

Municipal Plan Review Tool Town of Alburgh – Final Review

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 checked="" type="checkbox"/>	<input type="checkbox"/>
2	Land Use Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Transportation Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Utility and Facility Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Rare Natural Resources/Historic Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Educational Facilities Plan and Map	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Implementation Program	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Compatibility Statement	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Energy Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Housing Element	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Economic Development Element	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Flood Resiliency Plan	<input checked="" type="checkbox"/>	<input type="checkbox"/>

State Planning Goals § 4302		Met	Not Met
1	Compact village centers	<input checked="" type="checkbox"/>	<input type="checkbox"/>
2	Economy	<input checked="" type="checkbox"/>	<input type="checkbox"/>
3	Education	<input checked="" type="checkbox"/>	<input type="checkbox"/>
4	Transportation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
5	Natural and Historic Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
6	Quality of air, water, wildlife, forests, and other land resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
7	Efficient use of Energy and Renewable Energy Resources	<input checked="" type="checkbox"/>	<input type="checkbox"/>
8	Recreation	<input checked="" type="checkbox"/>	<input type="checkbox"/>
9	Agriculture and Forest Industries	<input checked="" type="checkbox"/>	<input type="checkbox"/>
10	Use of Resources and Earth Extraction	<input checked="" type="checkbox"/>	<input type="checkbox"/>
11	Safe and Affordable Housing	<input checked="" type="checkbox"/>	<input type="checkbox"/>
12	Public Facilities and Services	<input checked="" type="checkbox"/>	<input type="checkbox"/>
13	Child Care	<input checked="" type="checkbox"/>	<input type="checkbox"/>
14	Flood Resiliency	<input checked="" 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.

Met
Pages: 6-11

Comments: Chapter 1: Purpose, Goals and Action Plan contains a purpose statement and a list of priority implementation actions. Goals and policies from each chapter are also listed in this section.

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

Met
Pages: 20-30

(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 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.

MAPS
Present Land Use Plan ✓
Prospective Land Use Plan ☒

(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.

Comments: These points are addressed in Chapter 4: Natural and Cultural Resources and Land Use. The natural resources map on page 21 identifies wetland habitats, significant species, and source protection areas. Flood areas are identified on the water resources map on page 24. Goals and policies to protect these sensitive areas are outlined throughout the chapter. The chapter also

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proposes future land use districts for Alburgh, and vision statements characterize the level and type of development desired in each district. Current and future land use maps are located on pages 36 and 40.

(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;

Met Pages: 47-50
MAP Transportation <input checked="" type="checkbox"/>

Comments: Chapter 6: Transportation covers roads, bridges, bicycle & pedestrian facilities, public transportation, and rail and air connections serving Alburgh. Priority areas of improvement are increasing bicycle and pedestrian connectivity and safety and seeking a Class I town highway designation for Route 2 through Alburgh Village. The transportation map is located on page 49.

(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;

Met Pages: 31-46
MAP Utility and Facility <input checked="" type="checkbox"/>

Comments: The Utilities, Facilities, and Services chapter covers education, childcare, emergency services, water & wastewater, solid waste disposal, municipal buildings, telecommunications, recreation, and energy infrastructure. Potential plans and next steps are discussed for extending municipal water infrastructure to more residents, and addressing wastewater capacity issues in the Village. The Utilities and Facilities map is located on page 43, and additional maps related to energy infrastructure are on pages 44-46.

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

Met Pages: 8-9, 12-14, 20-30
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Comments: Chapter 4: Natural and Cultural Resources and Land Use chapter contains information on important natural resources in Alburgh, including groundwater, surface waters and wetlands, air quality, scenic resources, and wildlife habitat. Chapter 2. The Past and Present also contains information on historic sites in Alburgh. Goals, policies and objectives related to the preservation of natural and cultural resources are listed on pages 8-9.

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

Met

Pages: 31-33, 43

Comments: Information on educational facilities is located on pages 31-33 in the Utilities, Facilities and Services chapter. Alburgh is served by the Alburgh Community Education Center for K-8, and students attend high schools outside of the community. Current successful programs at the Education Center are discussed in the chapter. There is no specific map of educational facilities, but the Education Center building is shown on the Facilities and Services map on page 43. Graphs and tables in this section could be better integrated with the text.

MAP

Educational Facility

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

Met

Pages: 52-53

Comments: Chapter 8: Implementation Report lists implementation actions based on objectives found throughout the plan, the current status of each action, and the responsible party for each action.

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

Met

Pages: 51

Comments: Chapter 7: Compatibility with Neighboring Towns and the Region discusses the plan's compatibility with Alburgh, Isle La Motte, Swanton, and the NRPC Regional Plan. All adjacent municipalities have similar proposed land uses along shared borders, and proposed land uses in Alburgh conform with proposed land uses in 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;

Met

Pages: 9-10, 39-46

Comments: The energy section of the Utilities, Facilities and Services chapter thoroughly covers every topic as listed above. A statement on densities and patterns of land use to conserve energy is located on page 42. Goals, policies and objectives related to energy are listed on pages 9-10.

(10) A housing element that shall include a recommended program 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

Met

Pages: 7-8, 16-19

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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.

Comments: The housing section of Chapter 3: Population, Housing and Economic Development thoroughly addresses each topic as listed above. Data on the existing housing stock is shown and future housing needs are discussed, including more affordable options for low- and moderate-income households and addressing vacant and distressed properties in the Village. Goals, policies and objectives related to housing are located on pages 7-8.

(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.

Met

Pages: 7-8, 18-19

Comments: The economic development section of Chapter 3: Population, Housing and Economic Development discusses the workforce and current businesses in Alburgh, as well as economic development strategies. Goals, policies and objectives related to economic development are listed on pages 7-8. Strategies are focused on supporting agriculture, small to medium sized businesses in the village center, and tourism.

(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

Met

Pages: 8-9, 20-24

(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.

Comments: The Flood Resilience section of Chapter 4. Natural and Cultural Resources and Land Use outlines flood vulnerabilities in Alburgh and potential ways to address them, such as developing a Local Hazard Mitigation Plan. Floodplains and River Corridors are shown on the Water Resources map located on page 24. Goals and policies and objectives related to flood resilience are located on pages 8-9.

GOALS AND STANDARDS OF REVIEW

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.

Consistent

Pages: 7-8, 25-30

(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.

How has the Town Plan addressed this goal: The land use section of Chapter 4 contains the Village Core and Village Residential proposed land use districts, which provide for high and moderate density uses with pedestrian friendly development that compliments the historic settlement patterns of the village. High density commercial and civic uses are proposed for the Village Core district. Encouraging small to medium sized businesses to locate in the Village is one of the Plan's economic development

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policies listed on page 7, and the plan also contains an objective to explore options for rehabilitating buildings on Main Street.

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.

Consistent

Pages: 7-8, 15-19

How has the Town Plan addressed this goal: The Town Plan contains a Population, Housing, and Economic Development goal to build an economy based on businesses that provide healthy working conditions for local people, pay good wages and that minimally impact the environment. Economic development strategies in the plan are centered on a vibrant agricultural economy in rural areas and small to medium sized businesses in the village center that meet the needs of local residents. The town plan also encourages the development of a marketing and communications strategy to attract commerce and tourism.

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.

Consistent

Pages: 10, 31-34

How has the Town Plan addressed this goal: One of the Utilities, Facilities and Services goals listed on page 10 is to support excellent childcare, educational and vocational training opportunities in adequate facilities for Alburgh's children and promote lifelong learning in both public and private facilities. Current education facilities are discussed on pages 31-34.

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

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.

Consistent

Pages: 11, 47-50

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

How has the Town Plan addressed this goal: The transportation chapter discusses the need for additional infrastructure to support pedestrian and bicycle connectivity and safety. The chapter also discusses supporting initiatives such as carpooling and public transportation that promote

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alternatives to single-occupancy vehicle travel. Specific goals, policies and objectives related to transportation are listed on page 11.

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

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

Consistent

Pages: 8-9, 14, 20-30

How has the Town Plan addressed this goal: These goals are addressed in the Natural and Cultural Environment and Land Use chapter, which identifies specific resources to protect and preserve In Alburgh including ground water, surface waters and wetlands, scenic resources, and wildlife habitat. Historic sites in Alburgh are discussed on page 14. Goals, policies and objectives related to preserving natural and historic features are located on pages 8 and 9.

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

Goal 6: To maintain and improve the quality of air, water, wildlife, forests and other land resources.

Consistent

Pages: 8-9, 20-30

How has the Town Plan addressed this goal: Strategies for maintaining air quality, water quality, and wildlife habitat are discussed in the Natural and Cultural Environment and Land Use chapter. Goals, policies and objectives are listed on pages 8 and 9.

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.

Consistent

Pages: 9-10, 39-46

How has the Town Plan addressed this goal: The energy section of the Utilities, Facilities and Services chapter addresses this goal in detail, including current energy sources, energy uses, uses, equity and affordability. Goals, policies and objectives related to increasing energy efficiency and renewability are listed on pages 9 and 10.

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

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Goal 8: To maintain and enhance recreational opportunities for Vermont residents and visitors.

Consistent

Pages: 6-11, 36-39, 47-48

(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: The recreation section of Chapter 5 discusses current recreational facilities and strategies to enhance recreational opportunities in Alburgh, including establishing hiking trails on the town-owned Industrial Park Road parcel near the village center. The Transportation chapter also discusses providing additional infrastructure for increased bicycle and pedestrian safety and connectivity. Building upon the rail trail and VAST trails to create a trail network is a priority implementation action of the Town Plan. Additional goals, policies, and objectives related to recreation are listed on pages 6-11.

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

Goal 9: To encourage and strengthen agricultural and forest industries.

Consistent

Pages: 7-9, 28-30

(A) Strategies to protect long-term viability of agricultural and forest lands 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: The town plan contains a goal to sustain a vibrant agricultural economy that builds on the history of Alburgh farmers and prepares the way for future generations to continue farming in town. One of the subsequent policies is to support value-added activities on local farms. Preserving the town's agricultural soils is also a goal under natural resources, with a policy to support the conservation of agricultural lands using strategies such as purchasing development rights. Much of the town's proposed land use is set aside for agriculture and conservation, as shown on the map on page 30.

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

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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.

Consistent
Pages: 8-9, 25

How has the Town Plan addressed this goal: The plan contains a policy under Natural and Cultural Resources and Land Use 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. Scenic resources are further discussed on page 25.

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.

Consistent
Pages: 7-8, 15-19

(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: The Population, Housing and Economic Development chapter discusses the need for more affordable housing units in Alburgh. The age of current housing stock is also recognized as an issue, and the plan contains policies and objectives to explore rehabilitating vacant and distressed properties in the Village Center. Alburgh does not currently have zoning regulations, so there are no restrictions on multifamily housing, manufactured housing or accessory dwellings.

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.

Consistent
Pages: 9-10, 31-46

(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.

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How has the Town Plan addressed this goal: The Utilities, Facilities, and Services chapter contains information on education, childcare, emergency services, water & wastewater, solid waste disposal, municipal buildings, telecommunications, recreation, and energy infrastructure. In particular, the needs to expand childcare, water and wastewater infrastructure are discussed as priorities to meet the needs of current and future residents. Goals and policies related to public facilities are listed on pages 9-10.

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

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.

Consistent

Pages: 8, 10, 33-34

How has the Town Plan addressed this goal: The need for increased access to childcare in Alburgh is addressed on pages 33-34. The plan mentions that Alburgh supports the ongoing Alburgh Family Clubhouse childcare center project and other efforts to increase the quality and quantity of childcare available in the region. Additional goals related to childcare are listed on pages 8 and 10.

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.

Consistent

Pages: 8-9, 20-24

(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.

How has the Town Plan addressed this goal: The flood resilience section on pages 20-23 outlines fluvial erosion and inundation flooding vulnerabilities in Alburgh. Floodplains and river corridors are shown on the Water Resources map located on page 24. Developing a Local Hazard Mitigation Plan is listed as a priority to plan for future flooding events. Additional goals, policies and objectives related to flood resilience are listed on pages 8-9, including to review current Flood Hazard Zone District standards for compliance with National Flood Insurance Program (NFIP) and to consider adopting higher standards including River Corridor regulations.

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

Regional Plan and Adjacent Community Plan Compatibility

Regional Plan

Is the municipal plan compatible with its regional plan?

Yes

Comments:

The Regional Plan identifies proposed land use areas that are similar to those identified in the Alburgh Town Plan. The majority of land in Alburgh is designated in the regional Agricultural Resource Planning Area. Alburgh Village is designated as a Sub-Regional Growth Area, and the Town Plan includes efforts to encourage growth in the village center. There are areas of Alburgh located within the Conservation & Forest Resource Planning Area, the majority of which is marshland already conserved by federal, state or private nonprofit groups. The Town Plan supports efforts to preserve this area as described in the natural resources and land use section.

Adjacent Municipalities

Is the municipal plan compatible with approved plans of other municipalities in the region?

Yes

The Compatibility with Neighboring Towns and the Region chapter discusses Alburgh's compatibility with the Swanton, North Hero and Isle La Motte town plans. Alburgh's shorelands district is compatible with Isle La Motte's proposed rural agricultural district. Alburgh's plan is compatible with North Hero's and shares an interest in seeing improvements to the Route 2 corridor. Swanton borders Alburgh in the middle of Lake Champlain, and planned agricultural and conservation land uses for the adjacent shores are compatible to create a seamless landscape surrounding Missisquoi Bay.

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

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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.

24 V.S.A. § 4350. Review and consultation regarding municipal planning effort

(a) A regional planning commission shall consult with its municipalities with respect to the municipalities' planning efforts, ascertaining the municipalities' needs as individual municipalities and as neighbors in a region, and identifying the assistance that ought to be provided by the regional planning commission. As a part of this consultation, the regional planning commission, after public notice, shall review the planning process of its member municipalities at least twice during an eight-year period, or more frequently on request of the municipality, and shall so confirm when a municipality:

(1) is engaged in a continuing planning process that, within a reasonable time, will result in a plan which is consistent with the goals contained in section 4302 of this title; and

(2) is maintaining its efforts to provide local funds for municipal and regional planning purposes.

(b)(1) As part of the consultation process, the commission shall consider whether a municipality has adopted a plan. In order to obtain or retain confirmation of the planning process after January 1, 1996, a municipality must have an approved plan. A regional planning commission shall review and approve plans of its member municipalities, when approval is requested and warranted. Each review shall include a public hearing which is noticed at least 15 days in advance by posting in the office of the municipal clerk and at least one public place within the municipality and by publication in a

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newspaper or newspapers of general publication in the region affected. The commission shall approve a plan if it finds that the plan:

- (A) is consistent with the goals established in section 4302 of this title;
- (B) is compatible with its regional plan;
- (C) is compatible with approved plans of other municipalities in the region; and
- (D) contains all the elements included in subdivisions 4382(a)(1)-(10) of this title.

Review and Approval Process

The following procedures shall be used for Regional Planning Commission review of municipal plans. The first procedure pertains to review of municipal plan adoptions and re-adoptions. The second is a procedure for review of municipal plan amendments.

Town Plan Review & Approval Process – Adoptions and Re-adoptions

1. The regional planning commission (RPC) receives a request for municipal plan approval. Staff will encourage municipalities to submit requests for approval at the time of noticing the Planning Commission public hearing.
2. **Preliminary Review.** Staff will complete a Preliminary Staff Review of the draft plan when requests for regional approval are received for a municipal plan that is still under review by the local Planning Commission. Staff may convene a Municipal Plan Review Committee meeting to review the draft plan, and the Preliminary Staff Review, and to make any recommendations to the Planning Commission. Staff will provide comments from the preliminary staff review to the local Planning Commission, including notification of any content or lack thereof that could preclude RPC approval.
3. **Final Review.** Staff will complete a Final Staff Review for municipal plans that have recently been adopted or where the final Selectboard hearing has been or will soon be warned. If the staff review reveals a flaw that would preclude RPC approval, the municipality will be notified. It is the municipality's option as to whether they want a final decision on the plan or if the plan should be withdrawn from the approval process.
4. The Final Staff Review, including draft findings and recommendations, will be provided to the Municipal Plan Review Committee. The Municipal Plan Review Committee shall meet at least once to review the Town Plan, Final Staff Review and prepare findings and recommendations to the Board of Regional Commissioners.
5. The RPC will hold a duly warned public hearing before the RPC makes its final decision on regional approval of the plan and confirmation of the municipalities planning process.
6. The Municipal Plan Review Committee will provide findings and recommendations to the Board of Regional Commissioners on regional approval of the municipal plan and confirmation of the planning process.
7. In all cases the RPC will take final action on the plan approval request within 60 days of its receipt.

Town Plan Amendment Review Process

1. The regional planning commission (RPC) receives a request to review an amendment to the municipal plan.

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2. Staff will complete a Final Staff Review, including draft findings, and a recommendation on whether or not the amendment may be approved within the context of the current regional approval of the municipal plan, or if the amendment constitutes a material change to the plan that is beyond the scope of the current regional approval. At the discretion of staff, the staff review and findings will be provided to the Municipal Plan Review committee for review and approval.
3. The Final Staff Review, including findings and recommendations, shall be provided to the municipality. If the amendment constitutes a material change to the plan that is beyond the scope of the current regional approval, the municipality will have the option of submitting the amended plan for regional approval.

Final Staff Review shall consist of the following items:

1. Staff review checklist contained in Municipal Plan Review Tool.
2. Energy Planning Standards for Municipal Plans – Determination Checklist (if requested/relevant)
3. Municipal Plan Implementation Assessment (for confirmation of planning program)

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Municipal Plan Review Committee

The Chair of NRPC will appoint a five-member Municipal Plan Review Committee following the annual meeting each year. The Municipal Plan Review Committee is responsible for reviewing all plans submitted for approval during that year. Board members representing the municipality whose plan or amendment is under review must temporarily recuse themselves as a member of the Committee. They may, however, act on behalf of the municipality during the review process, and provide testimony at the public hearing.

The Committee, at its first meeting in each fiscal year, will elect a Chair to run meetings, the public hearing(s), and to present the Panel's recommendations to the Board and a Vice-Chair to assume the duties of the Chair as needed.

It is the responsibility of the Committee to consider staff recommendations and any comments from the municipality, neighboring municipalities, and other interested parties; and to make recommendations to the Board of Commissioners in the form of written findings and conclusions. If requested, the Committee may provide preliminary comments on a draft plan prior to the final review and findings.

NRPC staff shall organize and warn the required public hearing and any Municipal Plan Review Committee meetings. Committee members shall attend the public hearing or review the record of the hearing. The Committee will prepare written findings and recommendations. The Committee's findings and recommendations will be presented to the Board of Commissioners for action.

Staff Responsibilities

After submission of a request for regional approval by the local legislative body, one or more staff members, appointed by the Executive Director, will conduct a review of a proposed plan or plan amendment. Staff will encourage municipalities to submit requests for regional approval at the time of noticing the planning commission public hearing. When requests are received at this time or at a minimum prior to noticing the first legislative body hearing, staff will conduct a preliminary review of the plan prior to the final review. Staff will review plans using the checklist provided in the Municipal Plan Review Tool. Under direction of the Committee, staff will complete all required public notifications, prepare written findings and otherwise assist the Committee.