

LARGE SCALE DEVELOPMENT & RURAL PLANNING

NEVVISTA

Planning for
our Future

TRC RC

PRESENTATION OVERVIEW

- What is TRORC
- What is and is not the NewVista proposal
- What are the questions you'd like answered
- Answering the questions
- Discussion/Comments

THE REGIONAL PLANNING COMMISSION



Who are
we?

TRC RC

ABOUT TRORC

- TRORC is your Regional Planning Commission.
- Our Board is appointed by our 30 member towns.
- Our primary role is to provide technical assistance to our communities on planning for their future, especially around land use.
- We work with your towns a LOT.

WHAT ARE WE ENABLED TO DO?

- Our primary purpose is to offer technical assistance to our communities on a wide range of topics including land use, emergency management, natural resources and transportation.
- **Statute does not give the Regional Commissions any general regulatory authority.**
- Criterion 10 of Act 250 requires conformance with local and regional plans, so **under Act 250 your and our plan can have a regulatory effect, depending on the language in the plan.**

WHAT WE KNOW SO FAR

The
NewVista
concept

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NEVVISTA – AN IDEA

- NewVista has a vision to develop a sustainable **urban-scale community** that has a local economy with minimal environmental impact.
- NewVista is in the R&D phase. Their first test, which will happen in Provo, Utah, is a hotel. Second is a small neighborhood.
- Looking at multiple locations including Utah, Vermont and Bhutan.
- NewVista has purchased 900+ acres in the towns of Royalton, Sharon, Strafford and Tunbridge.

IDEA VS. PROJECT

- NewVista is NOT a project
- No permits have been applied for.

So:

- Communities and the Region have time to write the rules – in their plans, their regulations, and in our Regional Plan – with a NewVista style development in mind.
- Communities have time to collect public input to further refine their vision.

QUESTIONS

QUESTIONS WE THOUGHT OF

- What can the developer do before they trigger permitting?
- When do the rules freeze?
- When would Act 250 start and what happens in it?
- How does Act 250 work in relation to this project?
- Where does the Regional Commission come in?
- How can citizens participate in these processes?
- What can towns do to control development through regulations and other means?

ANSWERS

- What can the developer do before they trigger permitting?

Anything that the average person can do that does not require a permit – such as the purchasing of property.

- When does an idea really become a project?

When the developer applies for permits.

- When do the rules freeze?

Under Act 250, when a developer submits a complete application, whatever rules are in place at that time apply. This applies to local and regional plans, state laws and local land use regulations.

ACT 250

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ACT 250 OVERVIEW

- The purpose of Act 250 is to ensure that development meets the criteria outlined by state law.
- Its purpose is not to deny development, but to minimize impacts on natural resources, infrastructure and our communities.
- Applications for permits are reviewed by a 3-member panel of district commissioners, appointed by the Governor, against 10 criteria (and 18 sub criteria)
- **One of these criteria is conformance with your town's plan and the Regional Plan**
- **Act 250 is separate from local bylaws. If you have them, projects need to get those as well, and neither overrule the other.**

ACT 250 CRITERIA - TRIGGERS

- In communities without zoning **and** subdivision (such as Tunbridge, Royalton and Sharon), commercial or industrial **development on more than one acre**.
- In communities with zoning **and** subdivision (such as Strafford), commercial or industrial **development on more than ten acres**.
- The **subdivision of 6 or more lots** within a five-year period, within a five-mile radius in communities without zoning and subdivision (Tunbridge, Royalton, Sharon), and **10 or more lots** in communities with zoning **and** subdivision (Strafford).
- **10 or more housing units** within a five-mile radius and within a five-year period on land controlled or owned by a “person”. (Includes cooperatives, apartments, condominiums and detached residences.)

ACT 250 CRITERIA - SUMMARY

- Before issuing a permit, the District Commission must ensure that the development or subdivision meets many statutory criteria (24 VSA section 6086). These criteria focus on subjects relating to (*this is not a complete list*):
 - Water quality
 - Erosion
 - Traffic & roads
 - Municipal services such as education, fire, sewer, water, etc.
 - Aesthetics, historic sites, natural resources
 - Agricultural Soils
 - Energy conservation
 - Scattered growth and development patterns
 - **Conformance with Local and Regional Plans**

ACT 250 – STATUTORY PARTIES

- Some entities are able to automatically participate in an Act 250 proceeding. They statutory parties include:
 - State agencies (such as Vtrans or ANR)
 - The applicant
 - Municipalities
 - Regional Commission

TRORC'S ROLE IN ACT 250

- We review every application filed.
- We participate when:
 - We are asked by a Town's Selectboard or Planning Commission to provide assistance and the local position is compatible with the TRORC Regional Plan;
 - When TRORC must appear to ensure proposed projects are in conformance with the TRORC Regional Plan, regardless of whether the proposal has substantial regional impact;
 - Whenever a proposed project has substantial regional impact as defined in the Regional Plan.

TRORC'S AND TOWNS' RELATIONSHIP TO DEVELOPMENT

When
can we
get
involved?

WHAT IS A REGIONAL OR MUNICIPAL PLAN?

- RPCs and Municipalities are authorized to have a Plan. The Plan is intended to act as a vision for the future.
- Town plans must be revised every five years, RPCs plans every eight.
- Plans are required to address a number of topics including:
 - Land Use (including a map)
 - Natural Resources
 - Transportation
 - Utilities/Facilities
 - Flood Resiliency
 - Energy
 - Etc.
- The Plan must include policies. The policies in a Plan can be used in Act 250.

PLANS – VISIONARY OR REGULATORY?

- The language of a Regional or Municipal Plan must use specific language to have effect. Case law has determined that only language that “is clear and unqualified, and creates no ambiguity,” (e.g. “shall not,” “must,” and “prohibited”) can be read to create specific restrictions.
 - Bad Example: “Multi-family housing is discouraged in Rural Areas.” Not specific enough.
 - Good Example: “The location of multi-family housing in Rural Areas is not compatible with this plan.” Clear standard.

MUNICIPAL PLANNING

- Town Plans can be revised any time (but must be revised every five years at a minimum).
- Revisions should be supported by good public process. Collect public input through surveys, forums and other methods. At least two hearings are required.
- Revisions should be done carefully. Under Act 250, the Plan applies to all development. Language needs to be written so as to encourage the community's vision. Hastily written language can lead to denials of development that might actually be desired.

MUNICIPAL REGULATIONS

- Zoning or subdivision bylaws are optional, and can be complex or very minimal.
- They can be revised at any time as long as you have a plan in effect.
- Bylaws provides a level of specificity and oversight that Town Plans do not. Town plans are used by others in Act 250. You use your regulations.

GRASSROOTS EFFORTS

- Form a local group for the purposes of acquiring land.
- Create a fund that would help assist land owners with conservation easements.
- Work with the Vermont Land Trust.
- Participate in local efforts to revise municipal plans or land use regulations.

DISCUSSION/ COMMENTS

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WE ARE
YOUR
Regional
Planning
Commission

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