

Windham Regional Commission Guidelines for Evaluating Municipal Plans

Revised by Planning Coordination Committee July 10, 2024

The Municipal Plan Review Tool (Appendix A) includes the goals specified in 24 VSA §4302 with which municipal plans must be consistent, and the plan elements specified in 24 VSA §4382(a) that must be included within municipal plans. Towns should consider how best to address the required goals and elements based on the local context of their community. The Windham Regional Commission (WRC) encourages towns to confer with WRC staff early in the planning process to review how the town proposes to address the goals and elements, and to request assistance from the WRC in developing its plan, if needed.

Towns are not required to adopt a municipal plan, have their plan approved by a Regional Planning Commission (RPC), or have their municipal planning process confirmed by an RPC. However, towns that elect to have their plan approved and planning process confirmed obtain the following benefits:

- Eligibility to apply for Municipal Planning Grants and other state grants
- Eligibility to participate in the State Designation Programs
- Eligibility to charge municipal impact fees

Role of the Regional Planning Commission

Regional Planning Commissions are required to review the planning process of each of its member municipalities at least twice during an 8-year period (24 VSA §4350(a)). Municipalities can request more frequent reviews by the Regional Planning Commission. Statute establishes that the WRC must confirm a municipal planning process if the following criteria are met:

1. The municipality is engaged in a continuing planning process that, within a reasonable time, will result in a plan that is consistent with the goals of Chapter 117.
2. The municipality is engaged in a process to implement its municipal plan, consistent with the program for implementation required under 24 VSA §4382.
3. The municipality is maintaining its efforts to provide local funds for municipal and regional planning.

A municipality must have its plan approved by the Regional Planning Commission in order to receive or maintain confirmation of its planning process (24 VSA §4350(b)). It is the responsibility of a municipality to request regional commission approval of its plan (24 VSA §4350(b)(1)). The WRC shall approve a municipal plan if it finds that the plan meets the following criteria:

1. The municipal plan is consistent with the goals established in 24 VSA §4302.
2. The municipal plan is compatible with WRC's current Regional Plan.
3. The municipal plan is compatible with the approved plans of other municipalities in the region.
4. The municipal plan contains all the elements required by state law in 24 VSA §4382(a).

Municipal Plan Review and Approval Process

If requested by the town, municipal plans may be approved by the WRC and the municipal planning process confirmed. Municipal plans are not required to be approved by the WRC. The following are the procedures for the WRC review of plan re-adoptions and plan amendments.

1. *Initial Staff Review and Consultation*: WRC staff will schedule a meeting with the town Planning Commission approximately 24 – 36 months prior to the expiration of a municipal plan. At this meeting, staff will review comments from the most recent WRC review of the Town Plan, changes in statutory requirements for municipal plans, and the progress made on the existing plan's implementation. This will function as one of the two required municipal consultations within an 8-year period (§4350(a)).
2. *Planning Coordination Committee (PCC) Review of Adopted or Draft Plan*: The municipality may request municipal plan approval from the WRC after it holds a final public hearing, before *or* after the adoption of the plan, at the option of the municipality (24 VSA §4385(c)). WRC staff will schedule the required public hearing and formal plan review at the next available PCC meeting. The WRC Commissioner from the municipality will be invited to participate in the PCC's review.

WRC staff will complete the Municipal Plan Review Tool (Appendix A) and prepare draft findings and recommendations. These will be provided to the PCC and the municipality in advance of the public hearing and review. Following the public hearing, the PCC will discuss the draft findings and recommendations from staff, and make additions and revisions to the review as needed. The PCC review will function as the second of the two required consultations with an 8-year period (§4350(a)).

In addition to ensuring that municipal plans meet the statutory requirements for Regional Planning Commission approval, WRC staff and PCC members may provide recommendations on ways to enhance and strengthen municipal plans during future plan updates. These recommendations are advisory and based on WRC's professional planning experience and work with other member towns in the region.

The PCC will provide its written recommendations to the WRC Executive Board or Full Commission, and the municipality. If the PCC recommends that the plan not be approved because of deficiencies, the municipality may address the PCC's recommendations at the WRC Executive Board or Full Commission, or address the deficiencies and resubmit the plan for PCC review.

3. *WRC Review and Action*: The WRC Executive Board or Full Commission will consider the recommendations of the PCC at a regularly scheduled meeting. Scheduling of the meeting will be done in consultation with the municipality. In all cases, the WRC will take final action within two months of WRC's initial receipt of the request for review and approval.

If the WRC disapproves a plan or plan amendment, it must state its reasons in writing and, if appropriate, suggest modifications to the plan that would be acceptable to the WRC. If the municipality requests approval of a re-submitted plan with modifications, the WRC must give its approval or disapproval within 45 days of receiving the re-submitted plan.

Amendments to Un-Expired Municipal Plans

The WRC has a simplified review process for amendments made to municipal plans during the 8-year period they are in effect. Upon request, the WRC will review plan amendments to ensure that the

amendment would not alter or risk the municipality's current plan approval. Municipalities may also choose to follow the full plan review and approval process for amendments as outlined above.

The following is the WRC review process for amendments to un-expired municipal plans:

1. Municipality contacts WRC staff and provides a copy of the amended section of the plan and an explanation on the reason for the amendment.
2. WRC staff reviews the amended sections of the plan and determines whether the plan continues to meet the required elements and goals, and is compatible with the Regional Plan and the approved plans of other municipalities in the region.
3. If staff determines the proposed amendment does not need to be formally reviewed by the PCC and WRC Executive Board or Full Commission, staff will provide a letter to the municipality stating that the plan amendment does not impact the previously approved plan and confirmation of the planning process. Staff will provide a copy of the proposed amendment and letter to the PCC for informational purposes. The basis for the staff opinion is that the amendment to the plan does not materially alter the basis for the plan approval under the criteria noted above under Role of the Regional Planning Commission.
4. If staff determines that the amendment may impact the current plan's approval and planning process confirmation, or has any other concerns, staff will follow the full municipal plan review and approval process outlined above.

Appendix A

Municipal Plan Review Tool

Town of _____

This form addresses the statutory requirements of the State of Vermont for town plans, as cited in the Vermont Municipal and Regional Planning and Development Act, Title 24 V.S.A Chapter 117 (the Act). It includes the 12 required elements found in § 4382 of the Act; the four planning process goals found in § 4302(b), the 14 specific goals found in § 4302(c); and the standard of review found in § 4302(f), which covers consistency with goals and compatibility standards.

During the Regional approval and confirmation process, specified in § 4350 of the Act, the regional planning commission is required to assess town plans and the process whereby they are developed according to the criteria of the Act. Sections of relevant statute are quoted at each question.

Required Elements § 4382		Met	Not Met
1	Statement of Objectives, Policies, Programs	<input type="checkbox"/>	<input type="checkbox"/>
2	Land Use Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
3	Transportation Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
4	Utility and Facility Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
5	Rare Natural Resources/Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
6	Educational Facilities Plan and Map	<input type="checkbox"/>	<input type="checkbox"/>
7	Implementation Program	<input type="checkbox"/>	<input type="checkbox"/>
8	Compatibility Statement	<input type="checkbox"/>	<input type="checkbox"/>
9	Energy Plan	<input type="checkbox"/>	<input type="checkbox"/>
10	Housing Element	<input type="checkbox"/>	<input type="checkbox"/>
11	Economic Development Element	<input type="checkbox"/>	<input type="checkbox"/>
12	Flood Resiliency Plan	<input type="checkbox"/>	<input type="checkbox"/>

State Planning Goals § 4302		Met	Not Met
1	Compact Village Centers	<input type="checkbox"/>	<input type="checkbox"/>
2	Economy	<input type="checkbox"/>	<input type="checkbox"/>
3	Education	<input type="checkbox"/>	<input type="checkbox"/>
4	Transportation	<input type="checkbox"/>	<input type="checkbox"/>
5	Natural and Historic Resources	<input type="checkbox"/>	<input type="checkbox"/>
6	Quality of Air, Water, Wildlife, Forests and Other Land Resources	<input type="checkbox"/>	<input type="checkbox"/>
7	Efficient Use of Energy and Renewable Energy Resources	<input type="checkbox"/>	<input type="checkbox"/>
8	Recreation	<input type="checkbox"/>	<input type="checkbox"/>
9	Agriculture and Forest Industries	<input type="checkbox"/>	<input type="checkbox"/>
10	Use of Resources and Earth Extraction	<input type="checkbox"/>	<input type="checkbox"/>
11	Safe and Affordable Housing	<input type="checkbox"/>	<input type="checkbox"/>
12	Public Facilities and Services	<input type="checkbox"/>	<input type="checkbox"/>
13	Child Care	<input type="checkbox"/>	<input type="checkbox"/>
14	Flood Resiliency	<input type="checkbox"/>	<input type="checkbox"/>

TOWN PLAN REQUIRED ELEMENTS

Title 24 Chapter 117: Municipal and Regional Planning and Development

24 V.S.A. § 4382. The plan for a municipality

(a) A plan for a municipality may be consistent with the goals established in section 4302 of this title and compatible with approved plans of other municipalities in the region and with the regional plan and shall include the following:

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

Pages:

Comments:

(2) A land use plan, consisting of a map and statement of present and prospective land uses, that:

(A) Indicates those areas proposed for forests, recreation, agriculture (using the agricultural lands identification process established in 6 V.S.A. § 8), residence, commerce, industry, public and semi-public uses and open spaces, areas reserved reserved for flood plain, and areas identified by the State, the regional planning commission, or the municipality 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) Sets forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and service;

(C) Identifies those areas, if any, proposed for designation under chapter 76A of this title, together with, for each area proposed for designation, an explanation of how the designation would further the plan's goals and the goals of § 4302 of this title, and how the area meets the requirements for the type of designation to be sought;

(D) 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.

Choose an item.
Pages:

MAPS
Present Land Use Plan
Prospective Land Use Plan

Comments:

(3) A transportation plan, consisting of a map and statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need;

Choose an item.
Pages:

MAP
Transportation

Comments:

Town of _____ Plan Review

(4) A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and method of financing;

Choose an item.
Pages:

MAP
Utility and Facility

Comments:

(5) A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources;

Choose an item.
Pages:

Comments:

(6) An educational facilities plan consisting of a map and statement of present and projected uses and the local public school system;

Choose an item.
Pages:

Comments:

MAP
Educational Facility

(7) A recommended program for the implementation of the objectives of the development plan;

Choose an item.
Pages:

Comments:

(8) A statement indicating how the plan relates to development trends and plans of adjacent municipalities, areas and the region developed under this title;

Choose an item.
Pages:

Comments:

(9) An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy;

Choose an item.
Pages:

Comments:

Town of _____ Plan Review

(10) A housing element that shall include a recommended program for public and private actions to address housing needs as identified by the regional planning commission pursuant to subdivision 4348a(a)(9) of this title. The program should use data on year-round and seasonal dwellings and include specific actions to address the housing needs of persons with low income and persons with moderate income and account for permitted residential development as described in section 4412 of this title.

Choose an item.
Pages:

Comments:

(11) An economic development element that describes present economic conditions and the location, type, and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

Choose an item.
Pages:

Comments:

(12)(A) A flood resilience plan 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 subdivision (12)(A)(i) of this subsection and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.

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

Choose an item.
Pages:

Comments:

GOALS AND STANDARDS OF REVIEW

GOALS

24 VSA § 4302

(a) General purposes . . .

(b) It is also the intent of the legislature that municipalities, regional planning commissions and state agencies shall engage in a continuing planning process that will further the following goals:

- (1) To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities, regional planning commissions, and state agencies.
- (2) To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact.
- (3) To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.
- (4) To encourage and assist municipalities to work creatively together to develop and implement plans.

(c) In addition, this chapter shall be used to further the following specific goals:

Goal 1:

To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

- (A) Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.**
- (B) Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.**
- (C) Public investments, including construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.**

Choose an item. Pages:

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 2:

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

Choose an item. Pages:

How has the Town Plan addressed this goal:

Town of _____ Plan Review

If the goal is not relevant or attainable, how does the plan address why:

Goal 3:

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

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Choose an item. Pages:

Goal 4:

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

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

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Choose an item. Pages:

Goal 5:

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

- (A) significant natural and fragile areas;
- (B) outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;
- (C) significant scenic roads, waterways and views;
- (D) important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Choose an item. Pages:

Town of _____ Plan Review

Goal 6:

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

Choose an item.
Pages:

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 7:

To encourage the efficient use of energy and the development of renewable energy resources.

Choose an item.
Pages:

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 8:

To maintain and enhance recreational opportunities for Vermont residents and visitors.

Choose an item.
Pages:

(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.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 9:

To encourage and strengthen agricultural and forest industries.

Choose an item.
Pages:

(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.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Town of _____ Plan Review

Goal 10:

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

Choose an item.
Pages:

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 11:

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

Choose an item.
Pages:

(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.

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

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

(D) Accessory apartments within or attached to single family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 12:

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

Choose an item.
Pages:

(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.

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Town of _____ Plan Review

Goal 13:

To ensure the availability of safe and affordable child care and to integrate child care issues into the planning process, including child care financing, infrastructure, business assistance for child care providers, and child care work force development.

Choose an item.

Pages:

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

Goal 14:

To encourage flood resilient communities.

(A) New development in identified flood hazard, fluvial erosion, and river corridor protection areas should be avoided. If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

(B) The protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion should be encouraged.

(C) Flood emergency preparedness and response planning should be encouraged.

Choose an item.

Pages:

How has the Town Plan addressed this goal:

If the goal is not relevant or attainable, how does the plan address why:

STANDARD OF REVIEW

24 V.S.A. § 4302(f)

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

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

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

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

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

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