

Two Rivers-Ottauquechee Regional Commission Act 250 Involvement Procedure

Purpose:

To guide staff and Commissioners on when and how the Regional Commission participates in Act 250 regulatory proceedings.

Background:

Regional planning commissions (RPCs) are statutory parties (Title 10) and are required by statute to participate in Act 250 proceedings (Title 24). TRORC staff reviews every application that is filed. Contracts from the Agency of Commerce and Community Development also require our participation. Vermont Statutes also require RPCs to develop and adopt Regional Plans that contain a definition of Substantial Regional Impact.

Which Projects?

Vermont law establishes that RPCs are statutory parties to Act 250 proceedings and may appear and offer testimony before District Environmental Commissions. TRORC shall use the Regional Plan as a basis for evaluating and offering testimony on a proposed project under consideration. Furthermore, TRORC may offer additional testimony relevant to the proposed project, when appropriate.

How we get involved?

TRORC staff is delegated the duty to be the representatives of TRORC in Act 250 proceedings. The TRORC Board or Executive Committee may authorize additional technical or legal support to provide testimony.

When do we participate?

1. Upon request by a Town's Selectboard or Planning Commission to provide assistance and the local position is compatible with the TRORC Regional Plan;
2. When TRORC must appear to ensure proposed projects are in conformance with the TRORC Regional Plan, regardless whether the proposal has substantial regional impact;
3. Whenever a proposed project has substantial regional impact as defined in the Regional Plan.

Logistical Considerations:

1. Once the Act 250 application is in hand, TRORC will notify a Town Selectboard, Planning Commission, and Regional Commissioner if a project as proposed cannot be modified or conditioned into being in conformance with the Regional Plan.

2. The TRORC staff has authority and responsibility to use the adopted Regional Plan as the primary policy statement for the Region.
3. When in the judgment of the staff, a project deemed not in conformance with the Regional Plan and that is unable to be made in conformance with permit conditions, the TRORC Board will be asked to discuss and vote to concur that a project, as proposed, is NOT in conformance with the Regional Plan and cannot be made so.
4. In the event of issues related to timing of application submissions and the schedule of hearings, the TRORC Executive Committee will take such action as enabled by provisions of the TRORC Bylaws;
5. TRORC Director will regularly inform and consult with the full Board on all Act 250 activity in the Region.

Adopted by the Two Rivers-Ottawaquechee Regional Commission Board of Commissioners
January 22, 2014.