



Statutory Authorization: 24 V.S.A. Chapter 117 (Subchapters 6–11)

Related Topic Areas: All topics

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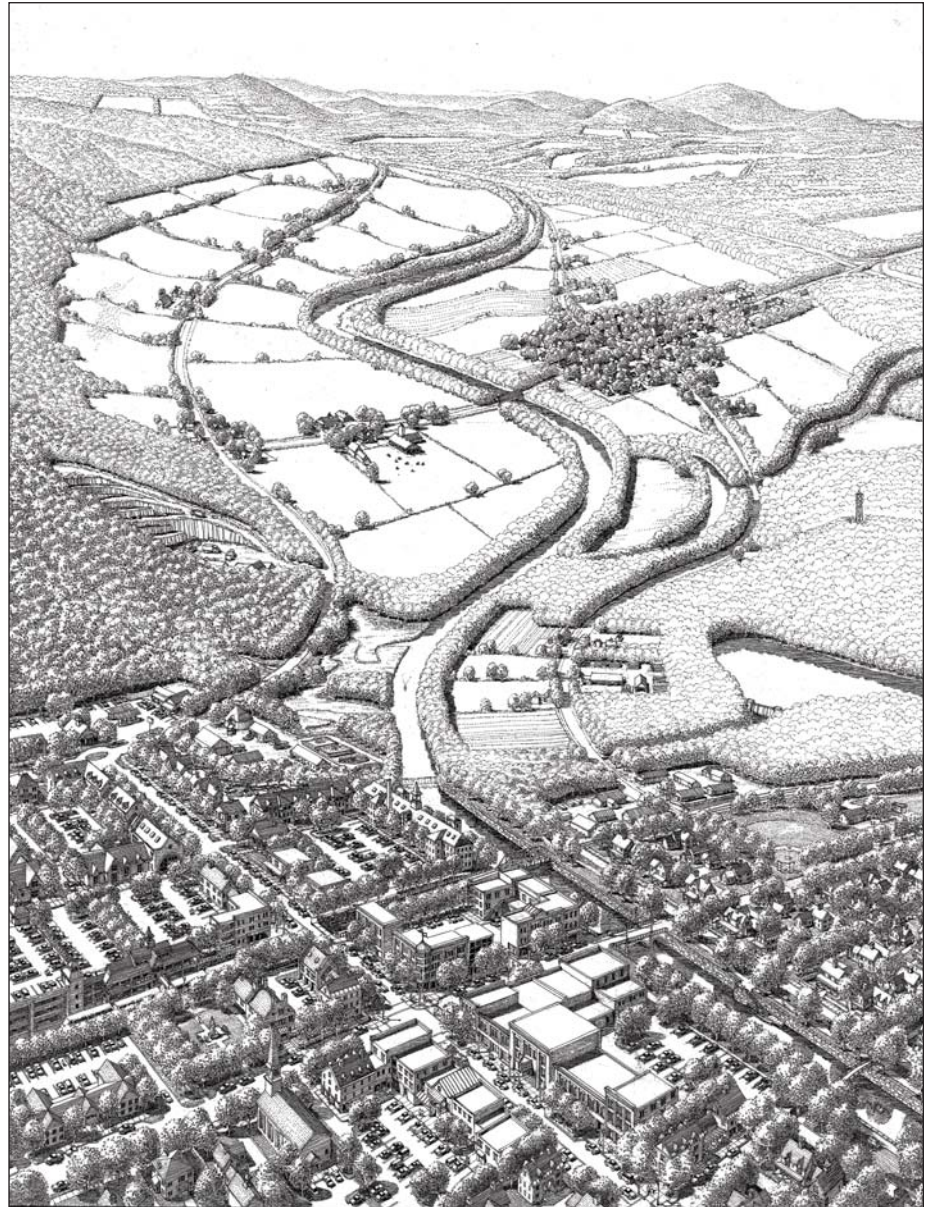
Introduction: Implementing the Municipal Plan

Congratulations! Your municipal plan, after months or years of effort, is finally adopted. But there's not much time to rest on those laurels—a shelved plan isn't much use to anyone and defeats all the hard work that went into its preparation. Once your plan lapses—after five years unless it's updated and re-adopted—many options for implementing the plan are no longer available. This manual is intended to help you, and whatever other individuals and community groups you can muster, put your plan into action. The manual can also be referred to during plan preparation to identify and recommend implementation techniques that are appropriate for local use.

Using This Manual

Start by leafing through the topic papers to see what they contain. While you may find many topics of interest, this is not designed for use as a textbook. Rather, it is a reference manual, introducing a wide range of concepts, tools, and techniques for helping communities achieve their goals. It's designed for use by planning commissions—the municipal body responsible for writing and implementing the municipal plan but anyone else, including other town boards, commissions, interested individuals, developers, or nonprofit groups, are welcome to make use of this reference as well.

Once you decide on an implementation goal, pick the topic papers that relate to that goal, provide everyone involved with copies, and discuss the papers at your next meeting. For example, if you decide that planning your town's infrastructure is the next major step, read and discuss Facilities Management to get a general under-



Implementing the municipal plan, whether for a city, a village, or a rural town, requires a wide range of strategies. Many are introduced in this manual. A combination of nonregulatory and regulatory approaches applied over time and adjusted to meet new circumstances often yields the best results.

standing of the issues and techniques, then move onto more specific implementation topics like Capital Improvement Program, Growth Centers, Official Map, and so on. Similarly, if you're updating your zoning bylaws, start with Land Use & Development

Regulations, which provides the big picture on local regulations, then review Zoning Regulations and Subdivision Regulations. If you need to address specific issues within the regulations, delve into those specific topic papers, such as Home

Other Key Resources

The *Implementation Manual* provides a general introduction to a wide range of topics, but other resources are available for more detailed information and that explain the context for planning. All can be accessed online from www.vpic.info.

Essentials of Local Land Use

Planning and Regulation gives an overview of what local boards and commissions need to know (Vermont Education and Training Collaborative, 2006).

Planning Manual provides instructions for preparing a municipal plan (DHCA, 2000).

Full Statutory Language of 24

V.S.A. Chapter 117, the Vermont Municipal and Regional Planning and Development Act, is available as a book from DHCA and online at www.leg.state.vt.us/statutes.

VLCT Resource Library is a searchable database of local bylaws and other documents from Vermont municipalities provided by the Vermont League of Cities and Towns at www.vlct.org.

Occupations, Parking, and Housing Regulations.

For words that may be unfamiliar, check the glossary. Use the topic paper index to find topic papers that are relevant to issues you wish to explore. Both can be found at the end of the manual. The topic papers are organized alphabetically and are numbered for ease of reference. In the future, new papers on other topics, like energy, may be added. These will be made available in an addendum and will be designed for insertion into the binder.

All the topic papers are available at the website of the Vermont Land Use Education and Training Collaborative (www.vpic.info) and can be downloaded and printed individually. References, links, examples, and other additional information about each topic beyond what is provided in the paper will also be available on the website. Those with computer access are encouraged to make use of these additional online resources.

Implementing the Plan

The planning commission, under Chapter 117, is responsible for many, but not necessarily all, aspects of plan implementation. The planning commission needs to be realistic about how much it can accomplish on its own; additional volunteer or professional assistance is often needed. If no specific plan of action is included in the local plan, it's useful to put one together from plan recommendations before getting started. The work program should include a list of recommended tasks, an indication of who's responsible for getting them done, and a time frame for completion. The planning commission should consider municipal priorities and available funding and volunteer and community resources in setting work program priorities.

Local legislative bodies—the town select board, village trustees, or city council—also have key roles in plan

Conformance with the Municipal Plan

In 2004, major changes were made to the plan implementation sections of the Vermont Planning and Development Act (24 V.S.A. Chapter 117). All plan implementation tools specified in Chapter 117, including both regulatory and nonregulatory tools, must now conform to the municipal plan in effect at the time of their adoption.

This requirement, found in many other states as well, is often referred to as “the consistency doctrine”—a fundamental planning principle that local bylaws, and other related programs and decisions, should be consistent with a locally adopted comprehensive plan. This means that attention must be paid to plan implementation options during the planning process. The plan should include either recommendations (“shoulds” or “mays”) or in a few cases actual mandates (“shalls” or “musts”) that provide clear guidance for plan implementation.

Under Chapter 117 (§4303[6]), an

implementation tool or program “conforms with the municipal plan” if it:

- makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan;
- provides for proposed future land uses, densities, and intensities of development contained in the municipal plan; and
- carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.

For proposed bylaws, the planning commission must prepare a written report that, in addition to addressing the conformance requirements noted above, also evaluates the effect of proposed regulations on the availability of safe and affordable housing in the community (§4441[c]).

Since Vermont's conformance requirement is new as of this writing, there is no relevant case law to indicate how plan conformance will be interpreted by our courts (which, in the past, required only a tenuous link

between plans and bylaws). In other states, courts have first evaluated whether the plan meets statutory requirements—whether it has been legally adopted and includes required elements. Assuming the plan meets procedural and substantive requirements, the courts have then focused on whether the implementation measure is consistent with specific policies and recommendations included in the plan.

This includes an evaluation of how the policy is written—as a recommendation that provides some discretion or as a specific mandate. In the absence of a specific supporting policy, the courts have then looked to whether a bylaw, program, or decision contradicts other plan policies and recommendations. Finally, where plan policies or recommendations are inconsistent, the courts have determined consistency by weighing the proposed implementation measure in relation to the overall context of relevant plan goals, policies, and recommendations.

Community Involvement Techniques

Most of these techniques can be conducted in-house with staff, boards, and volunteers, but in some cases, professional assistance will be needed. See www.vpic.info for more information and resources.

Community Surveys. Community surveys are rarely scientific, but are often used to help identify local attitudes about particular proposals or program priorities. Mail surveys are most common, but phone and web-based surveys increasingly are being used.

Educational or Informational Workshops. When considering new programs, it often helps to bring in “experts” to inform the discussion. These may include your counterparts from neighboring communities who have information and experiences to share. Educational workshops, including training sessions for local officials, are available through the Vermont Education and Training Collaborative. Many nonprofits also offer local presentations and informational programs in their areas of expertise.

Focus Groups. Small groups of

people with expertise in a specific area can be very helpful in narrowing the scope of issues that need to be addressed and identifying realistic options for local consideration. For example, in putting together a local economic development or downtown revitalization plan, it makes sense to target and get feedback from the business community.

Interactive Design Workshops.

These include such programs as interactive mapping exercises, visual preference surveys, and design charrettes. Design workshops typically focus on a specific area, neighborhood, or project and may involve professional planners, engineers, landscape architects, architects, designers, and facilitators, as well as local participants. They take quite a bit of work to pull together, but the insights and support gained through active community participation in the design process are generally worth the effort and expense.

Community Forums. Facilitated community, neighborhood, or group discussions are a common way to present and receive feedback on options, scenarios, or specific propos-

als under consideration. A variety of facilitation techniques can be used to present and summarize information, encourage discussion, and help define group priorities.

Newsletters. Regular press releases or updates in the weekly paper or community newsletter help keep folks informed. When funding and time permit, a project newsletter sent out to local residents can also be a good communication tool. Make sure articles include contact numbers for feedback and requests for more information.

Websites. Community or project websites increasingly are being used to provide information on proposed plans, bylaws, and programs. The town of Colchester recently established a web log, or blog, on its website as a venue for community discussion regarding the update of its municipal plan. Use of the web to post information and receive feedback has obvious benefits: it can reach many people while saving time and scarce resources. But it’s important to remember that not all members of the community may have access to a computer or the Internet.

implementation, as appointers of committees, adopters of ordinances and bylaws, and keepers of municipal budgets. These boards carry the legal authority—as authorized by state law and local voters—to institute and administer municipal programs, contract for services, and pay the bills.

Enlist volunteers! There’s usually more than enough work for anyone interested in organizing or helping out with community projects. Most local programs and projects rely heavily on volunteers and alliances with other formal or ad hoc community groups to get done. These groups should, however, coordinate with the powers that be as needed to garner public support, to avoid duplicative or contrary efforts, and to make sure their actions address adopted community objectives, as well as those of the group.

This manual provides descriptions of a variety of tools, techniques, and programs available to Vermont communities to implement local plans. These include both regulatory and nonregulatory options as described under Chapter 117, to help guide and manage growth, conserve land and resources, provide needed services and facilities, and accomplish specific development objectives.

Involve the Public in Implementation

24 V.S.A., §4302

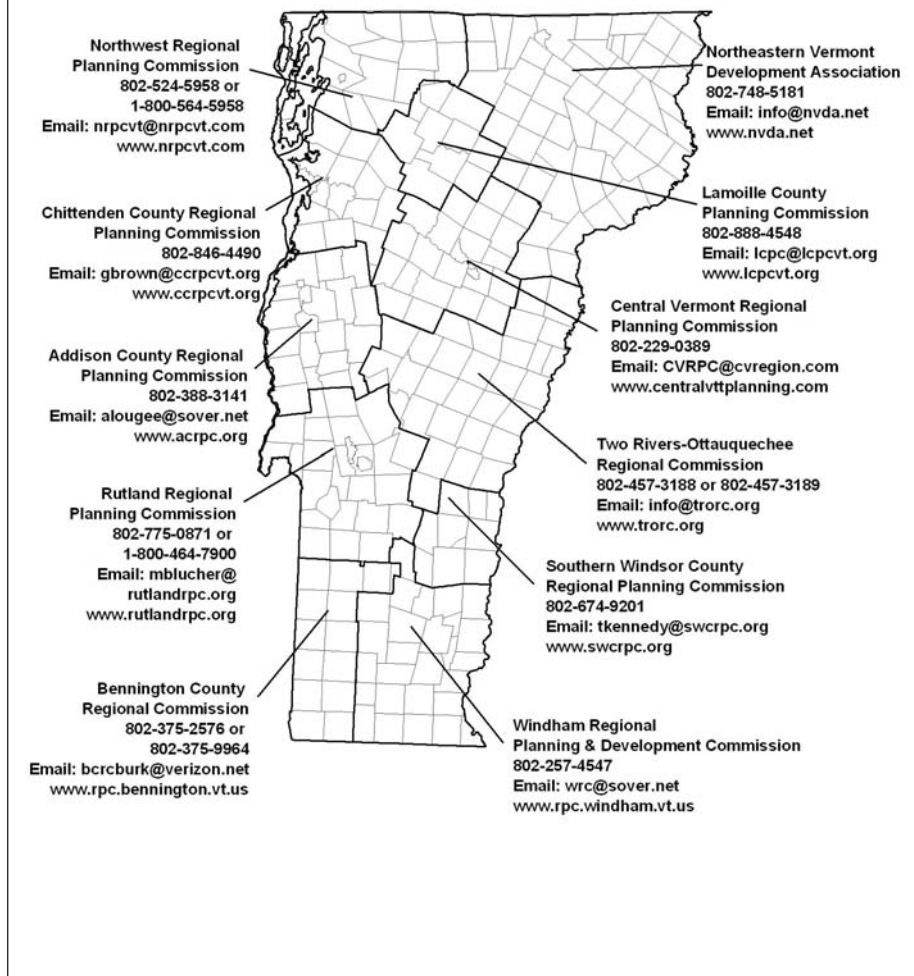
One of the key state planning goals is: “To encourage citizen participation at all levels of the planning process, and to assure that decisions shall be made at the most local level possible commensurate with their impact . . .”

Many of the tools, techniques, and programs presented have been broadly applied throughout Vermont and beyond, but a few are suitable for use in every community. Though communities share much in common and should learn from our neighbors, every community has its own particular needs, resources, and attitudes toward government, land, taxes, and community life. Restrictive zoning adopted by one town may not work for another, but a program to purchase development rights to help out landowners and also conserve land just might work. Often a number of methods or tools, used in combination, are needed to effectively achieve a desired objective or result.

Take guidance from the municipal plan and from ongoing public involvement in your work. Reach out and eventually you’ll succeed: if you

Regional Planning Commissions in Vermont

Contact Information



Vermont Land Use Education and Training Collaborative

Working together to provide improved learning opportunities for Vermont's local boards and commissions

For more information and assistance on implementing your municipal plan, contact members of the Vermont Land Use Education and Training Collaborative Steering Committee.

Center for Rural Studies (CRS)

University of Vermont
207 Morrill Hall
Burlington, VT 05405
(802) 656-3021
<http://crs.uvm.edu/>

Department of Housing and Community Affairs (DHCA), Planning Division

National Life Building Drive 20
Montpelier, VT 05620-0501
(802) 828-5249
www.dhca.state.vt.us/Planning

Vermont Association of Planning and Development Agencies (VAPDA)

www.vapda.org

Vermont League of Cities and Towns (VLCT)

89 Main Street, Suite 4
Montpelier, VT 05602
(802) 229-9111
www.vlct.org

Vermont Secretary of State's Office

26 Terrace Street
Montpelier, VT 05609
(802) 828-2363
www.sec.state.vt.us/

Vermont Planners Association (VPA)

c/o VLCT
89 Main Street, Suite 4
Montpelier, VT 05602
www.vermontplanners.org

don't, you probably won't. All implementation projects and project budgets should include broad public outreach, in addition to any required public hearings. There are a variety of ways to involve local residents and landowners. The methods selected

will vary based on the type of project and the resources available locally.

Plan implementation represents the real work of the community. It takes time, effort, dedication, and resources—all those things that can make a great community even better.