

1. Introduction

A. TRORC and This Plan

This Regional Plan (or Plan) has been created by the [Two Rivers-Ottawaquechee Regional Commission](#) (TRORC), which is a regional planning commission covering thirty municipalities in east-central Vermont ([the Region](#)). This Plan is a condensed understanding of conditions of the people and place in this area of Vermont, the context that connects our Region to surrounding areas and the greater world, a vision for what we want to achieve in the next eight years, and a set of policies and actions that move us toward that vision. It is not a static or inflexible document. TRORC, with the involvement and participation of the public, will periodically review and update this Plan to reflect new conditions and needs.

TRORC is governed by [a board of representatives](#), each appointed by the respective selectboards from each of our member towns. This Plan has been adopted by that board after a series of public hearings and meetings. TRORC has a set of [statutory duties](#), but the simplest way to think of TRORC is that we help towns and the state achieve desired outcomes. The first step of that process, and one of our major statutory duties, is creating this Plan.

B. Plan Format and Adoption

TRORC is required by [State law](#) to prepare and adopt the Regional Plan. All regional plans (and town plans) are required to be consistent with the [state planning goals](#). These goals don't cover *how* Vermont will achieve them, but rather what it wants to achieve. Vermont wants to have strong community core

23 areas, protect fields and forests, keep waters clean, have a strong economy (with
24 specific emphasis on farming and forestry), improve public health, keep
25 infrastructure in good shape, enable multiple ways to travel (from walking to
26 trains), use energy more wisely and with less impact, provide housing for all safely
27 and affordably, and other several other desires.

28 Regional and local planning must take place within the outlines of these goals, and
29 tend to get progressively more detailed moving from the regional to the local
30 level. This Plan must contain at a minimum [certain elements](#) or sections dealing
31 with land use, transportation, housing, economic development, energy, utilities
32 and facilities, natural resources, flood resiliency, and implementation measures.
33 Furthermore, the Plan must address how it relates to the development trends,
34 needs, plans, and regional plans of adjacent municipalities and regions.

35 In general, each of the required elements is addressed in a chapter of the Plan.
36 There are two large topic areas that this Plan does not cover as a separate chapter,
37 but that are addressed in parts woven throughout the plan – climate change and
38 demographics.

39 The ever-growing calamity of climate change is upon us and must be planned for,
40 but not as a single thing. It comes in heat waves, or floods, or species' habitat
41 shifting. Therefore, this Plan deals with climate change in its chapters on
42 emergency management and flood resilience. Actions to avoid furthering even
43 worse climate change are really actions to use energy and generate differently,
44 and so that shows up in our transportation, energy, and housing chapters.

45 The other huge driver of change in the Region is our demographics – as a Region
46 and state we are unusually old and getting older. Less kids result in school closings.

47 An aging workforce threatens the viability of employers, and those same aging
48 people place demands on our services and need different kinds of homes in
49 different places. We are also overwhelmingly white in a nation that is less and less
50 so. Lacking diversity threatens our economy. These issues play out in our policies
51 in our chapters on health, education, economic development, and housing.

52 This Plan, by its nature, is broken down into subject chapters, but these overlap. A
53 recommendation on insulating homes is both a housing and energy solution.

54 Sidewalks are transportation facilities and a precursor to healthy living. Preserving
55 stretches of forest serves both economic interests in tourism and forest products,
56 and natural resource needs for species and aquifer recharge. It makes no sense to
57 reiterate cross-cutting policies and recommendations in multiple chapters, but
58 graphical notation has been added to show how they interrelate.

59 The final chapter of the Plan discusses the various means and methods available
60 to TRORC to implement these goals and policies. Rough priorities, times, and costs
61 for all actions are in the implementation matrix. Additional funding for
62 implementing Plan policies for all areas of the Plan is necessary.

63 C. Plan Development and Adoption

64 The Plan went through a lengthy [public process](#) before adoption, including
65 hearings, mailings to all member towns, and discussion at our Board meetings.

66 This regional plan will expire eight years from its effective date in order for it to
67 reflect changes going on in the world. However, TRORC's practice has been to
68 amend plans every three years or so to more quickly address emerging issues and
69 trends.

70 C. Use of the Plan

71 This Plan has many uses, most of them non-binding, because it is a plan. The Plan
72 has goals, policies, and recommendations for action. A **goal** represents the desired
73 future state of affairs that this Plan is intended to achieve, or a current state to
74 maintain. A policy is an expression of how to meet a goal. A **recommendation** is a
75 means by which to implement a policy through an action by a person or group.
76 Actions for TRORC to do provide us guidance in structuring our work program.
77 Actions for others are advisory.

78 The policies of the Plan and descriptions of future land use areas are generally
79 *permissive*. For example, if the Plan states that warehouses are appropriate in an
80 area, one can, but does not have to, build warehouses. Like most plans, this Plan is
81 advisory, an idea of where we want to go, and consequently it uses advisory
82 words such as “should” and “encourage.” All goals, policies, and recommendations
83 of the Plan are clearly titled as such, while background materials lay the
84 foundation for these but are not meant to be construed as policies. The policies
85 contained in this Plan are advisory unless stated as mandatory.

86 Where this Plan intends to be *prescriptive*, creating a mandatory limitation, it
87 strives to be very clear on what is required by using words such as “shall” or
88 “must.” Even when this Plan uses mandatory language, conformance is only
89 required in very limited cases, primarily Act 250.

90 The Plan contains many recommendations to ourselves about TRORC actions,
91 serving as a reminder that focuses our projects. It also has recommendations
92 about what towns, the state, and even the federal government *should* do that
93 would bring the goals of this Plan to fruition. It is a regional policy document that

94 exists on its own but is also meant to inform local and state policy. This Plan has
95 several maps that accompany the text, and the Future Land Use Map is the most
96 important, as it is both a regional voice at what kinds of development should (and
97 in a few cases must) go where, and a guide for more refined local planning.
98 Lacking county government, it can take the place of what might be a county
99 comprehensive plan and can be used in federal planning efforts such as
100 management of national forests or in federal dam relicensing.

101 Regional planning takes place above the town level for the same reason that town
102 planning takes place above individual lands: because lands, roads, economies,
103 waters and many other systems are connected. They simply do not function solely
104 at a town level. What a town does next to a highway affects all the users of that
105 highway, not just those that live in the town. What a town does that affects a river
106 plays out upstream and downstream. If farms are built on, regional abilities to
107 grow food change. If a forest is cut down species that range over many towns are
108 affected.

- 109 1. For state highway access permits; and
- 110 2. In federal projects.

111 No specific goal in the Plan shall be construed or applied in isolation from the
112 other goals of the Plan. Each mandatory policy, however, does stand alone and
113 must be followed in regulatory proceedings. Also, it should be recognized that
114 there can be both redundancy and contradictions between goals. This does not
115 reflect a failure to consider the full implications of each, but simply acknowledges
116 the fact that the articulation of regional goals inevitably involves competing
117 interests and compromise.

118 **D. Use of the Plan in Regulatory Proceedings**

119 **Act 250**

120 Act 250 permits are required for all major subdivision and development projects
121 in Vermont. The process enables various parties, including town selectboards and
122 planning commissions, the State of Vermont, and TRORC, to participate in the
123 review of projects. Prior to granting approval, a [district environmental](#)
124 [commission](#) must find that the proposed subdivision or development satisfies
125 certain criteria or thresholds including water and air quality, erosion control,
126 public services, wildlife habitats, aesthetics, public investments, historical
127 preservation, and traffic

128 In all cases, the District Environmental Commission is required to make findings
129 that the proposed development is in conformance with the goals and policies of
130 town plans and this Plan before such a development can move forward. Though
131 TRORC may participate in Act 250 cases, this Plan speaks for itself. It is not fair to
132 developers to make up rules on the spot, at the local or regional level. Those
133 decisions about what the state, region, or town want to have to be made in
134 advance, and then codified in plans and regulations.

135 While the intent of this Plan is to be coordinated and reasonably consistent with
136 local plans and vice versa, situations may arise where relevant goals or policies of
137 the Plan and a town plan are in conflict. In Act 250 proceedings, the
138 Environmental Court or District Environmental Commission is faced with
139 determining which portions of a local or Regional Plan apply, and municipal
140 conformance will override regional conformance in such cases, except for projects

141 defined by the TRORC or found by the District Commission as having “substantial
142 regional impact”, in which case, the project must be in accord with the Regional
143 Plan (see Chapter 14 for definition of substantial regional impact).

144 Act 250 is entirely separate from any local zoning processes. Getting an Act 250
145 permit does not mean a project will get a local zoning permit, or vice versa, and
146 the conditions for these separate permits are not required to be compatible. A
147 proposed project with a valid local permit may fail to get an Act 250 permit due to
148 a policy in the Regional Plan, just like a project with an Act 250 permit may fail to
149 get a local permit. These are distinct processes with their own set of standards.
150 The use of this Plan in Act 250 does not, nor could it, require that a town change
151 its zoning. In no case can the Regional Plan invalidate local zoning.

152 [Section 248 and 248a](#)

153 The [Vermont Public Utility Commission \(PUC\)](#) is the body that permits new
154 electrical or gas transmission or generation facilities in the State ([30 VSA §248](#)) as
155 well as telecommunication facilities ([30 VSA §248a](#)), through the issuance of
156 Certificate of Public Good. Such proposals are exempt from municipal zoning
157 bylaws and Act 250, so it is important to reflect in municipal plans the interests of
158 the municipality, and this Plan does so for the Region.

159 Prior to granting the Certificate, the PUC must find that the project meets specific
160 criteria. One criterion establishes that the facility must be planned to not unduly
161 interfere with the “orderly development of the Region” ([30 VSA §248b](#)). These
162 criteria also require that the PUC give “due consideration” to the
163 recommendations of both municipal and regional planning commissions and their

164 related plans, such as this Plan. For energy projects, where local and regional
165 plans have been issued a Determination of Energy Compliance (this Plan has been
166 written to garner such a determination), projects are held to a higher standard
167 where such plans are given “substantial deference.” Thus, this Plan can have
168 strong input into these proceedings, but is not as mandatory as in Act 250
169 proceedings.

170 It is the intent of TRORC, where necessary or appropriate, to appear as a party in
171 Act 250 or 248/248a proceeding affecting the Region and provide evidence
172 concerning matters relevant to the Regional Plan. Furthermore, it is the intent of
173 TRORC to coordinate its review of proposed developments with local officials.

174 E. Ongoing Planning Activities

175 The basic assumption made in establishing the goals and policies of the Plan is
176 that change and growth in the Region will continue. The reason for this is clear –
177 the Region offers a quality of life that is unparalleled in many parts of the nation.
178 Despite continued pressures from urbanized areas, central Vermont contains
179 natural resources of high quality within easy a day’s drive for over 40 million
180 people. Finally, the urbanization of the Lebanon, Hanover, and Hartford area, with
181 its availability of goods and services, makes the Region a major market and
182 population center in Vermont.

183 I. Plan Amendment

184 As stated above, the Plan is a dynamic document and represents a process just as
185 much as it does a product. The nature of growth and change in the Region will

186 require this Plan to be re-evaluated, as necessary. As member towns in the Region
187 refine their plans and as new data or trends are identified, it will be necessary for
188 TRORC to incorporate relevant goals and policies into its planning process.
189 Furthermore, it should be emphasized that while TRORC is legally responsible for
190 the preparation and adoption of the Plan, any individual or organization may
191 request that TRORC modify or amend the Plan.