

**RE: TOWN OF ROYALTON, VERMONT
PLAN REVIEW
CASE # FY 20-8**

BACKGROUND

Pursuant to 24 V.S.A., Section 4350, the Town of Royalton, Vermont requested TRORC to review and approve the Royalton Town Plan adopted on March 3, 2020. The Plan encompasses all land in the Town of Royalton, and is referred to hereinafter as the Plan.

Section 4350 provides that prior to approving a Plan, the Regional Commission find that the Plan meets four tests. These tests are that the Plan is:

- A. Consistent with the planning goals in Section 4302 of Chapter 117;
- B. Compatible with the Regional Plan;
- C. Compatible with the approved plans of other municipalities within the Region; and
- D. Inclusive of all elements required of a plan as set forth in 24 V.S.A., Section 4382.

Staff reviewed this Plan and offers the following information to the Board. TRORC scheduled and held a Public Hearing on this review on March 25, 2020 in Bethel, Vermont. This matter is now ready for decision.

This review is based upon the Town Plan as adopted. While we understand that there are ongoing, future, or past efforts that may modify the plan (for example the work being done on energy planning), those efforts are not embodied in the plan itself.

FINDINGS

A. Is the Plan consistent with the planning goals?

NOTE: "Consistent with the goals" requires substantial progress toward attainment of the goals, unless the planning body determines that a particular goal is not relevant or attainable. If such a determination is made, the planning body shall identify the goal in the plan and describe the situation, explain why the goal is not relevant or attainable, and indicate what measures should be taken to mitigate any adverse effects of not making substantial progress toward that goal.

General Goals

1. Are municipal decisions guided by a coordinated, comprehensive planning process and policy framework?

Yes. The 2020 Royalton Town Plan is a comprehensive planning document to guide municipal decision making that has been divided into 16 distinct chapters that are required under V.S.A. Title 24, Ch. 117, §4382. Required goals of the Plan are under V.S.A. Title 24, Ch. 117. §4302.

2. Is citizen participation encouraged at all levels of the planning process?

Yes, the Plan contains a section that explains the process for modification and updating of the Plan, and explains that, “While the Planning Commission is responsible for maintaining the Town Plan, any individual or group may initiate changes. Citizen participation is encouraged at all levels of the planning process.” (p. 11). The Plan was adopted with citizen participation via an Australian ballot conducted on Town Meeting Day.

3. Is consideration being given to the use of resources and the consequences of growth and development?

Yes. The Plan routinely makes references to the need to balance the needs of growth and resources, including its objective to “Carefully review all development projects to ensure minimal negative impact on Royalton's natural, scenic, archaeological, and historic resources.” (p. 15)

4. Is the municipality working creatively together with other municipalities to develop and implement plans?

Yes. The Plan sets a goal to “work with neighboring towns and the region to encourage good land use and environmental policy that benefits the citizens of Royalton” (p. 122). This extends to policies encouraging continued communication and cooperation with neighboring municipalities as well as exchanging planning information and development data.

Specific Goals

A plan for a municipality may be consistent with the goals established in section 4302 of this title, which are:

1. Planning for development needs to be conducted so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.

a. Is intensive residential development being encouraged primarily in areas that are identified as community centers, and is strip development along highways being discouraged?

Yes, the Plan states multiple times that strip development is discouraged and inconsistent with the Plan and not supported. Additionally, “Commercial uses, higher density multi-unit housing, and accessory dwelling units are encouraged in the Village Center Areas” (p. 102).

b. Is economic growth being encouraged in locally designated growth areas or being employed to revitalize existing urban or village centers, or both?

Yes, commercial uses are encouraged in Village Center Areas (p. 102). New primary retail is specifically encouraged in village areas (p. 52). Limited and small-scale primary retail may also be located in the Limited Additional Retail Area or the Foxville Hamlet.

c. Are public investments, including the construction or expansion of infrastructure, being made so as to reinforce the general character and planned growth patterns of the area?

Yes. The Town has established a goal to “plan for, finance, and provide an efficient system of community facilities and services to meet future needs,” while also stating that “Infrastructure expansion should take place with a minimum impact on the aesthetic quality of the community” (p. 36).

d. Is development being undertaken in accordance with smart growth principles?

Yes, development policies throughout the Plan are in accordance with smart growth principles. Additionally, the Plan references the benefits of smart growth directly as it explains that, “Embracing smart growth that directs development into existing centers reduces energy use and provides cost savings while creating vibrant communities and preserving natural resources.” (p. 74)

2. Does the Plan provide for a strong and diverse economy; provide satisfying and rewarding job opportunities that maintain high environmental standards; and expand economic opportunities in areas with high unemployment or low per capita incomes?

Yes. The Plan directly addresses this by setting a goal to “encourage a strong and diverse local economy that provides satisfying and rewarding employment opportunities for residents while maintaining the community’s rural character” (p. 52).

3. Does the Plan broaden access to education and vocational training opportunities for residents identified in the Plan?

Yes. This is addressed in the Plan’s goal to “encourage and broaden community access to educational and vocational training opportunities” along with a recommendation to “encourage the use of the school for adult education and other community activities.” (p. 86).

4. Planning needs to provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.

- a. **Does the Plan provide that highways, air, rail, and other means of transportation be mutually supportive, balanced and integrated?**

Yes. These means of transportation are discussed within the Transportation Chapter, which includes the policy stating “Highways, air, rail, and other means of transportation should be mutually supportive, balanced, and integrated.” (p. 90).

5. **Planning needs to identify, protect, and preserve important natural and historic features of the community’s landscape.**

- a. **Have special areas been identified, including significant natural and fragile areas; outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands; significant scenic roads, waterways, and views; and important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas?**

Yes. The Plan identifies and details the needs of the following special areas within the “Natural, Scenic, and Historic Resources” chapter: productive forest soils/secondary agricultural soils, earth resources, groundwater, shorelands, wetlands, floodplains, flora, fauna, natural communities, forest blocks and habitat connectors, natural areas, recreational lands, scenic areas, and historic resources (pp. 15-28).

6. **Planning needs to maintain and improve the quality of air, water, wildlife and land resources.**

- a. **Are air, water, wildlife, mineral and land resources being planned for development and use under the principles set forth in Act 250?**

Yes. The plan for these resources is outlined throughout the Natural, Scenic, and Historic Resources Chapter. The Plan’s goal is to “maintain and improve the quality of air, water, wildlife and land resources” (p. 15). This is supported by the objective to “review all development projects to ensure minimal negative impact on Royalton’s natural, scenic, archaeological, and historic resources” and the policy stating “earth resource extraction operations shall be conducted in such a manner as to be consistent with the goals in this chapter and the requirements of Act 250.” It is also a recommendation of the Plan to “develop regulations to protect natural, scenic, archeologic, and historic resources.”

- b. **Is water quality being maintained and improved on according to the policies and actions set forth in the basin plans?**

Yes, the Community Health & Wellness Chapter addresses water quality and recommends to “protect water quality of rivers, streams, lakes, and wetlands according to policies and actions developed in the basin plans established by the Secretary of Natural Resources” (p. 51).

c. Are forestlands managed so as to maintain and improve forest blocks and habitat connectors?

Yes. There is a section of the Plan within the Natural, Scenic, and Historic Resources Chapter devoted to forest blocks and habitat connectors. There is a goal to “protect the ecological function of several important forest blocks and habitat connectors in Royalton” as well as an objective to “avoid forest fragmentation and ensure minimal negative impact on the region’s wildlife habitat connectivity blocks” (p. 15).

7. Planning needs to make efficient use of energy, provide for the development of renewable energy resources, and reduce emissions of greenhouse gases.

a. Are general strategies included for achieving these goals to include increasing energy efficiency of new and existing buildings; identifying areas suitable for renewable energy generation; encouraging the use and development of renewable or lower emission energy sources for electricity, heat, and transportation; and reducing transportation energy demand and single occupancy vehicle use?

Yes, strategies for all of these issues are included in the policies of the Energy Chapter (pp. 60-61).

b. Are specific strategies and recommendations for achieving these goals identified in the State energy plan included in the Plan?

Yes, specific recommendations for achieving these goals are included in the recommendations section of the Energy Chapter (p. 61).

8. Planning needs to maintain and enhance recreational opportunities for residents and visitors.

a. Is growth being planned so as not to significantly diminish the value and availability of outdoor recreational activities?

Yes. It is Town policy that “planning for land development or subdivision should be sensitive to the economic, social, cultural, recreational, or other benefits to the public” (p. 104). It is also a goal to “protect the Town's rural agricultural character, scenic landscape, and recreational resources” (p. 29).

b. Has public access to non-commercial outdoor recreational opportunities, such as lakes and hiking trails, been identified, provided, and protected wherever appropriate?

Yes. The Plan contains a goal to “provide the community with access to quality forestland for recreational use” (p. 34).

9. Planning needs to encourage and strengthen agricultural and forest industries.

a. Have strategies to protect long-term viability of agriculture and forestlands been encouraged, including maintaining low overall density?

Yes. The Plan encourages “the conservation, wise use, and management of the town’s agricultural and forestry resources, to maintain its environmental integrity, and to protect its unique and fragile natural features” (p. 29). Low overall density in these areas is encouraged, as seen in the policy that “where agricultural and/or forested lands are identified, clustered or peripheral development is especially encouraged to protect such resources and prevent fragmentation and sprawling settlement patterns” (p. 29).

b. Has the manufacture and marketing of value added agricultural and forest products been encouraged?

Yes. It is a policy of the Town to “to support the development of value-added farm and forestry products” (p. 29).

c. Is the use of locally-grown food products encouraged?

Yes. There is a policy to “encourage the use of locally grown products - particularly in the local schools” (p. 29). The Plan describes its agricultural enterprises and the locally grown food they supply as a unique advantage of the Town (pp. 53-54) and recommends that the town “assist the farmers market and community garden to explore barriers to and increase options for food access” (p. 51).

d. Are sound forest and agricultural management practices encouraged?

Yes. It is the policy of Town that “farmers, loggers, and foresters should use Accepted Management Practices (AMP) and are encouraged to implement Best Management Practices (BMP) in their operations and to minimize point and non-point source pollution” (p. 29).

e. Are public investments planned so as to minimize development pressure on agricultural and forest land?

Yes. The Plan states that “any expansion of infrastructure shall be made to support development in designated growth areas and to discourage strip development or sprawl” that would otherwise impinge upon more rural areas, agricultural, forested, or otherwise (p. 36).

10. Does the plan provide for the wise and efficient use of natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetics of the area?

Yes. The Plan recommends that the Town “adopt regulations governing the extraction of earth resources,” and states that extraction operations “shall be conducted in such a manner as to be consistent with the goals of [the Natural, Scenic and Historic Resources] chapter and the requirements of Act 250” (pp 15-16).

11. Planning needs to ensure the availability of safe and affordable housing.

a. Is housing encouraged to meet the needs of a diversity of social and income groups, particularly for those citizens of low and moderate income?

Yes. The Plan contains a policy to “encourage providing housing for all segments of the community, particularly for citizens of low and moderate incomes” (p. 80).

b. Does the plan provide for new and rehabilitated housing to be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities?

Yes. The Plan contains a policy to “ensure that new and rehabilitated housing is safe, sanitary, and located conveniently to employment and commercial centers” and that “the timing and rate of new housing construction or rehabilitation does not exceed the community's ability to provide adequate public facilities” (p. 80).

b. Are sites for multi-family and manufactured housing readily available in similar locations to those generally used for single-family conventional dwellings?

Yes. There is a policy to “encourage multi-family, manufactured, and accessory dwelling housing in appropriate locations” (p. 80) and the Plan points out that mobile homes are considered single family homes (p. 82). In order to ensure the availability of affordable housing in Royalton, the community encourages multi-family housing to be developed within or adjacent to the village center in areas served by infrastructure. There are three mobile home parks in Royalton.

c. Does the plan provide for accessory apartments within or attached to single family residences allowing close proximity to cost-effective care and supervision for relatives or disabled or elderly persons?

In part. The Plan provides for and encourages accessory apartments in appropriate locations (p. 80). The Community Health & Wellness chapter says it’s a Town vision that “that the elderly and disabled citizens have adequate health and wellness support to remain in their homes” (p. 48). There is also a policy to “support and encourage the development of local health care facilities and counseling services to help residents obtain health care as close to home as possible” (p. 43). These issues are not explicitly tied to each other in the Plan.

12. Planning needs to plan for, finance, and provide an efficient system of public facilities and services to meet future needs.

a. Do public facilities and services address plans for such services as fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal?

Yes. The Plan addresses the needs for public facilities and services throughout both the Community Facilities and Services Chapter and the Health and Emergency Services

Chapter.

b. Does the rate of growth exceed the ability of the town and the area to provide facilities and services?

No. The Plan expressly states that “growth and development should not exceed the capacities of local facilities and services” (p. 36).

13. Does the plan ensure the availability of safe and affordable child care and integrate child care issues into the planning process, including childcare financing, infrastructure, business assistance for child care providers, and child care work force development?

The Plan contains a goal to “encourage the creation of affordable childcare facilities that meet the established needs of residents in Royalton” as well as policies to support the development and financing of additional facilities and infrastructure. The Plan discusses the current availability of childcare facilities in Town and the challenges and barriers of childcare access. This section could be strengthened by addressing business assistance for childcare providers and child care work force development.

14. Planning needs to encourage flood resilient communities.

a. Is new development in identified flood hazard, fluvial erosion, and river corridor protection areas avoided? If new development is to be built in such areas, it should not exacerbate flooding and fluvial erosion.

Yes, development in these areas is either prohibited or strongly discouraged by the Plan and is outlined in the Flood Resilience Chapter (pp. 112-120).

b. Is the protection and restoration of floodplains and upland forested areas that attenuate and moderate flooding and fluvial erosion encouraged?

Yes, the Plan states that “Royalton’s upland forests and watersheds should be maintained predominately in forest use to ensure high quality valley streams and to ensure that flood flows are absorbed” (p. 113).

c. Are flood emergency preparedness and response planning encouraged?

Yes, it is a policy that “emergency planning for flood response and recovery is encouraged” (p. 113).

B. Is the Municipal Plan Compatible with the Regional Plan?

The Two Rivers-Ottawaquechee Regional Plan was adopted on July 26, 2017 and it will remain in effect until August 31, 2025.

The Royalton Town Plan is found to be compatible with the Two Rivers-Ottawaquechee Regional Plan. As used in this review, the term "compatible with" has been defined (in

Section 4302) as meaning: that the Plan in question, as implemented, will not significantly reduce the desired effect of the implementation of the other plan (emphasis added). If a Plan, as implemented, will significantly reduce the desired effect of the other Plan (in this case, the Regional Plan), the Plan may be considered compatible if it includes the following:

- (a) a statement that identifies the ways that it will significantly reduce the desired effect of the other Plan;
- (b) an explanation of why any incompatible portion of the Plan in question is essential to the desired effect of the Plan as a whole;
- (c) an explanation of why, with respect to any incompatible portion of the Plan in question, there is no reasonable alternative way to achieve the desired effect of the Plan; and
- (d) an explanation of how any incompatible portion of the Plan in question has been structured to mitigate its detrimental effects on the implementation of the other Plan.

C. Is the Plan Compatible with Approved Plans of other Municipalities in the Region?

At the time of review of this Royalton Town Plan, the following municipalities have Plans approved by the Two Rivers-Ottawaquechee Regional Commission that are in effect:

Barnard, Bradford, Braintree, Bridgewater, Brookfield, Chelsea, Fairlee, Granville, Hartford, Hartland, Newbury, Pittsfield, Plymouth, Pomfret, Randolph, Rochester, Sharon, Stockbridge, Strafford, Tunbridge, Vershire, West Fairlee, and Woodstock.

These approval decisions and Plans have been reviewed in the context of the above question. Based on this, we find the Royalton Town Plan to be compatible with these Plans.

D. Municipal Plan Elements - Are They Included?

A plan for a municipality shall include the following required elements. These elements or components are, in summary:

- (a) a statement of overall objectives and policies;
- (b) a land use plan;
- (c) a transportation plan;
- (d) a utility and facility plan;
- (e) a statement of policies for "special resources";
- (f) an education plan;
- (g) an implementation program;
- (h) a statement on relationship of plan to trends and plans for adjacent towns and the region;
- (i) an energy plan; and
- (j) a housing plan.
- (k) an economic development plan
- (l) a flood resiliency plan

1. A statement of objectives, policies and programs of the municipality, to guide the future growth and development of land, public services and facilities, and to protect the

environment.

The Plan, in its totality, provides a series of statements of objectives, policies, and programs to guide future growth and development while also protecting the environment in each individual element.

2. **A land use plan, consisting of a map and statement present and prospective land use, indicating those areas proposed for forests, recreation, agriculture, (using 6 VSA Section 8), residence, commerce, industry, public and semi-public uses and open spaces reserved for flood plain, wetland protection, or other conservation purposes; set forth the present and prospective location, amount, intensity and character of such land uses and the appropriate timing or sequence of land development activities in relation to the provision of necessary community facilities and services; and indicates those areas that are important as forest blocks and habitat connectors and plans for land development in those areas to minimize forest fragmentation and promote the health, viability, and ecological function of forests.**

The Land Use Chapter (pp. 96-111) serves as a land use plan. Future Land Use (Map #2) and Current Land Use (Map #1) maps are included in the Plan. The Plan for forest blocks and habitat connectors can be found in the Natural, Scenic and Historic Resources Chapter (pp. 15-28).

3. **A transportation plan, consisting of a map and a statement of present and prospective transportation and circulation facilities showing existing and proposed highways and streets by type and character of improvement, and where pertinent, parking facilities, transit routes, terminals, bicycle paths and trails, scenic roads, airports, railroads and port facilities, and other similar facilities or uses, with indications of priority of need.**

The Transportation Chapter (pp. 89-95) serves as a transportation plan. It is accompanied by a Transportation map (Map #4).

4. **A utility and facility plan, consisting of a map and statement of present and prospective community facilities and public utilities showing existing and proposed educational, recreational and other public sites, buildings and facilities, including hospitals, libraries, power generating plants and transmission lines, water supply, sewage disposal, refuse disposal, storm drainage and other similar facilities and activities, and recommendations to meet future needs for community facilities and services, with indications of priority of need, costs and methods of financing.**

The Community Facilities and Services Chapter (pp. 36-42) in conjunction with the Health and Emergency Services Chapter (pp. 43-47) serves as a utility and facility plan. It is accompanied by a Utilities, Facilities, and Education map (Map #5).

5. **A statement of policies on the preservation of rare and irreplaceable natural areas, scenic and historic features and resources.**

The Natural, Scenic and Historic Resources Chapter (pp. 15-28) serves as a statement of

policies on the preservation of rare and irreplaceable natural areas, scenic, and historic features and resources in the Town. It is accompanied by a Natural Resources map (Map #3).

6. An educational facilities plan consisting of a map and a statement of present and projected uses and the local public school system.

The Education Chapter (pp. 86-88) serves as an educational facilities plan. Its mapping needs are contained in the Utilities, Facilities, and Education Map of the Plan (Map #5).

7. A recommended program for the implementation of the objectives of the development plan.

The Town Plan Implementation Chapter (pp. 124-128) serves as a recommended program for the implementation of the objectives of the development plan.

8. A statement indicating how the plan relates to development trends and plans for adjacent municipalities, areas and the region developed under Title 24.

The Relationship to Other Plans Chapter (pp. 121-123) serves as a statement of how the plan relates to adjacent municipalities and the region as a whole.

9. An energy plan, including an analysis of energy resources, needs, scarcities, costs and problems within the municipality, a statement of policy on the conservation of energy, including programs, such as thermal integrity standards for buildings, to implement that policy, a statement of policy on the development of renewable energy resources, a statement of policy on patterns and densities of land use likely to result in conservation of energy.

The Energy Chapter serves as an energy plan for the Town (pp. 60-79).

10. A housing element that shall include a recommended program for addressing low and moderate income persons' housing needs as identified by the regional planning commission pursuant to Section 4348a (a) (9) of Title 24.

The Housing Chapter (pp. 80-85) addresses the Town's needs for low- to moderate-income housing opportunities.

11. An economic development element that describes present economic conditions and the location, type and scale of desired economic development, and identifies policies, projects, and programs necessary to foster economic growth.

The Economic Development Chapter (pp. 52-59) describes Royalton's present and desired economic conditions along with the programs necessary to foster additional economic growth.

- 12. A flood resilience plan that identifies flood hazard and fluvial erosion hazard areas and designates those areas to be protected, including floodplains, river corridors, land adjacent to streams, wetlands, and upland forests, to reduce the risk of flood damage to infrastructure and improved property; and recommends policies and strategies to protect the areas identified and designated and to mitigate risks to public safety, critical infrastructure, historic structures, and municipal investments.**

The Flood Resilience Chapter (pp. 112-120) serves as the flood resilience plan.

CONCLUSION

Based upon the above findings, it is the conclusion of TRORC that the Royalton Town Plan be approved. This approval shall remain in effect until the date that the Plan expires, or until it is amended or readopted and reviewed pursuant to these provisions, whichever occurs first.

DISCUSSION

TRORC appreciates the opportunity to formally evaluate the Royalton Town Plan. The Plan is all-inclusive, reflecting the community's planning capabilities and the import that they assign to issues around development.

Prior to issuing a Permit under Act 250, the District Environmental Commission or Environmental Court must find that the project is in conformance with the duly adopted Town Plan. This Plan includes clear, unambiguous language regarding current and proposed land use that can be reviewed by these bodies as part of an Act 250 project application. It is important that future Royalton Town Plans maintain their currency as Plans that have been found to be vague, unclear, or ambiguous do not carry much weight in Act 250 permit proceedings.

The 2004 Vermont State Legislature passed Act 115 that made significant amendments to the Vermont Municipal and Regional Planning and Development Act. The most notable changes, in the context of this review, are that Town Plan and Zoning Bylaws are now held to a higher standard of consistency. From 24 V.S.A. §4303 Definitions:

- “**Conformance with the Plan**’ means a proposed implementation tool, including a bylaw or bylaw amendment that is in accord with the municipal plan in effect at the time of adoption, when the bylaw or bylaw amendment includes all the following:
- (a) Makes progress toward attaining, or at least does not interfere with, the goals and policies contained in the municipal plan.
 - (b) Provides for proposed future land uses, densities, and intensities of development contained in the municipal plan.
 - (c) Carries out, as applicable, any specific proposals for community facilities, or other proposed actions contained in the municipal plan.”

The 2020 Royalton Town Plan is an improvement from the 2015 Town Plan. The Plan now includes a new Forest Block and Habitat Connector element that has recommended goals, policies, and actions that strive to protect the Town's important wildlife connectors. The Plan

now has a greater level of consistency with the Regional Plan's Future Land Use map with the creation of the Limited Additional Retail Area. Additionally, the Plan now includes a Community Health & Wellness Chapter to address issues of public health.

Comments and suggested improvements for the next iteration of the Royalton Town Plan:

1. The Plan should address the availability of accessory apartments within or attached to single family residences allowing close proximity to cost-effective care and supervision for relatives or disabled or elderly persons.
2. The Plan should discuss business assistance for child care providers, and child care work force development.

Dated this _____ day of _____ at Bethel, Vermont.

By: _____
Peter G. Gregory, AICP, Executive Director