

PLAN IMPLEMENTATION



Leavitt's Barn, Hartford | © Jericho Hills Photography

A. Determination of Substantial Regional Impact

State statute requires that TRORC define in this Plan what kinds of development would constitute “substantial regional impact,” as this then is a threshold for review under Act 250 and precedence of this Regional Plan as the primary planning document to consider, since such developments by their nature are regional in scope. Larger developments that meet this definition, although perhaps only involving lands in one town, are likely to affect the character of growth and development or impact infrastructure in adjacent towns. The “substantial regional impact” threshold does not mean that a project is not desirable; it simply acknowledges that a proposed development may have an effect that will be felt in a wider area.

For example, an industrial park or commercial complex located in one town will result in increased employment opportunities for the area, thus stimulating the demand for housing

in neighboring towns. A resort complex that draws tourists from outside of the Region may impact the capacity of existing highways beyond the border of the town where the resort is located. The type, location, scale, and timing of the development are factors that determine the relative impact of growth in an area. Furthermore, the relative capacity of an area to reasonably accommodate new development and the relationship of that development to existing and proposed development plans and policies for an area are determinates of substantial regional impact. Projects of such magnitude may be very beneficial, and this process is simply meant to ensure that they are thoughtfully reviewed with the impacts to the wider Region fully considered.

The eight specific criteria that qualify a development as resulting in substantial regional impact are outlined below:

1. A development that modifies existing regional settlement patterns by:
 - a. shifting activity away from an



existing “Regional Growth Area” (as defined in the Land Use chapter of this Plan) to a major new area of regional growth; or

- b. locating in an area that does not presently contain development of similar type or scale; or
 - c. resulting in activities currently served or planned for by development elsewhere in the Region.
2. A development that significantly affects existing capacity of regional public facilities by:
 - a. contributing to a reduction in the peak hour level of service (LOS) from D to E or from E to F; or
 - b. contributing five percent or more traffic volume to the peak hour LOS D on a regionally significant local or state highway in or immediately adjacent to Regional Growth Areas or LOS C on regionally significant local or state highways in rural areas; or
 - c. contributing five percent or more to the annual volume or tonnage of solid waste for disposal at a regional disposal facility; or
 - d. necessitating substantive capital improvements, such as widening or signalization of regionally significant (Class II) local or state highways; or
 - e. demanding five percent or more electrical energy during peak hours from facilities serving the immediate area; or
 - f. necessitating substantive capital improvements such as extension, upgrading, or enlargement of regional electrical transmission lines; or
 - g. utilizing five percent or more unallocated student reserve capacity for any given year from any regional school facility serving the project.
 3. A development that may place substantial demands on the Region’s economy, or on a major sector of the economy by:
 - a. increasing the cost or availability of affordable housing in municipalities immediately adjacent to the project site; or
 - b. increasing the cost or availability of energy for users in the Region immediately adjacent to the project site; or
 - c. having an impact on the tax rates of major employment centers or growth centers in the Region; or
 - d. generating new employment equal to or greater than 1% of the Region’s existing employment level; or
 - e. drawing employees from towns outside the town in which the development is proposed.
 4. A development that endangers the perpetuation or appreciation of regionally significant natural or cultural features, including but not limited to necessary wildlife habitats, fragile areas, public water supply watersheds, aquifer protection areas, historic and scenic resources, and national landmarks.
 5. A development that impairs the continued function of significant regional facilities, including but not limited to Interstate highway systems, waterways, educational institutions, hospitals, recreational facilities, bridges, dams, airports, and trails.

6. A development exceeding the following thresholds:
 - a. residential construction where the total proposed housing units exceeds five percent of the total housing count of the host town; or
 - b. commercial or industrial construction involving a proposed project, whether phased or not, of 20,000 square feet or more of gross floor area; or
 - c. construction of large regional public, private, or nonprofit facilities or utilities within one mile of a municipal boundary.
7. A development that by reason of size, type, timing, or location affects 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 due to direct and indirect impacts.
8. A development or series of developments located within a limited geographic area; under the control of a single applicant; and developed and planned incrementally over a relatively short period of time, the impacts of which may result in environmental, economic, or social conditions substantially different than any one of these criteria alone.
9. A new or expanded generating or transmission facility, electrical or other, located within one or more municipalities or requiring Public Service Board approval under 30 VSA § 248.

B. Cumulative Development Impacts – Findings

The cumulative impacts of growth from development within a geographic area can result in overall conditions that are more detrimental than the sum of their incremental parts. That is, they have a synergistic effect, rather than an additive effect. Large individual developments have more easily understood impacts that can be

mitigated than smaller widespread projects with cumulative impacts. Such cumulative effects are difficult to evaluate when development plans are presented incrementally.

Large individual developments have more easily understood impacts that can be mitigated than smaller widespread projects with cumulative impacts.

For example, a large-scale 200-lot residential subdivision may be presented for review in ten 20-lot increments. The entire subdivision may have a significant impact on ground water supplies in the area. However, as presented, each piece of the total has no identifiable impact. Regardless, as the development segments are completed over time, it becomes increasingly difficult to remedy the problems identified.

Large-scale development that occurs in increments may result in an inability of a municipality or region to adequately provide facilities or services when they are needed. Take the example of a major recreational facility (i.e., ski area) announcing plans for expansion. The project is reviewed and granted permits. Over the next several years, related satellite developments, including vacation homes and commercial establishments, are built. Eventually, the municipality or region finds that its roads and schools or other infrastructure services are strained. Traffic congestion occurs on local or state highways, necessitating substantial capital improvements to relieve the problem. Because of an inability or failure to anticipate the relationships of one project to another as each part of the plan was presented, the burden for the costs to upgrade these facilities or services becomes heavy.

In sum, development that proceeds incrementally has a high potential for ultimately failing to meet the goals of this Plan, the Vermont Municipal Planning and Development Act (24 VSA Chapter 117), and Act 250 (10 VSA Chapter 151).

C. Implementation of Cumulative Development Impact Assessment

TRORC has found that cumulative development can produce environmental, social, and economic impacts that are contrary to purposes of sound and coordinated comprehensive planning and the goals of this Plan. Furthermore, review of developments on an incremental basis may present applicants with problems such as uncertainty about assessments on later stages of related projects or the imposition of conditions to correct situations only partially caused by the actions of a particular applicant.

TRORC firmly supports and recognizes use of cumulative development assessment techniques or processes for the following purposes:

1. to enable orderly growth within the context of the total development in an area;
2. to enable development contributing to an adverse or unreasonable condition to be assessed in accordance with its respective contribution to the problem; and
3. to remove uncertainty in the outcome of the planning and review process for both the applicant and the affected parties.

To utilize the beneficial effect of cumulative development impact assessment as provided for in the Act 250 review process, TRORC supports the following approaches to the extent authorized by administrative or statutory law:

1. Master Plans and Umbrella Permits—a permit procedure requiring receipt of an application for a complex or extended project in its entirety to enable comprehensive review of its overall impacts. This permit procedure would allow the district commission or environmental court to grant limited authority to the applicant to undertake certain phases of the project in the context of the overall project (Land Use Panel Rule 21); and

2. Uniform Conditions on Permits—a process where a district environmental commission establishes special review procedures and conditions for any and all projects proposed within a limited geographic area to enable monitoring of permit conditions where more than one developer is involved. Such a procedure provides for more equitable development of solutions to problems (i.e., apportionment of costs of infrastructure improvements by applying them to more than one developer).

D. Implementation Mechanisms

Adoption of this Plan will be most valuable if accompanied by a program of implementation. This section provides guidelines from which both public and private action can be taken to implement the goals and policies of the Plan. Implementation of the Plan consists of the following mechanisms:

1. regional planning;
2. municipal planning;
3. state agency plans and capital programs;
4. coordination with regional entities;
5. state and national legislative policy processes; and
6. public participation and coordination.

Regional Planning

There are many issues that pass beyond the borders of an individual community and that require a broader level of consideration. Recognizing this, state statute enables regional planning as a way to acknowledge the need for planning and implementation beyond the municipal level. The Regional Plan is, by law, required to uphold Vermont's state planning goals (VSA Title 24, Chapter 117, §4302). Through this Plan, those goals are implemented on a regional level.

While the Regional Plan does not have the same regulatory effect as municipal land use regulations, the policies and recommendations

within this Plan do guide decision making at the state, regional, and local level. Under Act 250, the Regional Plan has a regulatory effect.

Municipal Planning

The Planning and Development Act enables towns to establish planning programs to meet local needs (24 VSA Chapter 117). If a municipality chooses to conduct a planning program, it must follow the statutory requirements in the Act. Section 4302 of the Act sets forth an intent to establish a planning process that will further specific goals. All thirty member towns in the Region have planning programs and planning commissions appointed by the selectboard. Most towns have plans in existence that address most or all of the goals in the Act. Although the planning goals set forth in the Act may not be relevant locally, TRORC believes that all towns should carefully evaluate each of the goals in the Act prior to determining whether or not the goal is appropriate.

Regulatory and non-regulatory implementation tools can be used by municipalities to achieve planning goals. Regulatory approaches include such actions as adopting zoning bylaws, subdivision regulations, impact fees, curb cut permits, health ordinances, noise ordinances, and junkyard ordinances. Non-regulatory approaches can include public facility projects, purchase of development rights to conserve land, or adopting a capital budget to direct local funding and plan ahead for public improvements. Some of these tools are described below.

- **Bylaws:** Implementation of the goals expressed as part of the municipal plan can be accomplished through a variety of ways, including bylaws adopted by the towns. Vermont law enables several kinds of bylaws, including bylaws for zoning, site plans, subdivision regulations, unified development, official maps, impact fees, phasing, transfer of development rights, and special or freestanding bylaws (24 VSA Subchapter 7). However, prior to having any

land use bylaw, the municipality must have a municipal plan. Also, any bylaw in effect must have the purpose of implementing the Plan and must be in accord with the policies of the Plan (24 VSA Chapter 117 §4401). Since municipal plans are updated every five years, municipalities are required to update their bylaws in a timely manner to reflect those changes.

- **Capital Budgeting and Programming:**

Capital budgeting and programming is also a means of directing local public investments over a five year period to implement community needs as expressed in the Plan. The capital budget and program establishes an order of priority for major capital expenditures and sets forth a means of financing the investments. By having a capital budget and program, municipalities can:

- a. encourage growth and development at a pace that is consistent with its ability to provide services; and
- b. direct change or improvements to public infrastructure and utilities in accordance with the goals and policies set forth in the municipal plan.

- **Impact Fees:** Vermont enacted impact fee legislation to enable towns to require the beneficiaries of new development to pay their proportionate share of the costs for capital projects incidental to the impact of the development (24 VSA Chapter 131). The impact fee would require payment by the developer to the town to cover the costs of the capital project attributable to the expenses.

While a few towns in Vermont have established impact fees, no community in the Region has advanced its local planning and has the development activity to enable it to clearly establish the cost of facilities and the relative impact development has on public services. Nevertheless, TRORC believes that the larger towns in the Region will soon begin to evaluate their options for impact fees, particularly when the rate of development in these towns begins

to exceed average levels. While optional, the existence of local planning bylaws enables municipalities to regulate land use within their borders.

Private Sector Conservation and Development

The land developer or conservationist is an important player in the implementation of the Plan. Non-regulatory implementation tools for land conservation include purchase of development rights and coordinated purchase of properties to preserve land that has a clear value to the community. The Vermont Housing and Conservation Board maintains funding for farmland preservation, historic property projects, and land conservation efforts.

State Agency Plans and Capital Programs

State agency planning processes and capital expenditure programs provide an excellent opportunity for the Region's member governments to exercise more control over their future and to improve coordination between various state agencies and local government. As the quality of planning continues to increase at all levels, the ability to promote consistency and coordination will increase concurrently.

Coordination with Regional Entities

TRORC recognizes the function and purpose of regional entities existing in the Region. Vermont law enables the creation of inter-municipal cooperative agreements, compacts, districts, and contracts by municipalities (24 VSA Chapter 121). Under the provision of this law, towns may cooperatively organize to undertake a particular kind of project or service with other towns of similar needs. Given the complexity and economic

costs associated with the provision of a required public service by municipalities, such as solid waste disposal or public education, the creation of special purpose units of government within the Region is likely to continue.

TRORC recognizes these regional entities and seeks to work cooperatively with such organizations to ensure that the goals and policies of the Plan are fairly addressed and applied in the long-range planning operations of these entities. Regional entities currently formed in the Region include union school districts, fire and water districts, solid waste districts, and natural resources conservation districts.

Several state and regional nonprofit corporations or organizations exist or operate to provide services or programs within the Region. Activities of these public service organizations are generally complementary and supportive of the general work of this Commission and specific Plan policies. TRORC intends to coordinate with these corporations, to the extent practical, to promote the implementation of this Plan.

State Legislative Policy Processes

In order to improve coordination and management of future growth and development in the Region, planning and decision-making processes between local and state jurisdictions need to be enhanced. TRORC is available and will, to the extent practical, provide the expertise necessary to inform policy makers of possible deficiencies or inadequacies in existing state laws on programs affecting land use and development in this Region.

Public Participation and Coordination

In order to implement the Plan through any or all of the above mechanisms, local officials, agency administrators, policy makers, other governmental organizations, and the private sector must understand the purpose and effect of this Plan on growth and development in the Region. Education of not only those entities

If a municipality chooses to conduct a planning program, it must follow statutory requirements.

~24 VSA
Chapter 17

that coordinate daily with TRORC but also the general public as to the Plan's policies and its implementation is essential. Plan implementation without public input is destined to fail. A deliberate effort to involve the public in all aspects of the Plan implementation process is essential.

Education of the public on the overall values of multiple town planning for an area will continue to be an ongoing function of TRORC as it seeks to implement this Plan with others. Specific means of assessing public input will include:

1. newsletters and press releases;
2. TRORC website;
3. social media;
4. public forums;
5. opinion surveys and questionnaires;
6. media announcements and coordination; and
7. education.

Investment in efforts to improve the planning process by involving the public as an integral part of it will build greater consensus for the policies of this Plan and thus improve its implementation.

E. Implementation of the Plan

This Regional Plan contains extensive goals, policies, and recommendations for action. While the goals and policies frame a state that the Plan seeks to achieve and specify how to reach that state, the recommendations for action are intended to actually implement the policies to reach the goals for the Region. To ensure that the Plan is implemented, an implementation matrix has been developed.

Appendix M: Implementation Matrix, collects a majority of the recommendations for action in this Plan and assigns a party (or parties)



Bridgewater Better Back Roads Discussion | Source: TRORC Staff



Flume Model Demonstration | Source: TRORC Staff

responsible for implementation. In addition, a rough timeframe for implementation is established, which is broken out into five groups:

- **ASAP** — The recommendation for action should be implemented as soon as feasibly possible by the responsible party. These recommendations usually reflect an urgent need.
- **Short-term** – The responsible party should implement the recommendation for action within 1-3 years of the adoption of this Plan.
- **Mid-term** – Mid-term recommendations for action should be implemented within 4-8 years of the adoption of this Plan. Recommendations of this nature often require specific funding that will need to be acquired before implementation, have multiple steps that must be taken to reach implementation, or require substantial public

process.

- Long-Term – Recommendations for action that are important to this Plan but may take extensive effort and substantial shifts in policy at multiple levels of government are viewed as long term. Implementation of these action items may take longer than the eight-year life of this Plan.
- Ongoing – A substantial amount of the recommendations for actions contained in this Plan represent the day-to-day work of TRORC and our municipalities. By designating these action items as ongoing, the Regional Plan is acknowledging that these items are always being acted upon to

further the goals of the Plan and the State of Vermont.

Estimated costs are broken into three groups:

- Low — less than \$10,000
- Moderate — \$10,000 to \$100,000
- High — more than \$100,000

Tracking Progress

An implementation plan is of no use if no action is taken to move forward. Because this is the Two Rivers-Ottawquechee Regional Plan, it falls to TRORC to monitor progress throughout the Plan's eight-year life.



Vershire | © John Knox