

# 6

## Developing the Plan

Vision without action is merely a dream; action without vision just passes time; vision with action can change the world.

—Joel Arthur Baker

This chapter describes the main parts of a municipal plan, based on the ten planning elements required by **24 V.S.A. §4382**, and suggests various ways to organize the content of the plan into a logical presentation.

### *6.1.1 Definition of Goals, Objectives, Policies and Programs*

The terms "goal", "objective", "policy" and "program" are invariably confusing to citizen planners. They are often used interchangeably. For developing a plan, however, each term takes on a specific meaning. The terms may be defined as follows:

- Goals - statements of human aspirations that have an attainable end
- Objectives - specific, measurable targets for accomplishment of goals within prescribed time periods
- Policies - definite courses of action adopted and followed by a government, institution, body, or individual for that attainment of desired objectives
- Programs - ongoing activities consistent with courses of action set forth in policy statements and designed to achieve specific objectives

See Figure 6.1 for an example of goals, objectives, policies and programs.

## **6.1 Establishment of Goals and Objectives**

*6.1.2 Need For and Use of Goals and Objectives in a Plan*

Goals reflect a vision for the community. They express what residents want their community to be in the future. Goals are therefore essential to give direction to, and provide a context for, planning actions within the community. They serve as a guide for establishment of objectives.

Goals must be internally consistent. Achieving one goal should not prevent or hinder achieving another goal. They should not be too specific. For example, goals may not be tied to a time frame or

Figure 6.1  
EXAMPLE: GOALS AND OBJECTIVES

Topic:	Housing
Goal:	To promote safe, sanitary, and affordable housing of a variety of types for all segments of the population
Objective:	To locate sites where high density housing can be developed in close proximity to community and commercial services and with municipal water and sewer facilities (target date: one year)  To rezone these sites to permit high density housing and to enable bonuses for planned residential developments that provide affordable housing (target date: two years)
Policy:	The town should not adopt any regulations that would prohibit high density housing within the identified areas
Program:	The town will establish a housing authority within the next year to provide needed housing services for the residents
Topic:	Transportation
Goal:	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
Objective:	To develop a master plan and capital program for a transportation network that encourages rural and village land use patterns (target date: two years)
Policy:	The town should reduce automobile traffic to town functions, such as town board meetings and school-related functions
Program:	The town will establish a local ride-share service between residential and commercial areas

budget considerations, but they should prescribe a definite action. They should not be so vague that their meaning is subject to many interpretations. They should be somewhat idealistic but not unattainable. They should offer flexibility for changes in objectives and policies in the future.

Objectives should provide targets for the accomplishment of goals. They should be specific enough so that the community can determine when they have been met. The time table (long term, intermediate term, and short term) for the objective should be clear.

### *6.1.3 Developing Municipal Goals and Objectives*

A statement of goals must come from the wishes, needs and hopes of the people of the community. Because the goals will express a vision for the community, it is essential that the public have ample opportunity to review and to discuss them. To understand community aspirations requires public participation in whatever goal selection process the planning commission uses. The goals must be developed during the preliminary assessment phase of the planning process (see Section 5.1 of this manual) as a result of the broad discussions about visions of what the community should be in the future.

Goal statements may be derived from surveys, from documents adopted by the municipality such as a recreation plan or capital program, and from adopted goals of local boards or commissions. They should cover broadly the planning issues facing the community. Goal statements must be clear if they are to be effective.

After adopting a set of goals, the planning commission should develop objectives to attain these goals. The objectives should address issues and needs that have been identified through the preliminary assessment, data collection and analysis steps. They should include measurable targets for addressing these needs.

Each community's goals and objectives will be unique, reflecting the special character of the municipality. The wording, phrasing and content of the goals should be locally developed. While communities may wish to look at other municipalities' goals as examples, they are encouraged to create their own statements.

### *6.1.4 Consistency of Municipal Goals and Objectives with State Planning Goals*

While the need for individuality is recognized and encouraged, all communities should be sure their goals are consistent with the general purposes of Chapter 117 found in **24 V.S.A. §4302**. In

addition, municipalities are encouraged, but not required, to make the goals and objectives in their plans consistent with the State Planning Goals found in 24 V.S.A. section 4302 (see Section 1.2.2 of this manual for a discussion of the State Planning Goals).

Because local plans have an important function in Act 250, municipalities are strongly encouraged to make their plans consistent with the ten criteria of Act 250 found in **10 V.S.A. §6086**. To get an Act 250 permit, an applicant must show that the proposed project:

1. will not result in air or water pollution
2. will have sufficient water supplies for reasonably foreseeable needs
3. will not cause an unreasonable burden on existing water supplies
4. will not cause unreasonable soil erosion or reduction of the ability of the soil to hold water
5. will not cause unreasonable congestion or unsafe conditions with respect to traffic
6. will not cause an unreasonable burden on municipal education services
7. will not place an unreasonable burden on other municipal services
8. will not have an undue adverse effect on scenic or natural beauty, aesthetics, historic sites, or rare and irreplaceable natural areas
9. will not significantly reduce the agricultural potential of primary agricultural soils, or the forestry potential of areas suitable for commercial forestry, will not prevent extraction of earth resources, will conserve energy, will not endanger public investments
10. conforms with any municipal and regional plans then in force

For additional information on Act 250 and its administration, contact the District Environmental Coordinator for your region.

## **6.2 Formulation of Plans**

### *6.2.1 The Need for and Use of Municipal Plans*

With the establishment of goals and objectives, the community is ready to develop a specific plan. The plan translates the goals and objectives into policies and recommendations for specific actions on each topic. The plan describes in detail how identified needs and opportunities are to be addressed. The plan also supplies supporting background information for the policies and recommended programs or actions.

It is important to remember that a municipal plan should be more than just a description of what the municipality is like in the present. Many municipal plans have a very thorough inventory of what the present looks like, but they do not address adequately what the municipality should be like in five years, nor do they state specific policies or programs to help residents make their desired future a reality.

### 6.2.2 *The Contents of a Municipal Plan*

A municipal plan must address the ten required elements found in **24 V.S.A. §4382** if it is to be consistent with the law. In some cases one of the elements may be irrelevant to a specific community because of its geography or other natural circumstance. For example, it is possible for a very small rural town with little population not to have any community facilities as described in the law, and it may not plan to acquire any in the future. In that case it could address the utility and facility element by pointing out that it has no facilities and explaining the rationale behind its decision not to acquire any in the future.

The required ten elements are described below.

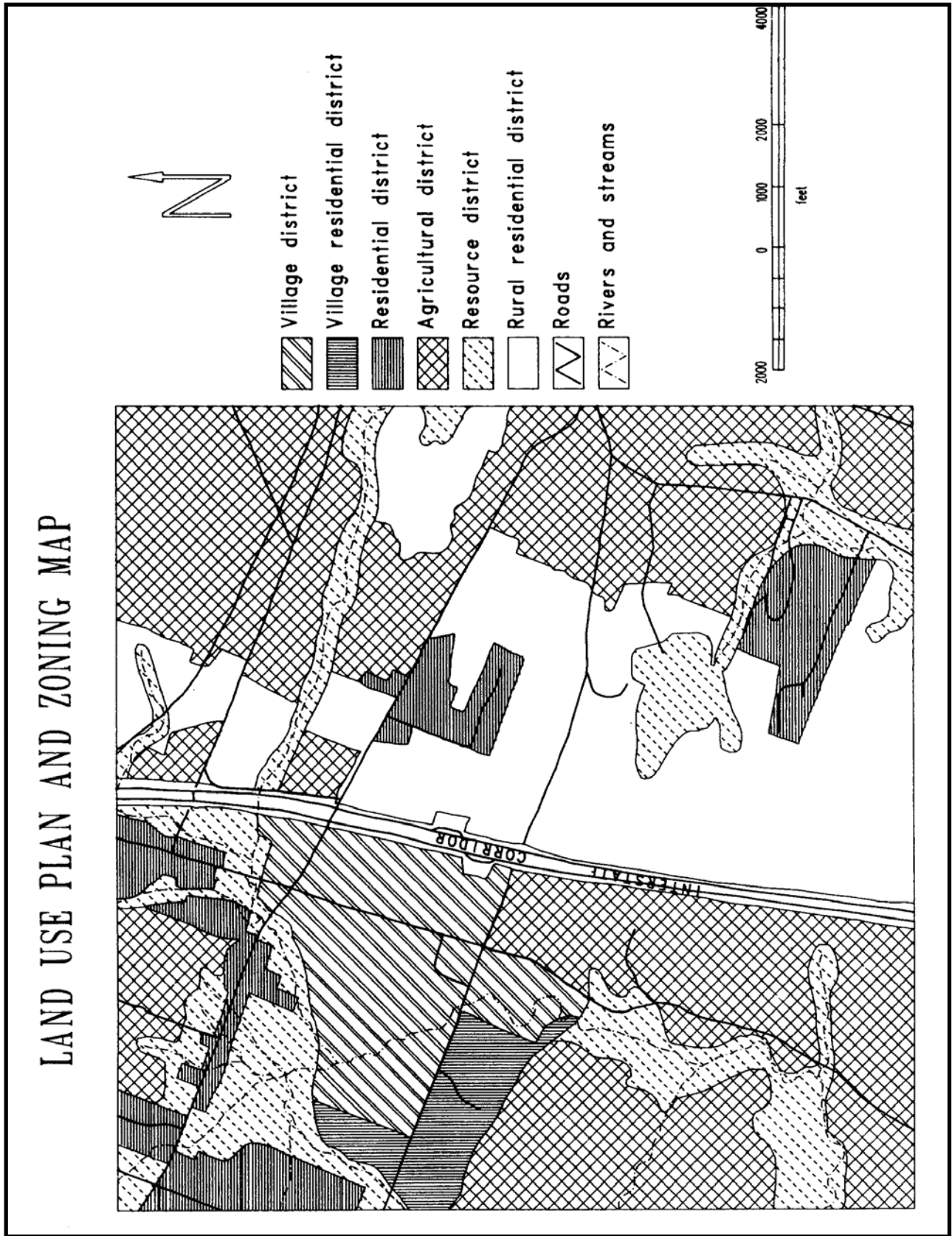
(1) *A statement of goals, objectives, policies and programs of the municipality to guide future growth and development of land, public services and facilities, and to protect the environment*

These goals, objectives, policies and programs have been discussed above in Section 6.1.

(2) *A land use plan consisting of a map and statement of present and prospective land uses, indicating 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 reserved for flood plain, wetland protection, or other conservation purposes; and setting 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 provision of necessary community facilities and service*

Plans and maps should provide locations where future land use needs can be met. See Map 6.1 for an example of a land use map. Land use needs have been identified in the data collection and analysis phase (see Chapter 5 of this manual). Site development and impact review criteria that will make land uses acceptable in particular locations should be described.

Map 6.1



*Land Use Districts.* Most communities utilize land use districts for allocating where future land uses will occur. Communities should describe the purpose and the desired type and pattern of development for each district. Examples of land use districts are provided. Every municipality will have different districts, of course, based on its own physical, social, and economic characteristics and needs. These examples are for illustration only and are not as specific as most communities will want to be. The districts do contain policies consistent with state guidelines set forth in Section 1.2.1 of this manual.

A first step in defining districts is to review the locations for different land use activities that were arrived at in the data collection and analysis phase (see Chapter 5). From this information the boundaries of the land use districts can be drawn. Because these districts will become the basis for the zoning districts, the boundaries should represent as accurately as possible the areas for which different zoning regulations will apply. To be easily recognizable, boundaries could be based on distances from roads and waterbodies, could follow transportation and utility rights-of-way, or could be marked by significant natural features. District boundaries can also follow property lines as indicated on property tax maps.

*Land Development Criteria.* In their plans, many communities fail to provide any guidance on the form that land development should take. As a result, it is difficult for them to develop the criteria and standards in zoning and subdivision regulations, by which developments will be reviewed. The specific criteria need not be spelled out in the plan. However, the type of criteria that will be needed should be established.

Criteria will differ, of course, depending on the type and location of development. Urban areas and villages will be concerned with height, bulk, density, setbacks, and parking. Their criteria may be based on existing development patterns or on a desired new pattern. In rural areas, especially those with significant agricultural, scenic, and natural resources, development criteria may focus on siting of buildings on the landscape.

The districts and criteria established for future land use should be carefully written up so the people of the municipality are clear as to where growth and development are to occur and in what form. The planning commission should check the land use plan against the goals set for the community to ensure that it carries out those aims.

Figure 6.2

## EXAMPLE: LAND USE DISTRICTS

*Conservation District*

The purpose of the conservation district is to protect high elevations that have shallow soils and fragile vegetation and that provide significant recharge to the ground and surface water supplies of the municipality and the region. Because of the fragile resources and limitations to development, no community facilities and services will be provided to these areas. Limited, compatible land uses, such as outdoor recreational activities that do not involve structures and forestry that does not create erosion problems or harm unique and fragile areas, could be permitted in this district.

*Resource District*

The purpose of the resource district is to protect the natural resource value of lands that are essentially undeveloped; lack direct access to arterial and collector roads; are important for wildlife and wildlife habitat; have high potential for commercial forestry use; are unsuitable for land development; or include irreplaceable, limited, or significant natural, recreational, or scenic resources. No public sewer and water facilities are planned for these areas. Existing Class III roads in the district will continue to be maintained; however, no Class IV roads will be upgraded for the next five years. Due to the limited facilities and services proposed for the district and the critical resources located within it, only certain uses will be allowed. These are: low-density residential development, limited outdoor recreation uses, conservation uses, and forestry practices that are compatible with the district purposes and do not require additional facilities and services beyond those planned.

*Flood Hazard District*

The purpose of the flood hazard district is to prevent increases in flooding caused by the excess development of lands in flood hazard areas and to minimize losses due to floods. Uses within these areas will be restricted to agricultural, outdoor recreational, and conservation uses. No structures will be permitted. No public water and sewer service facilities or roads will be extended by the municipality to these areas. No filling will be permitted in this district for any purpose.

*Shoreland District*

*Shoreland District A. Natural and Pristine Lakes and Ponds:* The purpose of the shoreland district for lakes and ponds in a natural and pristine state is to preserve and enhance high quality waters, to protect shorelands of

waters that are unsuitable for development, to maintain a low density of development, and to maintain high standards of quality for permitted development. Shoreland districts will be limited to low density residential development and limited recreation and conservation uses compatible with the purposes of the district. Structures will be set back from the shoreline sufficiently to protect the visual quality of the area, the existing vegetation, and water quality.

*Shoreland District B. Recreational Lakes and Ponds:* The purpose of the shoreland district for lakes and ponds suitable for recreational use is to provide management policies reasonably consistent with existing development and use; to provide for the beneficial use of public waters by the general public; to provide a balance between the lake resource and lake use; to provide for a municipality of lake uses; and to protect areas unsuitable for development.

New residential development within this shoreland district should protect public access to the lakes or ponds, be compatible with the visual quality of the area, protect existing vegetation, and not cause any water pollution problems. Outdoor recreation uses are encouraged. Expansion of or new commercial development should not be permitted.

*Shoreland District C. General Development Lakes and Ponds:* The purpose of the shoreland district for general development of lakes and ponds is to provide minimum regulations for areas presently developed as high-density, multiuse areas, and to guide the future growth of commercial and industrial establishments which require locations on public waters. Standards for setbacks from the lakeshore, spacing between buildings, and landscaping and screening will be established in the zoning regulations to ensure that future development is compatible with the environment.

*Shoreland District D. Endangered Lakes and Ponds:* The purpose of the shoreland district for endangered lakes and ponds is to provide restrictive standards for badly deteriorated lakes. Existing development should be modified and future development should be limited in this district to restore water quality and protect shorelands for the public health, safety, and welfare. Any development not serviced by public water and sewer facilities or for which adequate subsurface sewage disposal and/or water supply is not available should be prohibited. Development should enhance or improve the visual and environmental quality of the area.



Figure 6.2

*Agricultural District*

The purpose of the agricultural district is to protect lands with an economic capability for agriculture that are now predominantly undeveloped except for uses associated with agriculture or forestry. In this district planned residential developments and land uses that do not remove the potential of the land for agricultural production such as open space, conservation, and certain forms of outdoor recreation, are encouraged. Further road development and the extension of public water supply and sewage disposal systems are not planned for this district. Therefore, only low-density residential and recreational development that utilizes existing facilities, that can adequately dispose of its sewage, and that is compatible with the district purposes and guidelines should be permitted.

*Rural Residential District*

The purpose of the rural residential district is to provide for residential and other compatible uses at densities appropriate with the physical capability of the land and the availability of community facilities and services on lands outside of urban-village areas. Planned residential developments, open space preservation, and other techniques for preserving the rural character of these areas are encouraged. Development should take place in such a way that any irreplaceable, unique, scarce resources and natural areas are not harmed.

*Village District*

The purpose of the village district is to support the role of the village as the focus of many social and economic activities in the community and to provide for residential, commercial, and other compatible development that serves the needs of the community. Such development should occur at densities and uses that will maintain the traditional social and physical character of the village including its historic and scenic resources, and that will not exceed the capability of the lands, waters, services, and facilities. Sufficient facilities and services are planned for this area to accommodate moderate-to-high density development.

*Urban District*

The purpose of the urban district is to provide for multifamily residential, commercial, industrial, and institutional uses to serve the municipality and the region. Within the district a choice of housing, employment, shopping, educational, recreational, and cultural opportunities should be provided served by economical and high quality governmental services.

The following districts could be incorporated within an urban or village district.

*High Density Residential District:* The purpose of this district is to provide for high density residential development in areas that are centrally located in urban areas or villages and that are serviced (or proposed to be serviced) by public water and sewer facilities. Residential development should provide for a variety of dwelling types and for the needs of people of all income levels and ages. Development which harms or otherwise prevents the preservation of existing districts will be prohibited.

*Neighborhood Commercial District:* The purpose of this district is to provide for limited commercial uses in areas where there is residential development to serve primarily the needs of those residents. The character of the area will be protected and enhanced by the shopping facilities with necessary parking facilities and suitable landscaping and screening. The scale of development within this district will be compatible with adjacent commercial and residential structures. New commercial uses will not cause further traffic congestion and will be designed to minimize such impacts.

*Central Business District:* The purpose of the central business district is to provide a commercial center in the municipality and the region which will permit a broad range of retail and personal service shops; professional and governmental offices; and supportive, compatible commercial uses. Residential uses, that add interest and vitality to the area and accommodate those who desire high-density housing are encouraged. All uses will be properly located and designed so as to enhance the existing structures in the area and provide for a smooth traffic flow. Events and activities such as art exhibits, musical performances, craft fairs, and farmers' markets are encouraged in the central business district as a further attraction to this area.

*Industrial District:* This district provides for employment opportunities in manufacturing, warehousing, research, and development. It enables commercial uses which specifically serve the industries or their employees. The district will be serviced by good transportation facilities and public utilities. Other uses incompatible with industrial uses, such as residential and certain recreational uses, will not be permitted for the health, safety, and welfare of the community. To serve the industries, the municipality plans to maintain adequate water supply, sewage disposal facilities, and roads for this district.

(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 and uses, with an indication of priority need*

The transportation plan and map should address how vehicles, pedestrians, and bicycles will circulate around the community. It should consider how current and projected transportation needs will be met. Future improvement needs for new or improved roads should be identified. The timing and priorities for the provision of recommended transportation improvements should be clearly stated. Since the amount of traffic a particular street will have to carry at any given time is usually dependent on the nature and intensity of land use in its vicinity, and, conversely, since the transportation network will impact on how the land is developed, the commission should carefully integrate the transportation plan with the land use plan.

Because of the Vermont Transportation Planning Initiative, it is especially important that the community transportation plan key into regional transportation planning. See Section 5.7.1 of this manual for a discussion of this Initiative. A comprehensive regional or town transportation plan under the Initiative should contain an overall description of the current transportation system which includes the existing facilities and the number of travelers. The plan would then describe the community or regional growth expected over the next 20 years and assess the impacts on the transportation system. Problems and proposed solutions, which are supported by the area's citizens and compatible with all parts of the town plan, should be identified. All modes of transportation are considered in plans prepared through the Planning Initiative.

(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 and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of need, costs and method of financing*

The community facilities and services plan and map should reflect analyses of existing facilities and services, future needs, proposals for land use and transportation, and regional opportunities and programs. The plan should illustrate and describe the

desirable location, character, and extent of the following public facilities:

- parks, playgrounds, and recreation facilities
- cultural and health facilities
- religious institutions, community centers, and governmental and civic buildings
- water supply and distribution systems
- sewer lines and disposal facilities
- public safety and emergency services
- facilities for the disposal of solid waste
- gas lines and electric transmission lines

The timing and priorities for the provision of facilities should be considered in relation to immediate public health and safety needs, the anticipated population and economic growth, and the financial capability of the community. The location and capacity of facilities should be consistent with land use planning objectives. The plan should also address the provision of needed services that are not necessarily facility dependent, such as assistance from the state police. Contact should be made with the appropriate outside agencies to find out their capacity to fulfill anticipated needs.

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

An environmental and natural resources plan should address the environmental problems, needs, and opportunities already identified. An historic and scenic features plan must do the same for these special resources (see Section 5.6.3 of this manual). A statement of policies for protection of environmental, historic and aesthetic resources should be developed to guide reviews on permit applications. The proposed land use plan should be consistent with these policies. A set of sample policies is presented in Figure 6.3. Each community will want to design its policies to meet its own particular circumstances.

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

This section is often developed by the school board, who looks at the projected number of school age children, along with state educational requirements and community desires to come up with facility needs for the future. How these needs are met must take into consideration other community issues, such as land use,

transportation, and so forth. The planning commission should thus work with the school board, as well as the selectboard, in developing the educational facilities plan and map. As the population expands and contracts and education technology develops, town officials should think of creative ways to address the changing needs.

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

The selection of appropriate implementation programs is discussed below in Section 6.3.

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

As the community develops its plan, officials need to look at what is happening in the bordering towns. How do development

Figure 6.3

EXAMPLE: ENVIRONMENTAL AND NATURAL RESOURCE POLICIES<sup>1</sup>

1. Locations Poorly Suited for Development

- All land development will be severely restricted on slopes greater than 25 percent; vegetative cover will be retained in these areas
- Conventional onsite sewage disposal systems will not be allowed on slopes greater than 15 percent. Development should be carefully controlled in these areas to prevent erosion.
- Development will generally avoid areas with shallow soils. Conventional on-site sewage disposal system will not be allowed in areas where depth to bedrock or impervious strata is within four feet of the bottom of the trench or seepage pit.
- No habitation will be permitted in areas where the depth to seasonal high water table is 0 to 1 1/2 feet.

2. Resource Lands and Natural Areas

- Development within agricultural districts may be required to be clustered to protect prime resource land.
- Development within shoreline areas of streams, lakes, or ponds will be compatible with the natural beauty of the area, protect existing

vegetation, and be set back sufficiently to prevent erosion or pollution. Where possible, visual and physical access to the water bodies will be retained.

- Buffer strips around natural areas may be required to preserve their value for education, science, research, aesthetics, and recreation.
- Public capital investments will be directed away from fragile natural resource areas.
- Wildlife habitat designated in the plan will be protected from incompatible uses.

3. Areas Potentially Hazardous to Human Life and Health

- No land alteration that interferes with the natural flow of water to surface waters will be allowed.
- Development in an aquifer protection area which will contaminate a public water supply will not be permitted.
- All development other than uses and structures essential to the operation of agriculture, forestry, outdoor recreation, and wildlife protection will be restricted in floodways.

1. The policies are designed to be consistent with state guidelines in Section 1.2.1. of Chapter 1.

trends and proposals in these neighboring towns affect the community's commercial base, tax base, traffic conditions and so forth? How would the community's proposed development impact on the neighboring towns? Are there conflicting uses proposed along the borders? For example, is a shopping center recommended for one town adjacent to a protected natural area in another? At the same time, the community must look at how its plan and proposals fit into the broader regional picture. One way to do that is to contact the regional planning commission and discuss the community's proposed plan in relation to the regional plan.

*(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*

Aspects to be considered in developing the energy element are the anticipated areas of growth and change in the municipal, residential, commercial, industrial and transportation sectors, along with the projected energy needs and resources. If the municipality's population is expected to grow, the plan should consider what kinds of housing, business establishments and public facilities are also expected to expand and what are the probable impacts on the town's energy demand and energy supplies. Energy efficiency should be maximized in existing municipal buildings and operations and in new construction in order to avoid or postpone the need for costly sources of additional energy, and land use planning should be utilized to influence development patterns and site design in an energy efficient manner. The plan should also consider energy efficiency in all aspects of transportation planning, including purchases of vehicles for the municipality or school buses, increased pedestrian pathways and other alternatives to the private automobile. The availability of any renewable energy resources, such as solar and wind, for all cost-effective purposes should also be addressed in the plan.

*(10) A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as defined by the regional planning commission pursuant to §4348a(a)(9) of this title*

Communities will need to identify the affordable housing alternatives that are available to them. These alternatives include both regulatory and financial approaches. Communities may want

to consider applying for rehabilitation funding, attracting rental subsidies, upgrading code enforcement, donating publicly owned land for housing development, making public improvements in targeted neighborhoods, and establishing incentive zoning for affordable housing. The alternatives will vary with the type of community.

All regulatory approaches should be weighed against other planning considerations, including the availability of community facilities and services and the capability of the land to handle development. Regulations can affect land costs, development costs, condition of the existing housing supply and the building of new housing. The financial approaches communities take will depend on the ability of the community to administer programs, the existence of nonprofit housing programs, the availability of grant and loan programs, and the community's own commitment and available funds for this purpose. Many of these approaches may require the community to develop programs that can receive state and federal funding and to contract with nonprofit organizations.

### *6.2.3 Organizing the Plan*

Most communities develop plans by topics such as land use, transportation, housing or natural resources. Some organize their plan according to various geographic areas within the municipality, either by recognizable neighborhoods or by geographically distinct locales, such as river valleys and plateaus. While a municipal plan must address all ten required elements, the planning commission may decide *how* it will address each element. Thus the law allows room for the diversity found among Vermont communities.

There are many ways to organize the components of a municipal plan. Planning commissions should experiment to find the organization that is most appropriate for their towns. It is essential, however, that no matter what organization is used, all ten of the required elements are clearly included in the plan.

## THREE EXAMPLE FORMATS

*Example One:* One logical way for a planning commission to organize these ten elements is to group them into four major plan sections: (1) goals and objectives, (2) seven functional plans, with supporting data, (3) a section describing the impact the plan will have on the region and on neighboring communities, and (4) a section on implementation of the plan:

**Section A:** A statement of goals, objectives, policies and programs  
(Element #1)

**Section B:** Functional plans with supporting data

- (1) Land Use Plan and Map (Element #2)
- (2) Transportation Plan and Map (Element #3)
- (3) Utility and Facility Plan and Map (Element #4)
- (4) Statement of Preservation Policies (Element #5)
- (5) Educational Facilities Plan and Map (Element #6)
- (6) Energy Plan (Element #9)
- (7) Housing Element (Element #10)

**Section C:** Relationship of plan with plans and trends of region and neighbors (Element #8)

**Section D:** Implementation program and priorities (Element #7)

*Example Two:* An alternative way a municipal plan could be organized is following the structure of the state planning goals, referencing the ten required plan elements. Again, the plan could be divided into four major sections, as follows:

**Section A:** Background information plus a statement of goals, objectives, policies and programs (Element #1)

**Section B:** Functional plans

- (1) Retaining compact settlements and sense of community
- (2) Providing jobs and a strong economy
- (3) Access to educational opportunities (Element #6)
- (4) Improving transportation systems (Element #3)
- (5) Preserving natural and historic features and wildlife habitats (Element #5)
- (6) Protecting quality of air, water, and land resources (Element #5)
- (7) Energy conservation (Element #9)

(8) Enhancing recreational opportunities

(9) Preserving farm, forest & other resources through efficient use (Element #5)

(10) Availability of safe and affordable housing (Element #10)

(11) Public facilities and services (Element #4)

(12) Summary: land use plan (Element #2)

**Section C:** Relationship of plan with plans and trends of region and neighbors (Element #8)

**Section D:** Implementation program and priorities (Element #7)

**Section E:** Maps

*Example Three:* A third way is to incorporate into each of the functional plans the supporting data, goals, objectives, policies and recommended implementation measures for each functional plan. In this scenario, there would be two major sections, with several subsections:

**Section A:** Introduction, overview, relationship of plan with plans and trends of region and neighbors (Element #8)

**Section B:** Functional plans

(1) Land Use Plan and Map, with supporting data, goals, objectives, policies and recommendations (Elements # 1,2 & 7)

(2) Transportation Plan and Map, with supporting data, goals, objectives, policies and recommendations (Elements # 1,3 & 7)

(3) Utility and Facility Plan and Map, with supporting data, goals, objectives, policies and recommendations (Elements # 1,4 & 7)

(4) Preservation of Historic and Natural Resources, with supporting data, goals, objectives, policies and recommendations (Elements # 1,5 & 7)



- (5) Educational Facilities Plan and Map, with supporting data, goals, objectives, policies and recommendations (Elements # 1,6 & 7)
- (6) Energy Plan, with supporting data, goals, objectives, policies and recommendations (Elements # 1,9 & 7)
- (7) Housing Plan, with supporting data, goals, objectives, policies and recommendations (Elements # 1,10 & 7)

Each community must organize its plan in the way that best suits its needs and addresses the important community issues. Whatever order is selected, the format should be understandable and the content carefully indexed to make the plan easy to use. It is important that each of the ten elements is identifiable. Planners should also keep in mind that the maps are an integral part of the plan and should be included in copies of the plan, at least for the four elements that require maps.

The implementation program included as an element in the municipal plan should state specific actions or programs the municipality will undertake to carry out its policies and to achieve its goals and objectives. The implementation program should be arrived at after evaluating the alternatives for meeting a particular objective. To evaluate the alternatives, consider the following criteria:

- the availability of necessary financial resources to accomplish the task
- the need for and availability of staff to carry out the work
- the appropriateness of the action given public values and sentiment
- the timeliness of the action given other priorities in the community
- the compatibility of the action with other proposed actions
- the effectiveness of the action in meeting public goals and objectives

All implementation programs should specify (1) the actions to be taken, (2) their timing, (3) who will be responsible for them, (4) their anticipated cost and (5) a way to evaluate their effectiveness. The following sections describe the actions that could be included in an implementation program.

### **6.3 Selecting an Appropriate Implementation Program**

### *6.3.1 Bylaws*

Chapter 117 in **24 V.S.A. §4401** enables five bylaws that can implement a municipal plan. These bylaws are zoning regulations, subdivision regulations, an official map, a shoreland bylaw, and a flood hazard area bylaw.

The bylaws must be consistent with the municipal plan. The administration and enforcement of the bylaws are as important as their content. Municipalities must be prepared for these tasks. Municipalities must have a duly-adopted plan in effect in order to adopt a bylaw. If a plan expires, bylaws remain in effect but cannot be amended until a plan is adopted again.

*Zoning Regulations:* Zoning is a legal process designed to protect the health, safety and welfare of the community by regulating land use. Specifically, zoning may regulate:

- uses of land, water courses, and other water bodies
- the placement of buildings on lots
- the relationship of buildings to open space
- the scale, proportion, and height of buildings
- the provision of parking, signs, landscaping, and open space

Zoning usually involves dividing the community into districts or zones each having a different set of uses, densities, dimensional requirements, and standards for development. The districts must be consistent with the land use plan. (See Map 6.1.) Some communities have considered adopting a set of measurable performance standards for each use, as opposed to dividing the municipality into districts. This technique, known as performance zoning, is designed to be flexible and recognize the uniqueness of each site. This approach will usually require professional administrative skills. **24 V.S.A. §§4401, 4405-4410.**

*Subdivision Regulations:* Subdivision regulations can insure that land development reflects land capability, that developments are served by adequate services and facilities, and that critical open spaces and resources are protected. Unlike zoning regulations, which typically apply to individual lots, subdivision regulations control the process by which lots are created from larger land parcels. Subdivision regulations control the manner in which land may be subdivided by setting forth procedures, requirements, and specifications for submission, processing, and design of plans. They provide standards for lot layout; siting of buildings; improvements of streets, utilities, and open spaces; landscaping and

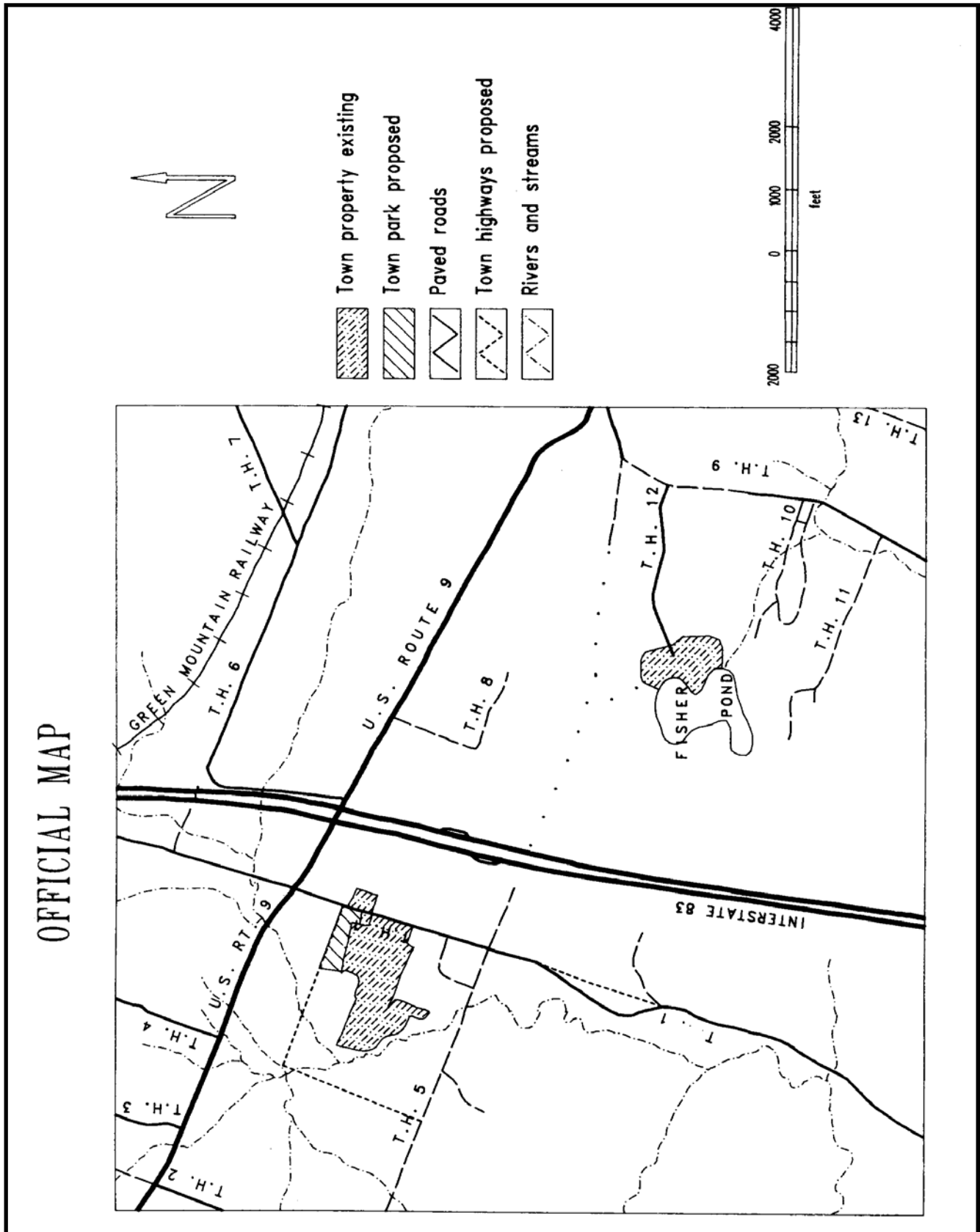
screening; recreation areas; the protection of natural areas and other important features; and allocation of costs for improvements. The subdivision regulations and the projects they govern must be consistent with the municipal plan. **24 V.S.A. §§4413-4421.**

*Official Map:* The official map enables the reservation of lands for drainage, streets, parks, schools and other public facilities for future public acquisition. See Map 6.2 for an example. Through the official map, the municipality may initiate action to acquire land within existing and proposed rights-of-way or boundaries on the map when development is proposed in these areas. The official map offers a creative tool to municipalities to guide growth through public investments. **24 V.S.A. §4422.**

*Shoreland Bylaws:* A municipality may regulate the use of shorelands within its borders in order to: 1) prevent water pollution, 2) protect wetlands and wildlife habitat, 3) conserve the scenic beauty of shorelands, 4) control erosion, 5) preserve public access to public waters, 6) achieve other legitimate municipal, regional or state shoreland conservation or development objectives. If a municipality chooses to regulate the use of shorelands, and it has a zoning bylaw in place, the shoreland regulations should be added to the existing bylaw as an amendment. If no zoning is in place, then the municipality may adopt shoreland regulations as a separate, free-standing bylaw. In either case, the regulations may specify the location of buildings and septic systems, maintenance of vegetation, whether filling is permitted and if so to what degree, and requirements for public access. **24 V.S.A. §4411.**

*Flood Hazard Area Bylaws:* A municipality may regulate the use of land in defined flood hazard areas in order to: 1) minimize the loss of life and property, 2) ensure design and construction of development in flood hazard areas will minimize the potential for flood damage, 3) maintain wise use of agricultural lands in flood-prone areas, 4) encourage municipalities to manage flood hazard areas designated by the Secretary of the Agency of Natural Resources, and 5) make the state and municipalities eligible for federal flood insurance. To accomplish those tasks, the municipal bylaw may prohibit placement of damaging obstructions in the floodway, require flood protection or flood proofing through elevation or other techniques, require adequate provisions for flood drainage, require provision of adequate water and sewer facilities, and establish other restrictions to promote sound use of flood hazard areas. As with shoreland regulations, if a municipality chooses to regulate flood hazard areas, and if it already has a

Map 6.2



zoning bylaw in place, then it should adopt the flood hazard regulations as an amendment to its existing zoning. If the municipality has no zoning regulations, the flood hazard regulations may be adopted as a separate, free-standing bylaw. **24 V.S.A. §4412.**

### 6.3.2 Other Regulations

*Health Regulations:* Many communities have adopted a separate set of health regulations. These regulations are typically designed to insure adequate onsite sewage disposal. To administer the regulations, the community must designate a health officer and a local board of health. Other communities have sought technical assistance in administering and enforcing their local health regulations from the Natural Resource Conservation districts.

*Building Codes:* Communities may adopt codes that regulate the construction of buildings. Such codes are a way to upgrade substandard buildings and to insure adequate and safe construction of new buildings. A municipal building code must be consistent with the state building code. **24 V.S.A. §3101.** Municipalities must be prepared to underwrite the costs of administering and enforcing a local building code. Staff is required for this undertaking.

*Curb Cuts:* A municipality may regulate private access to municipal roads through "curb cuts", places where a private driveway or road cut through curb (even though there may not be an actual curb in place) to gain access to town roads and highways. The municipality's executive body usually has authority to approve the proposed location of curb cuts. It does so based on safety considerations such as lines of sight, proximity to intersections, etc. This authority is granted under **19 V.S.A. §§304 and 1111(b).**

*Sign Ordinance:* Municipalities may regulate the size, shape, color, and location of signs advertising private businesses.

### 6.3.3 Programs

*Capital Budget and Program:* The capital budget and program provides an approach for municipalities to select, schedule, and finance their capital projects. The program sets forth the capital projects to be funded each year; it identifies the source of funding for each project. The program makes clear when public facilities will be in place to accommodate projected growth. In conjunction

with the plan and the zoning bylaw, it can provide a useful mechanism for phasing growth. See Figure 6.4 for an example. Chapter 117 requires municipalities to have a community facilities and services element in their duly adopted municipal plan before they adopt a capital budget and program. The capital budget and program must be consistent with the provisions of that municipal plan element. **24 V.S.A. §4426.**

Figure 6.4

EXAMPLE: CAPITAL BUDGET AND PROGRAM, 1996—2001							
DEPARTMENT	ITEM	1996	1997	1998	1999	2000	2001
ROAD	Dump Truck	50,000					
	Loader				80,000		
	Grader					100,000	
FIRE	Van	20,000					
	Breathing Equip					15,000	
WATER	Pump Station						50,000
	Water Main						200,000
RECREATION	Ball Field		90,000				
	Pickup Truck		15,000				
GENERAL GOV'T	Municipal Bldg			70,000			
	Copier		5,000				
SCHOOL	School Bus #1	25,000					
	School Bus #2						25,000
RESERVE FUNDS	Road Equip	15,000	15,000	15,000	15,000	15,000	15,000
	Fire Equip	10,000	10,000	10,000	10,000	10,000	10,000
	School Bus	5,000	5,000	5,000	5,000	5,000	5,000
ANNUAL CAPITAL COMMITMENT		125,000	140,000	100,000	110,000	145,000	305,000
FINANCING:							
	From Reserves	25,000	0	0	10,000	45,000	25,000
	Sub Total	100,000	140,000	100,000	100,000	100,000	280,000
	From Borrowing	0	0	0	0	0	180,000
	Sub Total	100,000	140,000	100,000	100,000	100,000	100,000
	From Grants-in-Aid	0	45,000	0	0	0	0
NET CAPITAL OUTLAY FROM GENERAL FUND		100,000	95,000	100,000	100,000	100,000	100,000

*Community Development Program:* A community development program can be designed to conserve, expand, and improve housing; to create and retain employment; and to improve public facilities in support of housing and economic development. The program consists of short-term (1-2 years) and long-term (2 years or more) strategies to meet identified needs.

*Land Preservation Program:* Land preservation programs may be undertaken through the planning commission, through a local conservation commission, or through a community land trust. Such programs identify and prioritize land for preservation and undertake to protect it through a variety of techniques. These techniques, which are typically voluntary, involve direct work with property owners. They include donation of conservation easements, acquisition of land or conservation easements, bargain sales of land, and limited development schemes. In addition, land trusts—nonprofit organizations dedicated to the protection of land resources—have developed several techniques for helping individuals to conserve their land. Besides being advisors to land owners and recipients of donations, land trusts have become financial packagers, organizing conservation-minded individuals to finance or to pledge their credit to secure an important property.

Adjustments in the local property tax rate and the location or enlargement of public facilities, which could lower costs of nearby land development and thus encourage it, can also have significant effects on the future of open land.

#### *6.3.4 Coordination of Public Actions*

Coordination of public actions can be an effective way of insuring that goals, objectives, and plans are carried out. How this coordination will take place should be spelled out in the implementation program. For example, a municipal decision to upgrade roads should be consistent with plans for future growth. Sewer line extension approvals through the public works department should adhere to land use policies on where growth is to be encouraged. In rural communities this coordination should be the responsibility of the commission; in larger communities the planning department or manager's office could perform this role.

Communities may need to work with each other on a certain issue, such as transportation improvements or solid waste management. This cooperation may occur through the regional planning commission or by the formation of an intermunicipal district (see Section 1.3.5 of this manual).

Public actions by municipalities and by the state may also need to be coordinated. Opportunities for this coordination occur in the Act 250 process. Through their legislative body and planning commission, municipalities are parties to this process. Because all projects must conform to local plans, municipalities can present their plan as evidence in the proceedings. A clear set of goals, plans, and strategies will greatly assist the district environmental commission in making findings. However, municipalities may participate on their issues as well. Such issues include traffic impact, impact on municipal facilities and services, and environmental concerns, such as water quality, soil erosion, and air and noise quality.

#### *6.3.5 Coordination of Private Actions*

Citizens, government, and private enterprise all have vested interests in the community. The private sector engages in a variety of development and conservation activities, including construction of homes, businesses, and industry; land preservation; and the use of land for recreation and agriculture. Partnerships between the public and private sector can bring together the talents and resources to develop innovative solutions to common problems.

Municipalities may wish to develop cooperative relationships with individuals in the private sector whose lands and plans might have a significant impact on community values. Municipalities can contact these individuals early on to learn their intentions and to inform them about the municipality's goals and objectives. By working together in a cooperative atmosphere, public and private entities can avoid adversarial relations and detrimental development. Examples of individuals who can be contacted include:

- owners of significant resource lands, such as farmland and scenic areas
- major employers
- owners of major recreation facilities, such as a ski area
- landowners in an area targeted for new development
- Developers and subdividers active in the community

Municipalities may also wish to coordinate their implementation programs with various non-profit corporations working in areas such as housing or economic development. For example, most parts of Vermont are served by regional development corporations (RDCs) whose purpose is to assist private sector businesses expand current facilities, access training programs for employees, access financing for business expansion, or to help new



businesses find locations for stores, plants, or warehouses. They can also help municipalities with their own economic development programs, or with other steps to encourage development.

In a similar way, there are numerous non-profit housing corporations that assist with rehabilitation or construction of affordable housing, along with tenants' rights and mobile home park issues.

#### *6.3.6 Special Projects*

Often there are issues that cannot be adequately addressed in the plan and for which special studies are needed. The municipality may wish to organize a special subcommittee, create a community group, call upon the regional planning commission, or hire a private consultant to carry out this effort. Municipalities should identify the tasks that can be carried out through local resources and those that may require outside assistance.

Developing a municipal plan, writing or amending bylaws, project review, carrying out special studies, or acquiring land and capital items all require financial support. There are diverse sources of financial aid municipalities may use for these activities. They include annual state planning funds, the municipal budget, federal community development block grants, as well as other municipal devices such as impact fees, user fees for water and sewer services, and permit fees. Municipalities should seek expert assistance on designing a justifiable and equitable fee system.

## **6.4 Financing**

#### *6.4.1 State Planning Funds*

Since 1988, the State has made funds available to municipalities to help support their planning and implementation activities. Every year the Legislature appropriates an amount drawn from the revenues of the Property Transfer Tax to be distributed by the Department of Housing and Community Affairs to support municipal planning. To qualify for the funds a municipality has to have its planning process confirmed by its regional planning commission. The regional planning commission will use two criteria to decide confirmation: (1) whether the municipality has an adopted plan approved by the regional planning commission as being consistent with the planning goals contained in Chapter 117, and (2) whether the municipality is maintaining its efforts to provide local funds for municipal and regional planning purposes.

Regional planning commissions must review a municipal planning effort for confirmation twice every five years.

A municipality may use state planning funds to support a wide range of planning or implementation activities. They include: paying for special studies done for the municipality by the regional planning commission (but not annual dues to the regional planning commission), research, writing, or amending town plans and bylaws, GIS mapping, supporting municipal land use permit activities. The funds may also be used for implementation activities such as acquiring development rights, conservation easements or titles to land, areas, or structures identified in regional or municipal plans as requiring special consideration to provide needed aquifer protection, affordable housing, open space, farmland protection, or other conservation purposes. **24 V.S.A. §4306.**

#### *6.4.2 Community Development Block Grants*

The federal Community Development Block Grant program has a category of planning grants municipalities may apply for to support activities related to community development planning in such fields as affordable housing, economic development, or community facilities.

Community Development Block Grants may also be used to implement municipal goals and objectives through use of "Implementation Grants." Grants in this category can be used for a wide variety of activities to construct or rehabilitate housing, public facilities or to undertake economic development activities. The program is competitive and is administered by the Vermont Department of Housing and Community Affairs. Applications for grants have to demonstrate that the projects paid for with grant funds will benefit low and moderate income families in the municipality.

#### *6.4.3 Impact Fees*

In 1988 the Vermont Legislature authorized municipalities to levy impact fees on new development. The purpose of impact fees is to require beneficiaries of new development to pay their proportionate share of the cost of municipal and school capital projects which are undertaken because of the new development. Impact fees are in many ways similar to special assessments, which have long been authorized under Vermont law.

The statute, **24 V.S.A. chapter 131** enables a town to levy impact fees if its planning process has been confirmed by the

regional planning commission, and if it has adopted a municipal plan and a capital budget and program. The municipality must be sure to keep the capital budget and program up to date as specified in **24 V.S.A. §4426**, in order to legally assess impact fees.

#### *6.4.4 Taxation*

Municipalities should coordinate their local tax policies with their overall planning objectives. In Vermont municipal taxing powers are limited by state law to one primary source—the property tax. Communities are authorized to abate property taxes on agricultural, forestry, and open land on industrial and commercial land and buildings. They can also use tax increment financing to fund specific public improvements from designated property tax revenues. Municipalities are also authorized to establish special assessment districts within which fees can be assessed by property owners to finance public improvements and programs.

With the establishment of goals and objectives and the development of plans and implementation strategies, the municipal plan is ready for public review and discussion. The process can result in changes to a document over which the planning commission has labored long and hard. However, this phase is critical to insuring a plan for the community that will be useful and acceptable. If, in the process of developing the plan, there has been broad and open public discussion of goals, issues, plans, and strategies, the changes usually will be minimal.

The planning commission members should keep in mind that they will be continually reviewing and evaluating the plan. In the future there will be opportunities to adjust the plan to meet changing conditions, to address issues beyond the scope of the current effort, and to correct the plan's deficiencies. This prospect reinforces that planning is a continual process.

## **6.5 Conclusion**

