

APPENDIX I - DEFINITIONS

Act 200 - the 1988 amendments to 24 V.S.A. Chapter 117; the Vermont Municipal and Regional Planning and Development Act.

Act 250 - (10 V.S.A. §6001); Vermont Land Use and Development Law; the state environmental review process conducted by a District Environmental Commission to consider a proposed development's impact using 10 established criteria.

Affordable Housing - Housing is affordable when households with an income below the county median income pay no more than 30% of their income on housing costs. Housing costs for renters include rent and utilities. Housing costs for homeowners include principle and interest, property insurance, and property taxes.

Agricultural Land - real estate capable of supporting commercial farming (10 V.S.A. §331 [2]).

Area-Based Zoning - a type of zoning ordinance that establishes a formula for the number of non-farm dwellings permitted per acre, with houses typically built on small lots.

Bylaw - zoning regulations, subdivision regulations, shore land and flood hazard by-laws, an official map and capital budget/program adopted under 24 V.S.A. Chapter 117 § 4401.

Demand Side Management - Planning, implementing, and monitoring activities of electric utilities which are designed to encourage consumers to modify their level and pattern of electricity usage (US Dept. of Energy).

Development - the division of a parcel into two or more parcels, the construction, reconstruction, conversion, structural alteration, relocation or enlargement of any building or other structure, or of any mining, excavation or landfill, and any change in the use of any building or other structure, or land, or extension of use of land.

Family - a family consists of a householder and one or more other persons living in the same household who are related to the householder by birth, marriage, or adoption.

Floodplain - the land in the community subject to a one percent or greater chance of flooding in any given year. The area may be designated as Zone A on the National Flood Insurance Program maps.

Groundwater - means water below the land surface in a zone of saturation but does not include surface waters within the meaning of 10 V.S.A. §1251 (13).

Household - A household includes all the people who occupy a housing unit. Occupants in this category include a single family, one person living alone, two or more families living together, or any other group of related or unrelated persons who share living arrangements.

kiloWattour (kWh) - a unit of energy equivalent to using one kiloWatt of electricity for one hour, equal to 3,412 BTU's.

Legislative Body - the selectmen in the case of a town, the trustees in the case of an incorporated village, and the mayor and City Council Members in the case of a city, and the supervisor in the case of an unorganized town.

Level of Service (LOS) - A qualitative measure describing operational conditions within a traffic stream; generally described in terms of such factors as speed and travel time, freedom to maneuver, traffic interruptions, comfort and convenience, and safety. Level of service is reported as being in the range of A to F, with A the best and F the worst. For example,

- LOS A describes operations with very low delay.
- LOS F describes operations with considerable delay and congestion. Roadways with LOS of E or F are generally considered unacceptable.

Municipality - a town, a city, or an incorporated village.

Public Water System - a water supply system with 10 or more connections or that serves an average of at least 25 individuals for at least 60 days per year. Consult the Vermont Water Supply Rule, Agency of Natural Resources for more detailed information.

Section 248 - Vermont law contained in 30 V.S.A. granting judicial power to the Public Service Board to hold proceedings and to determine facts upon which to issue a Certificate of Public Good for new electrical or gas transmission lines, or generation facilities in the state. Prior to granting a Certificate the Board must find that the project meets with specific criteria, including that the facility must not interfere with the “orderly development of the region”. The criteria also requires that the Board give due consideration to the recommendations of both municipal and regional planning commissions and related plans.

Source Protection Area (formerly referred to as **Wellhead Protection Areas** in the Vermont Water Supply Rule, ANR) - a surface or subsurface area through which contaminants are reasonably likely to reach a public water system source including both surface and ground water supplies.

Substantial Regional Impact - See below.

Undue Adverse Effect (or Impact) - an unnecessary or excessive net effect or impact that (1) violates a clearly stated community standard including policies of the regional plan and (2) which cannot be avoided through site or design modifications, on or off-site mitigation, or other conditions of approval.

Wetlands - those areas of the state that are inundated by surface or groundwater with a frequency sufficient to support significant vegetation or aquatic life that depend on saturated or seasonally saturated soil conditions for growth and reproduction. Such areas include but are not limited to marshes, swamps, sloughs, potholes, fens, river and lake overflows, mud flats, bogs and ponds, but excluding such areas that grow food or crops in connection with farming activities (10 V.S.A. §902 [5]).

Substantial Regional Impact

When a development ~~if a development proposal meets any of the criteria listed below~~ and therefore may have benefits or negative impacts beyond the borders of the host municipality, it is considered to have substantial regional impact. NRPC has defined criteria that determine when a development meets the threshold of substantial regional impact. When a development is determined to have substantial regional impact and a conflict exists between the local and regional plan, the regional plan will take effect where relevant in state regulatory proceedings.

A project with substantial regional impact can have positive, as well as negative impacts. It is important to note that for development proposals compatible with this plan, this document will add credibility and support for the proposal.

A substantial regional impact in Franklin and Grand Isle Counties involves development which may:

1. Change the existing settlement pattern in the regional by:
 - Shifting activity from an existing area of development to a major new area of development.
 - locating in a new part of the region which does not presently contain development of that type or scale.
2. Significantly enhance or negatively affect the region’s economy, or a major sector thereof, by:
 - generating a new sector of economic activity in the region;
 - providing employment and/or training opportunities in a new occupation or industry;
 - impacting the cost or availability of affordable housing in the municipalities affected by the project;
3. Significantly add to the regional housing stock in the region, where the proposed number of housing units increases the municipality’s total housing units according to the schedule in Table 1;
4. With significantly enhance or negatively impact regionally significant natural and cultural features as identified in this plan.
5. Significantly enhance or impact (beyond anticipated growth rates) important regional services or services areas by completing or necessitating their expansion, extension or relocation. Important regional services or service areas include, but are not limited to: public safety, transportation services, central business districts and village centers, education, health care, and recreation.
6. The development is located outside of a State designated Downtown, Village, Growth Center and meets the following criteria: a residential development, requiring an Act 250 permit, located in a regional plan growth area where the proposed number of housing units increases a municipality’s total housing units according to the schedule in Table 1;
- 7.5. a residential development, requiring an Act 250 permit, located outside a regional plan growth area and where the proposed number of housing units increases a municipality’s total housing units according to the schedule in Table 2;
 - commercial, retail, or industrial development involving employment opportunities for 40 or more individuals or 30,000 square feet or more of gross floor area located in a planned growth area, centers with planned growth areas or enterprise area growth area;
 - industrial, office, hotel/motel, retail, wholesale, or service development with 10 or more employees located outside a planned growth area or enterprise area;
 - construction of facilities or utilities servicing two or more municipalities within one mile of a municipal boundary.
- 8-6. A new or expanded power generating or transmission facility that requires Public Utility Commission approval under 30 V.S.A. § 248 and at least one of the following applies:
 - it is visible from more than one municipality, or

Table 1: Number of Housing Units for Substantial Regional Impact	
Future Land Use Planning Area	Number of Housing Units
Downtown Centers	N/A
Planned Growth Areas Adjacent to Downtown Centers (St. Albans)	150
Planned Growth Centers and Adjacent Village Centers	100
All Other Village Centers and Village Areas	51
All Other Areas in Towns with a Population Greater than 1,500	25
All Other Areas in Towns with a Population Less than 1,500	15

Commented [EK1]: All numbers on this table were updated

Commented [EK2]: Moved from item 5 to its own item- previous thresholds will be replaced by those in Table 1

NORTHWEST REGIONAL PLAN

- it has impacts to two or more known or possible constraints identified in the regional energy plan, or
- ~~it is a solar installation located outside of a preferred area identified in the regional energy plan, or~~
- it is a generation facility that requires upgrades to the transmission grid beyond the host municipality.

7. A project that will materially affect the existing or potential capacity to provide essential or required public services by one or more municipalities adjacent to the municipality where the proposed development is located. In considering such development, the Commission will consider secondary land use impacts that are attributable to the development.

9-8. A new or expanded telecommunications facility that requires Public Utility Commission approval under 30 V.S.A. § 248a and at least one of the following applies:

- it is visible from more than one municipality, or
- it provides service to two or more municipalities within one mile of a municipal boundary.

Any one or combination of the above criteria may characterize a development proposal having a substantial regional impact. These criteria are not exclusive but should be considered as the principal indicators of regional impact.

Commented [EK3]: Deleted item specific to solar installation outside of prime areas, as this is adequately addressed by the bullet point on impacts to known or possible constraints.

Commented [EK4]: After reviewing statute- substantial regional impact does apply to 248 (24 V.S.A. § 4348)(o)