

INTRODUCTION

A. The Regional Commission

The Two Rivers-Ottawquechee Regional Commission (Regional Commission, TRORC) is a compact of thirty municipalities in east-central Vermont. TRORC's programs are governed by representatives appointed by selectboards from each of its member towns. Founded in 1970 by the acts of its constituent towns, TRORC is a political subdivision of state government, and exists to advocate for the needs of its members and to help bridge the opportunities and concerns that exist between towns and the State. Our primary purposes are to provide technical services to town officials, act as a resource for local governments, and to conduct regional planning and development activities.

B. Plan Purpose and Design

The Two Rivers-Ottawquechee Regional Plan (Regional Plan, Plan) is a policy statement on growth and development of the region. The Plan's purpose is to give guidance to municipalities and other political subdivisions in the region, the State, and the private sector on appropriate development, and improvement and conservation of the region's physical and human resources. In regulatory proceedings, the policies contained in this Plan are mandatory unless specifically written to be suggestions.

This Plan is an expression of values and a vision for growth and management for the next eight years. It is not a static or inflexible document. TRORC, with the involvement and participation of the public, will periodically review and update



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this Plan to reflect new conditions and needs.

In addition, the specific purposes of the Plan are as follows:

1. To analyze data about existing conditions within the region;
2. To determine current and future land use needs of the region;
3. To determine areas most desirable and suitable for development while encouraging appropriate and efficient expenditures of public and private funds in the process of that development; and
4. To serve as the guide for the region, towns, and individuals to use in meeting needs for land use development, through delineation of policies and specific implementation procedures.

Plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

~24 VSA §
4302

Adoption of the Plan does not change the structure or role of local or State government. It seeks to facilitate cooperation among these governments. The Plan intends to strengthen local government by providing information and guidance on growth management. Adoption of this Plan means that TRORC commits its staff and program resources to achieving the region's goals and to fulfilling the Plan's program recommendations. Adoption of this Plan documents the support of the region's towns for the principles contained within its chapters.

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This Regional Plan replaces the Plan that was adopted May 30, 2007 and effective July 4, 2007. Much of the background information goals, policies, and recommendations contained in this Plan are based upon the work reflected in the earlier version of the Regional Plan.

C. Legal Authority and Use of the Plan

TRORC is authorized pursuant to the provisions of the Vermont Municipal Planning and Development Act [24 VSA Chapter 117 § 4345(a)]. The Act sets forth the duties of the Regional Commission, including the following:

1. Promote the mutual cooperation of

municipalities and advise towns on the development and conservation of town resources;

2. Advise towns with respect to public financing;
3. Provide technical assistance to towns in the preparation and maintenance of plans, bylaws and related implementation activities;
4. Cooperate with planning, legislative, or executive authorities of neighboring states, regions, counties, or municipalities to promote coordination of planning;
5. Prepare a Regional Plan and amendments that are consistent with the goals established in § 4302 and that are compatible with approved municipal and adjoining Regional Plans;
6. Develop strategies specifically designed to assist municipalities in managing growth and development;
7. Review proposed state capital expenditures for compatibility with the Regional Plans; and
8. Appear before District Environmental Commissions to aid them making a determination as to conformance of proposed developments or subdivisions to the ten criteria set forth in Act 250 (10 VSA § 6086).

The Act requires that regional commissions prepare and adopt a Regional Plan (24 VSA § 4348). Adoption of the plan requires a sixty percent majority vote of the regional commissioners following at least two public hearings with notice. Any Regional Plan, including prior amendments, expires

eight years from its effective date unless readopted or extended by the regional commission following public hearing and a vote of regional commissioners.

All regional plans are required to be consistent with the goals of the Act and must contain at a minimum certain elements or sections:*

1. A statement of objectives policies of the region to guide the future growth and development of land and of public services and facilities, and to protect the environment;
2. A land use element and map;
3. An energy element;
4. A transportation element and map;
5. A utility and facility element and map;
6. A statement of policies on the:
 - a. Preservation of rare and irreplaceable natural areas, scenic and historic features and resources; and
 - b. Protection and improvement of the quality of waters of the State to be used in the development and furtherance of the applicable basin plans established by the Secretary of Natural Resources under 10 VSA § 1253;
7. A program for the implementation of the regional plan's objectives;
8. A statement indicating how the regional plan relates to development trends, needs, and plans and regional plans for adjacent municipalities and regional;
9. A housing element;

10. An economic development element; and
11. A flood resilience element.

Furthermore, the Plan must address how it relates to the development trends, needs, plans and Regional Plans of adjacent municipalities and regions.

This Plan is to be used by TRORC, municipal planning commissions, selectboards, State agencies, landowners, and citizens in a number of ways:

1. Provide a framework for planning and development initiatives at the local level;
2. Guide basic decisions for planning programs at TRORC;
3. Serve as a basis for evaluation and review of developments and subdivisions proposed under Act 250.

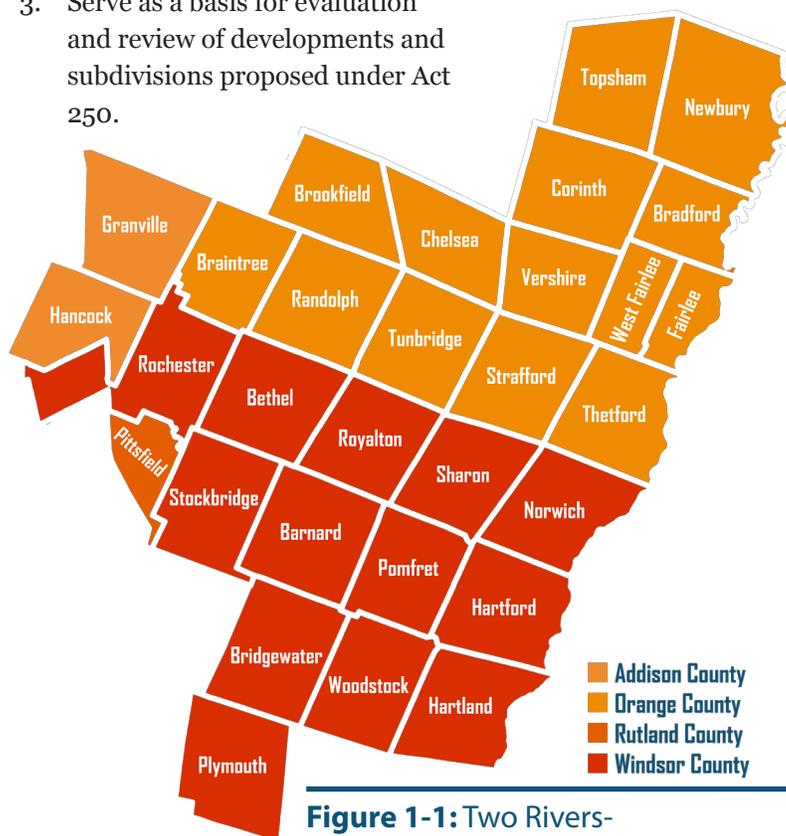


Figure 1-1: Two Rivers-Ottawaquechee (TRO) Region

*See 24 VSA § 4348a. "Elements of a regional plan" for a full description of each of the required elements.

The region offers a quality of life that is unparalleled in many parts of the nation.



Braintree Snowfall | ©First Light Studios

The goals and policies of this Plan shall be reasonably and uniformly applied, and shall not be contrary to the public interest. No specific goal or policy in the Plan shall be construed or applied in isolation from the other goals and policies of the Plan. The goals expressed in the Plan should not always be viewed as ends in themselves, but shall be considered as they relate to broader regional objectives for land use, economic development, community development, recreation, etc. Also,

it should be recognized that there can be both redundancy and contradictions between goals. This does not reflect a failure to consider the full implications of each, but simply acknowledges the fact that the articulation of regional goals inevitably involves re-evaluation and compromise.

D. Ongoing Planning Activities

The basic assumption made in establishing the goals and policies of the Plan is that growth in the region will continue. The reason for this is clear – the region offers a quality of life that is unparalleled in many parts of the nation. Despite continued pressures from urbanized areas, natural resources of high quality are still within easy access for most of New England’s urban dwellers. Finally, the urbanization of the Lebanon, Hanover and Hartford area, with its availability of goods and services, makes the region a major market and population center in Vermont.

As a result of this growth, the Plan will have to be refined on an ongoing basis. The majority of policies are directives for action which will continue to apply indefinitely. An example of a policy with timeless applicability is found in the Land Use chapter, regarding compact development patterns and maintenance of the rural character. Until all land development or redevelopment activity ceases, this policy will determine the suitability of proposed development. This is not to suggest however that the Plan is a fixed and unchangeable document. The Plan itself must be continually updated and revised to serve as a relevant and practical guide for the physical, economic and social development of the region.

This is a comprehensive plan for the region, as specified by state statute. The effect of the Plan will not be limited to a specific agency, such as TRORC or to a single topic area, such as land use. Given

the scope of the Plan, many entities should be involved in achieving the plan's goals and policies. Though general suggestions for Plan implementation are provided in this section, the more detailed programmatic steps necessary to actualize policies are left for the agencies involved to determine. This was done for three principal reasons. First, agencies specializing in areas outside the traditional purview of TRORC have the appropriate technical personnel and resources to develop detailed implementation strategies. Second, because this Plan is not binding on the majority of organizations necessary for its implementation, the participation of many key organizations cannot be mandated or guaranteed. Third, financial resources and constraints of the various organizations will play a major role in determining the manner and extent of each organization's participation.

A final topic which is raised in each regional issue area of the Plan is funding for implementation. Additional funding for implementing plan policies for all areas of the Plan is necessary.

Within each Plan section, additional activities necessary to complete that specific area of the Plan are identified. Such additional activities may include the collection of data on topics where information currently does not exist. In addition, short-term, long-term and ongoing recommendations are discussed in relation to possible implementing agencies. Finally, a general monitoring methodology is proposed. In some instances, the activities identified can be accomplished by TRORC acting as a forum for addressing

the identified needs and concerns, or through providing technical assistance to agencies involved. In other instances, the ongoing planning activities identified require that agencies and organizations historically involved with addressing the issue be responsible for implementation and monitoring.

E. Use of the Plan in Regulatory Proceedings

Act 250

The Land Use and Development Act (10 VSA Chapter 151) establishes a review and approval process for all major subdivision and development projects in Vermont. The process enables various parties, including town selectboards and planning commissions, the State of Vermont, and TRORC, to participate in the review of projects and to provide testimony with regard to the project's effect on human and natural resources. Prior to granting approval, a District Environmental Commission, consisting of three members appointed by the Governor, must find that the proposed subdivision or development satisfies certain criteria or thresholds including water and air quality, erosion control, public services, wildlife habitats, aesthetics, public investments and town and Regional Plans.

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~ 10 VSA Chapter 151

In all cases, the District Environmental Commission is required to make findings with regard to the conformance of the particular project to the goals and policies of the Plan. Projects defined or found by the District Environmental Commission as having “substantial regional impact” must be in accord with the Regional Plan. The burden to demonstrate conformity by law rests with the applicant (10 VSA §6088(a)).

TRORC intends, where necessary or appropriate, to appear as a party in a proceeding affecting the region and provide evidence concerning matters relevant to the Regional Plan.

Criterion 10 of Act 250 requires that before a Land Use Permit can be granted by the District Environmental Commission, it must find that the proposed development or subdivision be in conformance with any duly adopted local and Regional Plan or local capital program (10 VSA §6086). While the intent of this Plan is to be coordinated and reasonably consistent with local plans and vice-versa, situations may arise where relevant goals or policies of the regional and a town plan are in conflict. In Act 250 proceedings, the Environmental Court or District Commission is faced with determining which plan or portions of a local or regional plan apply.

Section 248

The Vermont Public Service Board has been granted judicial power to entertain proceedings and to determine facts upon which it may issue a Certificate of Public Good for new electrical or gas transmission

or generation facilities in the State (30 VSA §248). Under this section, no utility may commence construction of such facilities without first obtaining such a Certificate. Prior to granting the Certificate, the Board must find that the project meets with specific criteria. One criterion, most pertinent to local and regional planning, establishes that the facility must be planned to not unduly interfere with the “orderly development of the region” (30 VSA §248(b)). These criteria also require that the Board give due consideration to the recommendations of both municipal and regional planning commissions and related plans.

TRORC intends, where necessary or appropriate, to appear as a party in a proceeding affecting the region and provide evidence concerning matters relevant to the Regional Plan. Furthermore, TRORC intends to coordinate its review of proposed facilities with local officials and to evaluate municipal plans, as necessary, for compatibility with this section.

Since proposals under Section 248 are exempt from municipal zoning bylaws, it is important to reflect in municipal plans the interests of the municipality concerning electrical or gas transmission or generation facilities.

F. Developments of Regional Impact

Complete and objective analyses and deliberation on all elements of a particular development is required prior to concluding whether a development results in a substantial regional impact.

In considering a development, TRORC shall evaluate the probable direct and indirect costs and benefits associated with the project and the existing and potential capacity of the region to accommodate new growth. Information generally included in an applicant's Act 250 application should be relied upon as primary evidence in determining substantial regional impact. Additional data and analysis may be required to assist TRORC in making its determination.

This Plan includes nine criteria, developed by TRORC's Act 250 Committee which qualify a development as resulting in substantial regional impact. These criteria are not exclusive but should be considered the principal indicators of regional impact. If a proposal under review affects more than the immediate area or municipality where the project is to be located (through application of any or all of these criteria) it shall be concluded that a development of substantial regional impact exists. The specific criteria are outlined in Chapter 15: Plan Implementation.

G. Definitions for Goal, Policy and Recommendation

Goal: A goal represents the state of affairs that a plan is intended to achieve.

Policy: A policy is an expression of how to meet a goal.

Recommendation: A recommendation is a means by which to implement a policy, through an action by a person or group.

H. Structure of the Plan

The format of this Plan is intended to include all plan elements as required by law (24 VSA §4348). The statute establishes that a Regional Plan is to include basic policies on land use, energy, transportation, utilities and facilities, protection and preservation of natural resources, housing, economic development, flood resilience, and an implementation program of the plan's objectives. Each chapter of the Plan focuses on particular issue areas of regional or statewide interest. Background issues, goals, policies, and recommendations are included in each chapter. The final chapter of the Plan discusses the various means and methods available to TRORC to implement the plan goals and policies. The Plan states TRORC's determination of:

1. Whether the Plan contains the elements as required by law;
2. Whether the Plan is compatible with plans of adjoining regions; and,
3. Whether the Plan meets with the goals of Chapter 117 § 4302.

I. Plan Amendment

The Plan is a dynamic document and represents a process just as much as it does a product. The nature of growth and change in the region will require this Plan to be re-evaluated, as necessary. As member towns in the region refine their plans and new data or trends are identified, it will be necessary for TRORC to incorporate relevant goals and policies into its planning process. Furthermore, it should be emphasized that while TRORC

is legally responsible for the preparation and adoption of the Plan, any individual or organization may request modifications or amendments to the Plan.