft regional plan meets this requirement.**

In the Implementation chapter, it states that Act 181 "modernizes how Vermont directs public investments to designated areas and accelerates the transition of Act 250 permitting to municipal, location-based jurisdiction." *Draft Plan at 374*. This statement is not entirely accurate. Although some Act 250 triggers will be location based (Tier 3), and some permitting will be shifted to municipalities in Tier 1A and 1B areas, many of the jurisdictional triggers will remain as they have been for decades, and a new road construction jurisdictional trigger will be implemented outside of Tier 1A and 1B areas.

Requested Revision: The statement concerning Act 181 and Act 250 jurisdiction in the Implementation chapter should be corrected or eliminated.

2. Natural Resources and Working Lands

A regional plan must contain:

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.

24 V.S.A. § 4348a(a)(2).

Chapters on Natural Resources and Working Landscape provide these required elements. **The draft regional plan meets this requirement.**

The draft plan references priority forest blocks and habitat corridors on a map and states that the highest priority blocks will receive continuous monitoring. It is unclear which mapped forest blocks and habitat connectors are depicted. *See Draft Plan at 319 (Figure 10.12) and 327.*

Advisory Recommendation: The Commission should clarify what is depicted on the map in Figure 10.12 and what will be monitored. Consider referencing and mapping both highest priority interior forest blocks and highest priority connectivity blocks, which when combined form a connected habitat network.

The endnotes for the Natural Resources chapter are misnumbered, and some may be missing altogether. This was the case for other chapters as well.

Requested Revision: The endnotes throughout the draft plan should be checked generally for accuracy and completeness.

3. Energy

The draft regional plan must contain:

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(3).

The plan includes an energy element with the requisite analyses and energy conservation and efficiency policies. Land use policies put forth in the plan also reinforce efficient energy use. Renewable energy siting is also addressed. **The requirement for an energy element is met.**

4. Transportation

A regional plan must include the following:

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).

The Transportation chapter of the draft regional plan generally meets this required transportation element. However, numerous proposed Tier 1B and Tier 1A-eligible areas (designed to accommodate a majority of regional housing targets, in addition to other development) raise the potential for significant transportation impacts in and beyond these areas. Act 250 jurisdiction will be eliminated or substantially reduced in the approved Tier 1A and 1B areas, whereby review of traffic impacts under

Act 250 criterion 5 will no longer be available as a mechanism for mitigation of traffic impacts resulting from development in these areas. The RRPC and its member municipalities will need to work together and with the Agency of Transportation to support solutions to offset this significant change.

Requested Revisions: To address the potentially significant traffic impacts resulting from development in Tier 1A and 1B areas that will no longer be subject to Act 250 review, the Commission should consider revising the plan to (1) add detail about how to address the anticipated need for increased transportation infrastructure planning, and (2) support alternative new or leveraged local or state regulatory review processes to address mitigation of traffic from development that will no longer be subject to Act 250 review.

5. Utility and Facility

The Draft Regional Plan must contain:

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).

The plan includes a chapter on public utilities, facilities and recreational assets that addresses these requirements. See comments in section I(A)(3) Goals 8, 12, and 13.

The requirement for a utility and facility element is met.

6. (repealed)

7. Implementation

A draft regional plan must contain “[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). Each chapter within the plan includes an implementation strategy stating a goal, establishing policies and actions toward reaching the goal, and positing measures to assess progress. **The requirement for an implementation element is met.**

The Implementation chapter asserts that Act 181 "modernizes how Vermont directs public investments to designated areas and accelerates the transition of Act 250 permitting to municipal, location-based jurisdiction." *Draft Plan at 374*. This is not entirely accurate. Although some Act 250 triggers will be location based (Tier 3), and some permitting will be shifted to municipalities in Tier 1A and 1B areas, many of the

jurisdictional triggers will remain as they have been for decades, and a new road construction jurisdictional trigger will be implemented outside of Tier 1A and 1B areas.

Requested Revision: The statement on page 374 concerning Act 250 jurisdiction should be corrected or eliminated.

8. Compatibility with Other Plans

The draft regional plan must contain: “[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)(8).

The draft plan includes affirmative statements of compatibility with each of the regional plans of the five adjacent regions in Vermont, as well as Washington County, New York. An analysis of the future land use maps currently in development in the Vermont adjacent regions is presented. **This compatibility requirement is met.**

Advisory Recommendation: The Commission should consider adding more discussion and analysis about the employment, recreation, and service-oriented connections between the Rutland Region and adjacent regions as part of this element.

9. Housing

The draft regional plan must include:

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).

The draft plan includes a housing element that identifies regional and municipal housing targets. The regional targets are broken down by housing type, and the need for 85% of new units to be "affordable" is identified. *See Draft Plan at 187.* Household housing costs goals are to be no more than 30% of income, with no more than 15% of income

going toward transportation costs. Concentrating most development (including development that provides employment) in the growth of future land use areas is posited as helping achieve these goals. The board notes that adopting a goal of 85% affordable units for new housing development although admirable is arguably unattainable.

Requested Revision: The Board asks the Commission to consider including more discussion about how it plans to achieve 85% of new housing units as affordable.

For the regional housing targets, the Commission used a 2023 Rutland Regional Housing Needs Assessment (RRHNA), although it referenced the Statewide Housing Needs Assessment (SHNA). The draft plan explains the SHNA "projects household growth rates far above what the Region has historically or recently experienced." *Draft Plan* at 182. The draft plan directs us to "Appendix A6.1" to find how the SHNA was "considered and why this plan adopts a different target", but the appendix does not provide the promised explanation. *Draft Plan* at 423. Although aligning targets with historical trends is a legitimate strategy, given the need to break from recent historical trends reflecting inadequate housing unit growth, the plan needs to better explain why the SHNA figures, or the higher end of the range identified in the 2023 RRHNA are not acceptable targets.

Requested Revision: Before submitting the adopted plan, the Board asks the Commission to include more discussion of the justification for its proposed housing targets.

The regional targets are disaggregated by type and price as required. The draft plan states that housing targets were disaggregated for each municipality based on amount of land suitable for development, availability of infrastructure, regulatory constraints, and community character. However, further explanation of the methodology is not provided.

Requested Revision: The methodology for the municipalization of housing targets should be more thoroughly described within the housing element narrative.

Advisory Recommendation: To help assess progress toward attainment of housing targets, consider tracking the number of perpetually affordable units added as a subset of total housing units added annually. The annual number could also be broken down by housing type and growth vs. rural location.

Advisory Recommendation: The Commission should review Policy #6 related to new housing not being in FEMA-mapped special flood hazard areas and state-mapped river corridors. *Draft plan* at 196, 392. Does the Commission mean that new infill, floodproofed housing development should not occur in flood hazard areas? Whether to pursue floodproofing of existing nonresidential structures or new floodproofed housing construction in already developed floodplains should be clarified.

10. Economic Development

The draft regional plan must include “[a]n 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). **The Land Use, Economic Development, and Working Landscape chapters together fulfill this requirement.**

11. Flood Resilience

The draft regional plan must include:

(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.

24 V.S.A. § 4348a(a)(11).

The plan includes a Climate Resilience chapter that identifies flood and fluvial erosion hazards as a primary threat in the region. Avoiding new development in floodplains, river corridors, wetlands, and upland forests are identified as important to protect from flood related disasters and mitigate risks. The plan includes multiple actions to be undertaken by the RRPC to assist municipalities and communities to increase climate resilience, including assistance to adopt flood hazard and river corridor standards, helping to analyze flood risks by watershed, helping to coordinate the work of regional emergency management and disaster response planning agencies, facilitating the establishment of mutual aid arrangements among municipalities, providing education about nature based climate solutions, and more. **The draft plan meets the requirement for a flood resilience element.**

12. Future Land Use

The draft plan must include:

A future land use element...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...

24 V.S.A. § 4348a(a)(12).

The plan includes a Land Use chapter that posits smart growth as a guiding principle for land use and development in the region. It includes an analysis of current land use patterns by land cover, tax category, lot sizes, regulatory and planning context, and identifies legacy designation areas. The plan then presents future land use trends and opportunities, including a proposed future land use map along with narrative addressing the proposed configuration of each of the Act 181 future land use categories.

The Board reviewed the FLU map to determine if it delineates boundaries that are consistent with the land use categories described in statute. See 24 V.S.A. § 4348a(a)(12)(A)-(J). In its review of the mapped boundaries of the FLU categories, the Board referenced the Vermont Association of Planning and Development Agencies (VAPDA): *Future Land Use Methodology and Process*, Version 3.0, Revised April 18, 2025 (<https://act250.vermont.gov/sites/acttwofifty/files/documents/2025-04-21%20Act%20181%20Statewide%20FLU%20Methodology%20v%203.0%20Final.pdf>). The VAPDA methodology is used by Vermont's eleven regional planning commissions to develop the FLU mapping, thus providing a consistent approach throughout the state. Below is a summary of the Board's determinations with respect to the RRPC FLU map.

Requested Revision: The Board asks the Commission to make the following general revisions to the overall future land use area mapping:

- **Boundary Anomalies. Simplify FLU boundaries to eliminate very narrow areas of differentiation related to different mapping data (e.g., VCGI sewer service areas, on-site septic suitability).**
- **FLU Area Granularity & Slivers. FLU area mapping is too granular and should be generalized to better follow the VAPDA Future Land Use Methodology and Process. For example: eliminate small slivers of rural conservation FLU areas; make rural area roads consistent with surrounding rural FLU type; consider tying FLU boundaries more to parcel lines.**

(A) Downtown Centers and Village Centers

The FLU map contains downtown and village centers, which are defined as:

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 5804 of this title. The downtown or village centers are the traditional and historic central business and civic centers within planned growth areas, village areas, or may stand alone. Village centers are not required to have public water, wastewater, zoning, or subdivision bylaws.

24 V.S.A. § 4348a(a)(12)(A). The reference to section 5804 appears to be a typo, as it is titled “Designated neighborhood” whereas section 5803 is titled “Designation of downtown and village centers.” For the Board’s review of downtown and village centers, section 5803 has been incorporated.

A regional planning commission may apply to the LURB for approval and designation of all centers by submitting the regional plan future land use map adopted by the regional planning commission. The regional plan future land use map shall identify downtown centers and village centers as the downtown and village areas eligible for designation as centers. The Department and State Board shall provide comments to the LURB on areas eligible for center designation as provided under this chapter.

24 V.S.A. 5403(a).

The statute directs the Board to “allow for the designation of preexisting, designated downtowns, village centers and new town centers in existence on or before December 31, 2025.” 24 V.S.A. § 5803(b). For all other areas mapped as downtown centers, the Board used the following parameters. First, whether the mapped area reflects a traditional and historic central business and civic center. *Id.* Second, whether the mapped area is consistent with the VAPDA mapping process and standards. Finally, the Board evaluated whether areas mapped as downtown or village center include development that is disconnected from a center and that lack pedestrian connections to the center via a complete street. 24 V.S.A. § 5803(c).

With the exception for preexisting, nonconforming designations approved prior to the establishment of the program under this chapter or areas included in the municipal plan for the purposes of relocating a municipality’s center for flood resiliency purposes, the areas eligible for designation benefits upon the LURB’s approval of the regional plan future land use map for designation as a Center shall not include development that is disconnected from a Center and that lacks a pedestrian connection to the Center via a complete street.

24 V.S.A. § 5803(c).

Additionally, the Community Investment Program defines a “State Designated Downtown or Village Center” or “Center” as:

...a contiguous downtown or village a portion of which is listed or eligible for listing in the national register of historic places area approved as part of the LURB review of regional plan future land use maps, which may include an approved preexisting designated downtown, village center, or designated new town center established prior to the approval of the regional plan future land use maps.

24 V.S.A. 5801(12) *see also* 24 V.S.A. § 5803(b).

- Downtown Centers

The downtown centers depicted on the FLU Map must meet the requirements of 24 V.S.A. § 4348a(a)(12)(A). Downtown centers are required to have zoning and

subdivision bylaws and public water or sewer services. 24 V.S.A. § 4348a(a)(12)(A) see also 24 V.S.A. § 5803(f)(3).

The FLU map depicts the following downtown centers: Brandon, Fair Haven, Poultney and Rutland City. Brandon, Poultney, and Rutland City are based on existing legacy designation boundaries, but with expansions. Fair Haven is based on a legacy village center with extensions.

Brandon

The Brandon Downtown Center is based on an existing legacy designation. The map proposes a small extension to the legacy downtown center south along Union Street to incorporate historic residential properties with a few commercial establishments among them. **The proposed Brandon Downtown Center meets the statutory requirements.**

Fair Haven

Fair Haven is currently a village center and is expected to convert to a downtown center by December 31, 2025, with the adoption of revised zoning that incorporates historic district standards and subdivision regulations as well as updates to the flood hazard regulations. The RRPC proposes a small northerly extension of the Fair Haven legacy village center. Fair Haven does not currently have adopted subdivision regulations. 24 V.S.A. §4348a(a)(12)(A). If the regulations are not adopted before the Commission applies to the Board for a determination of compliance of the adopted regional plan, the map should be revised to show the area as village center instead. Fair Haven may also lack the required downtown organization to be able to achieve the downtown center designation prior to December 31, 2025. 24 V.S.A. § 5803(f)(3)(A)(vi). **Based on Fair Haven's current status, the statutory requirements for a downtown center are not met.**

Poultney

The Poultney Downtown Center is based on an existing legacy designation with three small extensions to include adjacent business and mixed-use areas. **The statutory requirements for the proposed Poultney Downtown Center are met.**

Requested Revision: The Board asks the Commission to consider including additional blocks or parcels to the north and south that are served by municipal water or sewer to add depth to the center.

Rutland City

The Rutland City legacy downtown center is proposed to be extended to the west and east, with smaller extensions south, and a few additional parcels north. Before the Board can determine whether the statutory requirements are met, additional information is needed to explain why these extensions are proposed. Some of the extensions include areas with industrial patterns of development and the area along Main Street between West Street and Woodstock Avenue (Route 4) has characteristics of strip development that are very pedestrian unfriendly.

Requested Information: The Board asks the Commission for additional information about whether redevelopment of these industrial- and auto-oriented

areas will result in a cohesive traditional walkable mixed-use core or whether they should be proposed as planned growth or transition/infill areas instead.

- Village Centers

The village centers depicted on the FLU map must meet 24 V.S.A. § 4348a(a)(12)(A). The regional FLU map depicts 35 village centers in 25 towns. Twenty-four are legacy village centers, with some extensions of these legacy village centers proposed. Eleven new village centers are proposed.

Benson

Advisory Recommendation: Include whole parcels in the Benson Village Center instead of proposed extensions to the north incorporating an industrial site (proposed village area or transition/infill could incorporate the northerly extension).

Brandon

The FLU depicts a village center in Forest Dale.

Requested Revision: To provide more depth, include whole parcels in the proposed Forest Dale Village Center rather than bisecting them unless a parcel is very large.

Castleton

Advisory Recommendation: Instead of proposing a strip-like connection between them, consider maintaining Hydeville and Castleton Corners as separate village centers but expanded to include whole parcels currently depicted as planned growth area. This would mitigate linearity of the proposed center with added depth. **Include whole parcels in any case.** These could be surrounded by planned growth area much as currently depicted, but by including whole parcels unless natural resource constraints warrant only partial inclusion.

Chittenden

No changes are proposed for Chittenden and North Chittenden legacy village centers. **These meet the requirements for village centers.**

Clarendon

A small expansion of the legacy Clarendon Springs Village Center is proposed to incorporate an existing historic home. Two new village centers are proposed: Clarendon Village Center to incorporate Town Hall, an historic church, and a cemetery in southerly Clarendon and North Clarendon Village Center to incorporate the area around Business Route 7. **These proposed areas meet the requirements for a village center.**

Danby

Requested Revision: Consider including whole parcels to add depth (except for very large parcels) in the Danby Village Center.

Fair Haven

A very linear new South Fair Haven Village Center is proposed.

Requested Revision: Consider revising to add more depth including whole parcels and interconnecting streets surrounded by proposed planned growth area.

Ira

Two extensions to the legacy center are proposed, approximately doubling the size of this very small village center. **This meets the requirements for a village center.**

Killington

The proposed Killington Village Center does not conform to a traditional or historic walkable business and civic center. Rather it consists of a long narrow strip, mostly along Killington Road with little to no room for the development of walkable interconnected streets. **As mapped, the proposed Killington Village Center does not meet the requirements for a village center.**

Advisory Recommendations:

- Consider reconceptualizing the Killington future land use mapping to depict a more compact village center encompassing the Route 4-Route 100-Killington Road intersections with mixed existing and planned commercial and civic assets. This could be surrounded by planned growth area or village area.
- Then, rather than depicting the very long and narrow village center along Killington Road, consider breaking it into a few broader transition/infill areas that would encompass existing and planned mixed-use and civic institutions.
- Finally, the proposed Killington Seven Peaks development and the area adjacent to the ski slopes could also be considered transition/infill area. The area currently does not exhibit a pedestrian oriented traditional and historic business and civic center and therefore does not conform to a village center FLU area.

Mendon

The proposed Mendon Village Center is a linear reconfiguration of the legacy center.

Requested Revision: Consider defining a village center with more depth by incorporating intersecting roads and including whole parcels.

Middletown Springs

The FLU Map depicts an extension north along North Street for the legacy Middletown Springs Village Center. The mapping generally includes whole parcels. **This meets the requirements for a village center.**

Mount Holly

The FLU Map proposes extensions to the east and west of the legacy Belmont Village Center. The proposed Mount Holly Village Center includes the post office and elementary school as well as a few residential properties. **This meets the requirements for a village center.**

Mount Tabor

This is a newly proposed village center for the town of Mount Tabor and would comprise the only village center for the town. It abuts the legacy Danby Village Center. It

encompasses a mix of industrial, residential, and commercial uses. **This meets the requirements for a village center.**

Pawlet

Two legacy village centers in Pawlet are proposed with modest extensions to both.

Requested Revisions: Consider including whole parcels instead of the proposed extensions, then surrounding the Pawlet Village Center with village area and the West Pawlet Village Center with planned growth area.

Pittsford

A very modest northerly expansion of a linear legacy Pittsford Village Center is proposed.

Requested Revisions: Consider adding depth by expanding the village center to developed parcels currently proposed as planned growth area, then surrounding the expanded village center with planned growth area where municipal water or sewer are available.

Poultney

No change is proposed to the legacy East Poultney Village Center, which incorporates two historic churches and several historic residences. **This meets the requirements for a village center.**

Proctor

No change is proposed to the legacy Proctor Village Center. **This meets the requirements for a village center.**

Rutland Town

A new proposed Rutland Village Center is proposed to encompass mixed residential, commercial, and Town Hall with sidewalks on both sides of the street. **This meets the requirements for a village center.**

Shrewsbury

One of two new village centers proposed in Shrewsbury, North Shrewsbury Village Center encompasses the town office, a cemetery, Shrewsbury Mountain School, residential properties and a general store. Cuttingsville Village Center encompasses a short stretch of sidewalk, an historic church, a cemetery, residences, and small businesses. **These proposed areas meet the requirements for village centers.**

Sudbury

The FLU Map proposes to expand the legacy village center into vacant land to the southeast.

Requested Revision: The Board requests additional information about why this expansion is proposed versus an expansion to the north encompassing existing historic houses.

Tinmouth

No change is proposed to the legacy Tinmouth Village Center. **This meets the requirements for a village center.**

Wallingford

Three village centers are proposed in Wallingford. No change is proposed to the legacy South Wallingford Village Center, legacy East Wallingford Village Center, or legacy Wallingford Village Center. **As these are legacy designated village centers, these areas meet the criteria for village centers.**

Advisory Recommendation: Consider expanding the legacy Wallingford Village Center laterally to include more parcels, adding breadth to the center with some interconnecting streets.

West Haven

A new singular village center is proposed for West Haven encompassing the volunteer fire department and a historic church adjacent to the intersection of Main Road, Scotia Road, and North Road. **This meets the requirements for a village center.**

Advisory Recommendation: Consider extending to include the historic cemetery on North Road and the residential property on the southeast corner of the Main Road and Scotia Road intersection.

West Rutland

The legacy West Rutland Village Center is proposed to be expanded to include mixed-use areas along connected streets to the west and south. **This meets the requirements for a village center.**

(B) Planned Growth Areas

The statute describes “planned growth areas” as:

...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 new town centers, downtowns, village centers, growth centers, and neighborhood development areas previously designated under chapter 76A of this title. These areas should generally meet the smart growth principles definition in chapter 139 of this title and 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, village center, new town center, or growth 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 for housing that meets the 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, village center, or new town center. Planned transportation infrastructure includes those investments included in the municipality's capital improvement program pursuant to section 4430 of this title.

24 V.S.A. § 4348a(a)(12)(B).

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include planned growth areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a "designated neighborhood" "...means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center." 24 V.S.A. 5801(13). The mapped planned growth areas must meet the requirements of 24 V.S.A. § 4348a(a)(12)(B). The neighborhood 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." 24 V.S.A. § 5804(a)(1).

The FLU map proposes planned growth areas in the following 10 municipalities.

Brandon

The proposed planned growth area surrounds the downtown center in Brandon. The boundaries are largely coincident with a mapped sewer service area. Underlying zoning appears to allow a mix of uses.

Requested Revision: Consider adding depth by extending the planned growth area to include whole parcels rather than limiting the boundary to the mapped sewer service area. If municipal water or sewer is available along the frontage of the parcel, it could be tapped for new development of the entire parcel rather than just a strip along the frontage. This would potentially allow for new interconnected complete streets within the expanded growth center.

Castleton

A very narrow band of planned growth area is proposed along an expansion of the Hydeville and Castleton Corners legacy village centers. This narrow strip does not allow for meaningful growth. More planned growth area is proposed around a third legacy village in Castleton. This planned growth area has meaningful depth but expanding to whole parcels should be considered here as well.

Requested Revision: Include whole parcels in the mapped planned growth areas.

Fair Haven

A planned growth area is proposed to surround the Fair Haven Downtown Center. A mapped sewer service area generally corresponds to this proposed growth area but does not appear to extend to the whole planned growth area. **Because there are no adopted subdivision regulations, these are required before this area can be approved as a planned growth area.**

Requested Revision: If there is no water or sewer service to these areas and if subdivision regulations are not adopted before final plan submission to the Board, exclude them from the proposed planned growth area.

Pittsford

Proposed planned growth area around Pittsford Village Center largely corresponds to mapped sewer service area. A northeasterly leg of the mapped sewer service area along Plains Road is not included in the proposed planned growth area.

Requested Revision: Include whole parcels for those with sewer service along frontage. Consider including whole parcels with frontage along this stretch of Plains Road unless zoned for low residential density.

Poultney

A planned growth area is proposed around the mapped downtown center largely corresponding to a mapped sewer service area.

Requested Revision: Include whole parcels instead of truncating them to correspond to the mapped extent of the sewer service area. Consider expanding into areas currently proposed as village area when water or sewer service is available and where underlying zoning (Future Utility District) allows for mixed uses.

Proctor

A proposed planned growth area around Proctor Village Center largely corresponds to the mapped sewer service area.

Requested Revision: Include larger parcels that have frontage in the sewer service area in the proposed planned growth area.

Rutland City

A planned growth area is proposed for all of Rutland City outside of the Rutland Downtown Center except for river corridor and flood hazard areas mapped rural-

conservation and rural-general, some areas mapped rural-conservation with mapped wetland complexes, and large parcels in the northwest corner of the city mapped as rural-conservation. Some areas mapped as planned growth area – including the strip along Main Street from the southerly municipal boundary to Clover Street, the strip along North Main Street from the river corridor to the northerly municipal boundary, and the strip along Woodstock Avenue to the easterly municipal boundary – reflect strip style, auto-oriented, pedestrian-unfriendly style development.

Requested Information: The Board asks that the Commission explain how large areas within the mapped planned growth area extent that currently exhibit strip style, auto-oriented and pedestrian-unfriendly development generally meet smart growth principles of Chapter 139 and as defined in 24 V.S.A., Chapter 76A, Section 2791(13).

Wallingford

A planned growth area is proposed around Wallingford Village Center largely corresponding to a mapped sewer service area. Rather than truncating the boundary at the mapped sewer service extent, whole parcels should be included to add depth for more opportunity for growth. See related requested revision to the Wallingford Village Center mapping. An extension to the south is proposed that appears to encompass a suburban-style single-family residential subdivision lacking pedestrian connection to the legacy center.

Requested Revision: Include whole parcels that have sewer service along frontage, and because it does not appear to meet the statutory requirements of a planned growth area, eliminate the southerly extension.

West Pawlet

A constrained planned growth area is proposed adjacent to the West Pawlet village center.

Requested Revision: Consider including whole parcels with sewer service along frontage to provide more depth and opportunity for growth.

West Rutland

A proposed planned growth area around West Rutland Village Center corresponds to a mapped sewer service area.

Requested Revision: Consider extending the boundary to whole parcels where sewer service is available along frontage to allow for development of some larger vacant parcels.

(C) Village Areas

The statute describes “village areas” and requires the following:

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. 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 municipal 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 and be flood resilient.

24 V.S.A. 4348a(a)(12)(C).

A regional planning commission may request that the Board approve designation of areas on the FLU map as designated neighborhoods. Areas eligible for neighborhood designation include village areas. 24 V.S.A. § 5804(a)(1). For the purposes designation, a “designated neighborhood” “...means a contiguous geographic area approved as part of the Land Use Review Board review of regional plan future land use maps that is compact and adjacent and contiguous to a center.” 24 V.S.A. 5801(13). The mapped village areas must meet the requirements of 24 V.S.A. § 4348a(a)(12)(C). The neighborhood 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.” 24 V.S.A. § 5804(a)(1).

Village areas proposed between Poultney Downtown Center and East Poultney Village Center, around Forest Dale Village Center in Brandon, and around Pawlet Village Center appear too linear to conform to the statutory description. To address this issue, generally, the Board advises including whole parcels and expansion to adjacent eligible areas to add depth and opportunity for growth. Requested revisions are noted below.

Benson

The proposed village area appears to correspond to the village zoning district and to conform to the statutory description for village areas.

Requested Revision: Consider extending to whole smaller parcels that are walkable from the center rather than bisecting these parcels.

Brandon

Village areas are proposed around the Forest Dale Village Center and adjacent to the planned growth area.

Requested Revision: Consider adding depth to the Forest Dale village area by extending to whole parcels outside of the river corridor and walkable from the mapped center.

A small narrow area south of the downtown center along Route 7 is mapped as village area rather than planned growth area presumably because the mapped sewer service area does not extend to this strip. **This strip is not “adjacent and contiguous to a center” and therefore does not conform to the neighborhood designation that would be conferred as a village area.**

Requested Revision: Confirm underlying zoning allows for a mix of uses and the extent of water or sewer availability in this area. Map as planned growth area if zoning allows a mix of uses and municipal water or sewer service is confirmed. Eliminate the village area mapping.

An area of flood hazard is mapped as village area as an exclusion within the mapped planned growth area south of the mapped downtown center.

Requested Revision: Map this flood hazard corridor as Rural - Conservation if underlying development patterns and local regulations do not allow for infill development within a planned growth area.

Castleton

The mapped village areas in Castleton are primarily zoned residential with 1- and 2-acre minimum lot sizes. This rural residential zoning does not conform to the statutory description of village areas. In addition, some are proposed outside of planned growth areas rather than adjacent to centers and do not appear to meet the statutory standards for village area. One example is Blissville (at the intersection of Blissville Road with River Street and Rice Willis Road) and the area around it, mapped as village area that appears to be disconnected from the center. If the area were rezoned to allow mixed uses and higher density, a village center could be mapped at the intersection and area surrounding this Blissville Village Center could be legitimately mapped as village area.

Requested Revision: Eliminate village areas mapped adjacent to planned growth area and eliminate mapped village area including and surrounding Blissville unless zoning allows mixed-uses and higher density.

Fair Haven

The village areas in Fair Haven are proposed to the north, south and east of the proposed planned growth area. This does not conform to the statutory standards for

village areas. In the north and south, where parcels have frontage along the sewer service area, consider mapping these whole parcels as planned growth area instead.

The proposed village areas along Vermont Route 4A and River Street in eastern Fair Haven are not connected to nearby centers by walkable streets nor do they reflect a cohesive mix of civic, commercial, residential, and mixed uses, as required by the statute. Zoning of these areas allows for primarily commercial and residential uses along Rt 4A, and civic and residential uses along River Street. However, without water and sewer services, densities here are likely to remain rural in nature.

Requested Revision: Eliminate these village areas unless served by municipal water or sewer, zoning allows for a mix of uses, and they provide pedestrian connection to the nearest center. If they exhibit these features, consider mapping as planned growth area instead.

Mendon

The proposed village area in Mendon appears to conform to the statutory description for village areas.

Pawlet

Requested Revision: Consider adding depth to the Pawlet village area by extending to whole parcels outside of the river corridor and walkable from the mapped Pawlet Village Center.

Pittsford

Extensive village areas are proposed outside of the proposed planned growth area in Pittsford. The areas appear largely to correspond to the town's rural zoning district, the purpose of which is to preserve rural character with managed development and a 1-acre minimum lot size unless served by municipal water and sewer. Residential uses predominate although limited civic and commercial uses are conditionally allowed.

Requested Revision: Consider expanding the proposed planned growth area as described above for Fair Haven and eliminating the proposed village areas.

Poultney

Extensive village areas are proposed outside of Poultney's planned growth area around its mapped downtown center, and village areas are proposed around East Poultney Village Center. The mapped village area running southwesterly from the village center to the downtown is very linear in nature but constrained by flood hazard and river corridor on both sides. It does have sidewalk on the north side of the road. **The village areas proposed outside of the planned growth area do not conform to statutory standards.**

Requested Revision: Consider expanding the planned growth areas around the downtown center as described above rather than proposing village areas north and south of the planned growth area and downtown center.

Shrewsbury

The proposed village area in Shrewsbury appears to conform to the statutory description for village areas.

Wallingford

The proposed village area in East Wallingford appears to conform to the statutory description for village areas.

Requested Information: The digital map data depicting this village area is missing from the map viewer. The cause of this data discrepancy should be resolved prior to submission of the adopted regional plan.

(D) Transition or Infill Area

The statute describes “transition or infill areas” as:

...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(a)(12)(D).

Transition/Infill areas are proposed in Brandon along Forest Dale Road, Pittsford along Route 7, Mendon along Route 4, and Rutland Town north and south of Rutland City, along Route 4 between Rutland City and Mendon, and around the Rutland Village Center in Rutland Town. The Land Use chapter identifies the challenge of transforming strip style development by redevelopment of vacant or underutilized lots that includes sidewalk extensions and internal pedestrian infrastructure. Without zoning bylaws in Rutland Town, it may be difficult to implement this transformational development patterns.

Requested Revision: The Board asks the Commission to provide specific strategies that are proposed for these mapped Transition or Infill areas. In addition, the status of water and wastewater infrastructure as required by 24 V.S.A. §4348(a)(12)(D) for each of these areas should be clarified.

(E) Resource-Based Recreation Area

The statute describes “resource-based recreation area as “...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(a)(12)(E).

Resource-based Recreation Areas are proposed in Wells and Poultney (including and around Lake Saint Catherine), Mount Holly (at the back of Okemo), Castleton and Hubbardton (including and around Lake Bomoseen), and Hubbardton and Sudbury (including and around Lake Hortonia). Smaller shoreline recreation areas are proposed in Benson, Hubbardton and Sudbury as well. Another area in Chittenden around the Mountaintop Resort is mapped in this category. **These areas meet the statutory standards for Resource-based Recreation Areas.**

A prominent Resource-based Recreation Area is proposed to encompass a significant portion of the Town of Killington with a small extension into Mendon. While mapping around the Pico and Killington ski areas is appropriate, **the extensive inclusion of low-density residential areas to the east of Killington Road does not conform to the statutory description of this FLU category.** These areas primarily appear to be planned for low density residential development, rather than mixed-use resort-oriented activity closer to the Pico and Killington ski slopes.

Requested Revision: Consider categorizing areas to the east of Killington Road as Rural - General to reflect the primarily low-density residential nature of the existing and planned future development there.

The northernmost proposed Resource-based Recreation Area in Killington extends into Mendon and includes Colton Pond, the Green Mountain National Golf Course, along with lodging and residential development in the vicinity.

Advisory Recommendation: Consider mapping residential parcels that are unassociated with the golf course and lodges as Rural - General to reflect the low-density residential nature of the existing development here.

(F) Enterprise Areas

The statute describes “enterprise areas” as:

...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(a)(12)(F).

Enterprise Areas are proposed in Brandon, Castleton, Clarendon, Danby, Fair Haven, Pawlet, Pittsford, Poultney, Rutland Town, Wallingford, Wells, and West Rutland. They include multiple sites of earth resource extraction, industrial parks, and the Rutland Southern Vermont Regional Airport in Clarendon. The land use chapter posits the use of these areas to be maintained, mitigating off-site nuisance and coordination of freight transportation, and protecting the airport flight clearance. The very large OMYA parcel in Pittsford is mapped entirely as Enterprise Area, even surrounding a grouping of

apparent residential parcels mapped Rural – General. **These areas appear to meet the statutory standards for Enterprise Areas.**

Advisory Recommendation: Before submitting the adopted regional plan, consider mapping the northerly portion of the OMYA parcel as Rural - General or Rural - Agriculture and Forestry, especially surrounding the existing residential parcels mapped Rural - General.

(G) Hamlets

The statute describes “hamlets” as:

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(a)(12)(G).

Nine Hamlets are identified in the region recognizing "historic settlement clusters where no growth is currently planned." Draft Plan at 70. They include Shrewsbury, South Poultney, Sherburne in Killington, Chippenhook and East Clarendon in Clarendon, and Bowlsville, Tarbellville, and Hortonville in Mount Holly. **These areas meet the statutory description for Hamlets.**

(H) Rural

The statute has three categories of rural: Rural - General, Rural - Agricultural and Forestry, and Rural - Conservation. 24 V.S.A. § 4348a(a)(12)(H)-(J). They are described as follows:

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(a)(12)(H).

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. 24 V.S.A. § 4348a(a)(12)(I).

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. 24 V.S.A. § 4348a(a)(12)(J).

Mapped flood hazard areas should be excluded from planned growth areas and village areas, and mapped as Rural - Conservation, unless the municipality has adopted flood hazard and river corridor bylaws consistent with 24 V.S.A. § 4348a(a)(12). Per the VAPDA methodology, wetlands over five acres in size should be mapped as Rural - Conservation. Smaller wetlands should be mapped the same as the surrounding future land use area. For example, in Brandon one flood hazard corridor exclusion is mapped as Village Area, while another is mapped as Rural - General and Rural - Conservation. The Board needs additional information explaining why wetlands and flood hazard corridors are not treated consistently.

Requested Revisions: Provide consistent mapping of surface water resource exclusions and mapping or provide clear explanation of consistent methodology.

The RRPC has mapped all addressed buildings and a 300-foot buffer around them in the rural areas as Rural-General. The Rural-General area is intended, as provided in 24 V.S.A. § 4348(a)(12)(H), to promote the preservation of Vermont's traditional working landscape and natural area features. However, many resulting mapped Rural-General areas are too isolated and small to achieve this goal. More continuous mapping should be considered.

Requested Revisions:

- **Consider connecting small pockets of Rural-General areas to result in areas with more depth and integrity.**
- **Where the mapping methodology has resulted in isolated pockets (and road rights-of-way) of Rural-General areas, consider subsuming these areas in one of the larger adjacent rural categories.**
- **Where these areas fall within river corridors and flood hazard areas, consider changing them to the Rural-Conservation category to reflect the importance of protecting these corridors from further development.**

E. Tier 1B Area Status

With Tier 1B Status Requests, the Board's review has two parts: first, whether each municipality with proposed Tier 1B status areas meets the six requirements of 10 V.S.A. § 6033(c), and, second, whether the underlying proposed Tier 1B area/s as designated in the Future Land Use Map met 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). Below details whether the Tier 1B is consistent with six subsections of 10 V.S.A. § 6033(c). The Commission will also need to reference back to Section I(D)(12)(A)-(C) of this preapplication response related to the land use categories and make any necessary changes to conform with the requirements of 24 V.S.A. § 4348a(a)(12)(A)-(C).

For Tier 1B status requests, the Commission must demonstrate the following:

- (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 V.S.A. § 6033(c).

The Commission requested Tier 1B status for ten municipalities: Brandon, Castleton, Fair Haven, Killington, Pawlet, Pittsford, Poultney, Proctor, Wallingford, and West Rutland. **At this time, Castleton, Pawlet, Poultney, Wallingford, and West Rutland appear to meet the requirements for Tier 1B status as enumerated in 10 V.S.A. 6033(c).**

To the extent, that the underlying future land use areas did not meet the requirements of 24 V.S.A. § 4348a(a)(12)(A)-(C) as described in Section I(D)(12)(A)-(C) of this preapplication response, additional revision may be necessary before Tier 1B status can be conferred.

The Board has determined that the following Tier 1B status requests do not meet the requirements of 10 V.S.A. § 6033(c):

Fair Haven

The Fair Haven Tier 1B status request does not meet the requirement of 10 V.S.A. § 6033(c)(3). The Fair Haven planning commission has proposed amendments to the zoning regulations that include historic district provisions, revisions to the flood hazard district boundaries, and subdivision regulations. It is not clear that the town is on track to adopt the revised unified bylaws by the end of the year as reported in the preapplication, as no hearing before the selectboard has been warned. **Until the town adopts subdivision regulations, Fair Haven will not be eligible for Tier 1B status.**

Killington

The Killington Tier 1B status request does not meet the requirement of 10 V.S.A. § 6033(c)(3). Killington's planning commission voted to send proposed unified bylaws to the selectboard in May 2025, but the selectboard has not yet taken up the proposed

bylaws for a public hearing. **Until the town adopts subdivision regulations, Killington will not be eligible for the Tier 1B status.**

Pittsford

The Pittsford Tier 1B status request does not meet the requirement of 10 V.S.A. § 6033(c)(3). The Pittsford planning commission has warned a public hearing on proposed unified bylaws for November 20, 2025. **The selectboard will have to subsequently consider and adopt the proposed unified bylaws before Pittsford is eligible for Tier 1B status.**

Proctor

The Proctor Tier 1B status request does not meet the requirement of 10 V.S.A. § 6033(c)(3). Proctor anticipates adopting subdivision bylaws by the end of the year; however, it appears that no draft has yet been warned for public hearing by the planning commission. **Until Proctor adopts subdivision regulations, it will not be eligible for the Tier 1B status.**

II. CONCLUSION

To the extent that a statutory standard is indicated above as not met, the Board requests the Commission revise the plan to address the deficiency or provide additional information with the adopted regional plan application that addresses the deficiency. Other recommendations for revision indicated above are optional. This preapplication response is advisory only and does not guarantee an affirmative determination when the adopted plan or Tier 1B status request is submitted pursuant to Section 1.200 of the Board's Regional Planning Commission Application Guidelines.

Please contact the Board via email at Act250.Board@vermont.gov or by telephone at (802) 480-1886 with any questions about this regional plan and Tier 1B request preapplication response.

Dated this 21st day of November 2025

Sincerely,

Sarah Hadd, AICP, CFM, ICMA-CM | Vice Chair

Adopted by the Land Use Review Board at its November 20, 2025 meeting.

RECIPIENT LIST

A copy of the foregoing **Preapplication Response Letter** for RPC09-0001 has been sent on November 21, 2025, to the following individuals by electronic mail:

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Dated November 21, 2025.
/s/ Madeline Cotter
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