



Statutory Authorization: 24 V.S.A., §§4401, 4402, 4421

Type: REGULATORY

Related Topic Areas: Capital Improvement Program; Growth Centers; Land Use & Development Regulations; Subdivision Regulations

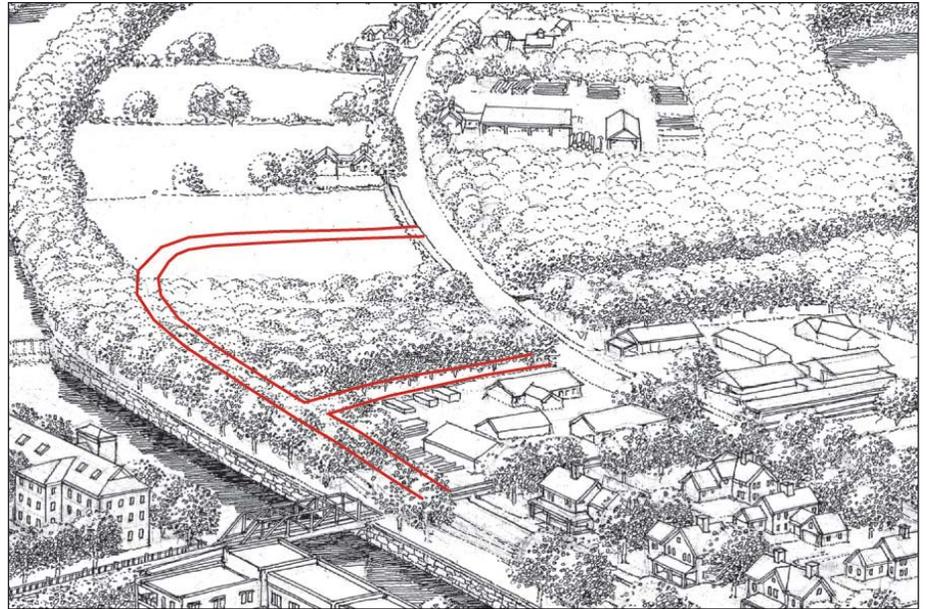
Official Map

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Overview

The official map is a powerful tool available to Vermont municipalities to control community design by identifying the locations of future public facilities. The map—which can show future street alignments, planned trails, sites reserved for public buildings, and areas reserved for stormwater and flood control—provides a clear picture to property owners, developers, and the public of the municipality’s intentions with regard to its future physical form and design.

Based on the official map, a municipality has the authority to require the reservation of easements or land sufficient to accomplish an intended public purpose, such as completion of a road connection or creation of a park, and if necessary to have time to initiate condemnation (eminent domain) proceedings to take the affected property if an agreement cannot be reached. The most common use, however, is in the development review process where the map can be used to inform applicants of the proposed locations of public



Designating locations for future roads and other public infrastructure on an official map can ensure that new development results in a rational network of roads and other facilities, especially when multiple parcels are involved. An official map is best accomplished through a collaborative planning and design process involving landowners and others with an interest in the area affected.

roads, trails, and other corridors going through the property to be developed and requires that the development be designed to accommodate them. This is especially useful in ensuring that any public facilities are coordinated between multiple properties being developed and results in a well-planned network of roads and other corridors.

As a planning tool, the official map has been around for more than forty years—and even longer if historical plans and surveys for laying out cities, towns, and villages are considered. Official maps are not widely used today, perhaps because of a belief that the map unconditionally commits the municipality to purchase designated lands. In Vermont, the adoption of an official map identifies those sites or locations that the community deems appropriate for specified public facilities and also establishes a procedure by which sites can be acquired

before they are developed for other uses.

At any point during that process, a municipality can choose not to acquire property and allow the proposed development to proceed.

Application

While the official map is not widely used in Vermont, it has been successfully applied in areas experiencing rapid growth—for example, in the planning and development of South Burlington’s new city center. The Vermont Planning and Development Act (24 V.S.A., Chapter 117) authorizes municipalities that have a municipal plan in effect to prepare and adopt an official map (§4421). The official map must conform to the municipal plan, including the required utilities and facilities section of the plan. As a type of bylaw, an official

What Does an Official Map Do?

- Identifies and maps the locations of existing and proposed public lands and facilities and the connections between them, including utility corridors, roads, sidewalks, and trail networks.
- Reduces the risk of losing ideal sites to other development while ensuring that landowners are treated fairly.
- Guides future physical form and design of development in areas where growth is planned.

map is prepared under the direction of the planning commission and adopted by the legislative body following warned public hearings. (See related topic papers.) It can be amended, however, through other means as specified in statute for official maps.

Before formal hearings take place, however, holding informal meetings with affected landowners and a public design workshop to explore options and arrive at a design for the facilities to be shown on the map is always a good practice. In situations where the community has already undertaken a design or master planning study of areas to be developed and have incorporated that detailed plan into the municipal plan, the official map can be the next step in making that plan a reality.

An official map should identify, as accurately as possible, present and

Avoiding Takings Claims

Use of an official map can help prevent regulatory “takings” claims. In many situations, such claims are without merit because under most regulations property owners retain some reasonable use of their properties. But for facilities that are specifically intended for public access and use (for example, recreation trails), the courts have given property rights—and specifically the right to control public access on private

land—more weight in takings claims. In these circumstances, regulatory takings have been considered sufficient to justify fair compensation.

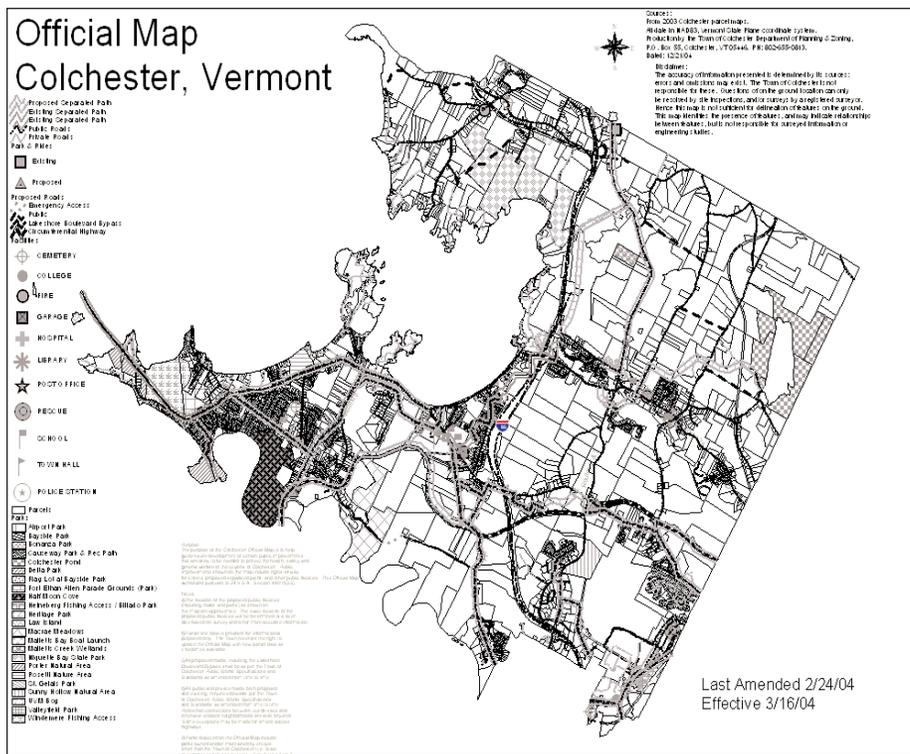
The official map provisions of Chapter 117 clarify that the designation of mapped public facilities on an official map does not, in itself, constitute a taking of land, nor does it constitute the opening or establishment of land or facilities for public use. The private dedication or public acquisition of a mapped facility is still required prior to public use.

future locations of facilities, such as roads, recreational paths, utility rights-of-way, parks, schools, and other municipal structures. The mapping process is especially useful in defining and establishing interconnected infrastructure and facilities spanning multiple properties. GIS mapping greatly eases the task of creating an official

map: layers showing existing and proposed facilities and utilities should be available from municipal plan map(s). Where mapped locations aren’t as precise as needed for administration, the legislative body can have a survey prepared that, upon resolution, becomes part of the official map.

The official map may be used by the municipality to identify and schedule needed capital expenditures—for example, in association with an adopted capital budget and program. But it is most often used in the review of proposed development. No zoning permit may be issued for any land development proposed within the lines of any facility designated on the official map without further municipal review and action.

As long as no development is proposed on a designated site, nothing changes as a result of designation. Any unapproved development that occurs within a designated area must be removed by the property owner, at the owner’s expense. When a property to be developed includes a planned right-of-way or site that is designated on the official map, additional subdivision or conditional use review may be required under local land use regulations. If the landowner or developer can demonstrate that the proposed development will accommodate the planned public facility, the development can be approved as long as it meets all other applicable regulations. Local regulations may also include development incentives (such as density



This official map from Colchester shows the locations of proposed roads, paths, and emergency access corridors for the town as a whole. The proposed corridors, shown as dashed lines, overlay the town’s existing public facilities map, showing the location of parks, schools, and other facilities, including public conservation land. When development is proposed on a parcel that is affected by a corridor shown on the official map, the developer is required to accommodate the corridor in the design of the project to obtain approval. Map provided by Colchester Planning and Zoning Office.

bonuses or waivers) in return for the dedication of land or facilities for public use.

If the proposed development does not accommodate the planned public facility—for example, proposing buildings blocking a road corridor shown on the official map—the application must be denied. The municipality then has 120 days from the date of the denial to institute proceedings to acquire the property. If action is not taken within that time, the application must be reviewed again with no regard to official map designation.

The official map process thus informs all interested parties of potential public facility sites and establishes a process for the municipality to acquire property through dedication or acquisition, or decide that it really isn't interested in the property after all.

Considerations

Adopting an official map does not commit the municipality to purchase properties on which capital projects are shown, nor does it impinge on the normal budgeting and acquisition process. Some local officials may feel, however, that providing advance notice of municipal intent gives the landowner an unfair bargaining advantage.

Since uncertainties increase over

time, it may make sense for the official map to include only facility and utility improvements that are anticipated over a reasonable period of time—for example, those improvements included in the community's six-year capital improvement program. On the other hand, some long-term improvements, such as proposed street networks, may justify mapped designation beyond this six-year period. If so, such designations should be clearly supported by municipal plan objectives and recommendations.

The acquisition of a designated property is not limited to public purchase. As noted, it may be possible to acquire easements or other limited interests in the property that will accommodate the planned facility or to obtain a portion of the property through dedication; for example, property owners may agree to dedicate land, easements, or facilities to the municipality that benefit their development project to avoid long-term infrastructure maintenance costs or in return for other development incentives.

The most important administrative aspects of the official map are keeping it up to date and making sure it's used wherever applicable. The official map should be consulted as a standard part of development review. Major amendments to the map,

including major changes in the location of mapped facilities or newly mapped facilities, should be made through the bylaw adoption and amendment process. The planning commission, however, may recommend minor location changes for the legislative body to adopt by resolution. Also, whenever an approved subdivision or development alters public facilities shown on the official map, those changes—as recorded in the land records—automatically modify the official map. It's important to make sure such changes are recorded on the official map.

Official Map in State Designation Programs

24 V.S.A. §2793b (b)(1)

Designation of a New Town Center Development District. An official map showing proposed public facilities in the new town center area is a prerequisite for designation.

24 V.S.A. §2791 (12) & (13)

Growth Center Designation. An official map is recommended in the *Growth Center Planning Manual* (DHCA, 2007) as a tool for satisfying a number of the growth center application requirements dealing with planning future infrastructure for growth centers.