

LURB Preapplication Comments on TRORC 2026 Draft Regional Plan

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Section 2 — Part A — State Planning Goals (§ 4302)

5 — General purpose and property rights, § 4302(a)

The draft plan does not satisfy the general purpose of § 4302(a) to "encourage the appropriate development of all lands in this State." Across the Rural General, Rural Agriculture and Forestry, and Rural Conservation areas, the plan's mandatory policies operate as prohibitions rather than encouragements — barring principal retail, offices, warehousing, and self-storage (Land Use, Rural Agriculture and Forestry Policy 5; Rural General Policy 11); capping residential density and building size (Rural General Policies 2–3; Rural Agriculture and Forestry Policy 2); and capping accessory-on-farm-business events (Rural Agriculture and Forestry Policy 8). Section 4302(a) also directs that, "in implementing any regulatory power under this chapter," care be taken "to protect the constitutional right of the people to acquire, possess, and protect property." Because these mandatory policies acquire regulatory force through Act 250 Criterion 10, the plan exercises regulatory power that restricts, rather than encourages, appropriate development of rural land, and it does not demonstrate that it has weighed the property protection § 4302(a) requires. The Board should require TRORC to show how a plan built on numeric prohibitions "encourage[s] the appropriate development of all lands" and honors the § 4302(a) property clause.

6 — Subsidiarity and participation, § 4302(b)(2)

The plan is inconsistent with § 4302(b)(2), which requires "that decisions shall be made at the most local level possible commensurate with their impact," and with the same subsection's directive to "encourage citizen participation at all levels of the planning process." The plan relocates substantive land-use decisions from the region's thirty towns to the regional level by (a) adopting mandatory policies enforceable against landowners through Act 250 irrespective of local zoning, and (b) expanding the plan's self-defined "substantial regional impact" criteria (Plan Implementation, Section A) so a widening range of projects makes the Regional Plan, not the town plan, controlling. Criterion (n) treats any commercial building over 2,000 square feet in a Rural Conservation area, or 4,000 square feet in a Rural Agriculture and Forestry area, as a regional matter — thresholds low enough to capture ordinary local development and remove it from local control. The Board should require TRORC to demonstrate that these mandatory and jurisdiction-expanding provisions leave decisions "at the most local level possible commensurate with their impact."

8 — Housing-target adequacy, § 4302(c)(1)(A)

The plan does not demonstrate that the designated downtown centers, village centers, planned growth areas, and village areas are adequate to accommodate the regional housing targets, as § 4302(c)(1)(A) requires. The region's 2030 target is 2,424–3,640 additional homes (VHFA/DHCD, *Statewide and Regional Housing Targets*, Appendix 1, pp. 4, 13), and the statute requires the designated areas to hold a "substantial majority" of it. The plan simultaneously (a) directs that majority to designated centers and (b) imposes mandatory rural

constraints that sharply reduce housing capacity everywhere else: density caps of one principal structure per two acres in Rural General areas and one per five acres in Rural Agriculture and Forestry areas (Rural General Policy 2; Rural Agriculture and Forestry Policy 2); a prohibition on residential buildings exceeding five units in Rural General areas (Rural General Policy 3); and a ten-structure subdivision cap in Rural Conservation areas (Rural Conservation Policy 9). If rural capacity is curtailed by these caps, the designated centers must absorb essentially the entire 2,424–3,640-home target. The Board should require TRORC to show, with unit-count analysis, that the designated areas can absorb that target under the plan's own density and dimensional limits. Absent that demonstration, the plan is inconsistent with § 4302(c)(1)(A) and the housing element required by § 4348a(a)(9) is incomplete.

9 — Economy, § 4302(c)(2)

The plan is inconsistent with Goal 2 (§ 4302(c)(2)), which requires a "strong and diverse economy" and directs the region "to expand economic opportunities in areas with high unemployment or low per capita incomes." Many of the region's lower-income communities lie within Rural General and Rural Agriculture and Forestry areas, where the plan prohibits new principal retail, offices, warehousing, and self-storage outright (Rural General Policy 11; Rural Agriculture and Forestry Policy 5) and caps accessory-on-farm-business events (Rural Agriculture and Forestry Policy 8). These prohibitions suppress rather than expand rural economic opportunity. The Board should require the plan to reconcile its rural commercial prohibitions with the Goal 2 obligation to expand economic opportunity where incomes are lowest.

14 — Energy, § 4302(c)(7)

The plan's mandatory energy provisions exceed Goal 7 (§ 4302(c)(7)), whose stated strategies are "identifying areas suitable for renewable energy generation" and "encouraging the use and development of renewable... energy sources for electricity, heat, and transportation" — an encourage-and-enable direction, not a prohibit-and-mandate one. The plan instead imposes binding, Act-250-enforceable mandates on private development. New residential, commercial, and industrial development subject to Act 250 "shall not use fossil fuel combustion as a primary heating source" (Energy, Thermal Energy Policy 2, p. 10-16). Such development providing five or more off-street parking spaces "shall install level 2 (240V) EV chargers" at one port for every five units or employees (Energy, Transportation & Land Use Policy 2). And developers of such projects "shall demonstrate due consideration of ground-source (geothermal) heat pumps" and heat-recovery technology (Energy, Thermal Energy Policy 3). A goal to "encourage" renewable and efficient energy does not authorize a categorical prohibition on heating-fuel choice or mandatory equipment requirements enforced through Act 250. The Board should require TRORC to reconcile these mandates with the "encourage"-level direction of § 4302(c)(7)(A).

16 — Agriculture and forestry, § 4302(c)(9)

The plan is inconsistent with Goal 9 (§ 4302(c)(9)(B)), under which "the manufacture and marketing of value-added agricultural and forest products should be encouraged." The cap of no more than twenty social events per year for accessory on-farm businesses (Rural Agriculture and Forestry Policy 8), together with the prohibition on principal retail in agricultural areas (Rural

Agriculture and Forestry Policy 5), discourages precisely the value-added marketing, agritourism, and on-farm sales that Goal 9(B) directs the region to encourage — and that the Legislature protected in creating the accessory-on-farm-business category (24 V.S.A. § 4412(11)) and in setting the operative conditions for on-farm events in with Act 181/S.325, none of which is an annual event cap. The Board should require the plan's accessory-on-farm-business and rural-commercial policies to conform to the Goal 9(B) direction to encourage value-added agricultural enterprise.

18 — Housing diversity, § 4302(c)(11)(C)

The plan is in tension with Goal 11(C), under which "sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family dwellings." The Rural General prohibition on residential buildings exceeding five units (Rural General Policy 3), together with the density caps, limits multi-family and manufactured-housing sites outside designated centers. The Board should require the plan to demonstrate that adequate multi-family and manufactured-housing sites remain available consistent with Goal 11(C) and the regional housing target.

22 — Meaningful participation, Goal 15 / 3 V.S.A. § 6002(6)

The development of the draft plan did not satisfy the meaningful-participation requirement of Goal 15 and 3 V.S.A. § 6002(6), which requires that "communities are enabled and administratively assisted to participate fully through education and training" and that the process "operate in a transparent manner with regard to opportunities for community input."

(1) On November 6, 2025 in Corinth, Vermont at a TRORC informational meeting that was not warned, low-income community members without computers were told by TRORC's chief planner that to comment on the land-use designation of their own property they would have to do so within online GIS maps — a barrier that denied full participation to residents lacking computer access, contrary to the "enabled and administratively assisted to participate fully" standard. No minutes were posted, but they exist and are provided as an attachment.

(2) On March 25, 2026 (regular board meeting; quorum; approved minutes), The Land Use chapter was agenda item 5. The recording shows the standing public-comment period was never opened — no general public-comment opportunity was given — even though the approved minutes state "no public comments were received on items not on the agenda." The Executive Director asked that commissioners be called on first "to make an informed vote"; the board then discussed and amended the chapter by an 18–5 vote, with the [executive director directing that "no" public comment be accepted before the vote or before adjourning \(1:22:06\)](#). No members of the public online were allowed to speak and were not heard on the Land Use chapter, failing to "operate in a transparent manner with regard to opportunities for community input."

(3) On April 8, 2026 (Executive Committee; quorum; approved minutes), [the recording \(~1:21:18\) shows when the Executive Committee chair noted the public had not been heard at the prior board meeting on the Land Use chapter and suggested reopening it, the Executive Director advised against it](#) and subsequently said, "I don't care [regarding landowner concerns] because I'm here to get this regional plan through." He then offered extensive comments delegitimizing landowners as potential participants and misrepresented their perspectives before

the Executive Committee, failing to "operate in a transparent manner with regard to opportunities for community input." The exchange is not in the summary minutes — but TRORC has stated on the record that its minutes capture only decisions and that the *recording* is the detailed record, so the recording is the operative evidence.

The Board should find that the plan's development did not meet the Goal 15 meaningful-participation requirement, and should require documented, accessible, and genuinely open participation — including non-digital comment avenues and public comment on the land use chapter — before an affirmative determination issues.

Section 3 — Part B — Purposes of a Regional Plan (§ 4347)

23 — § 4347 purposes

The plan is inconsistent with the purposes of a regional plan under § 4347, which requires "coordinated, efficient, equitable, and economic development of the region" and, among the enumerated ends, to "promote the development of housing suitable to the needs of the region and its communities" (§ 4347(6)). A plan whose operative rural provisions are prohibitions on commercial use, caps on residential density and building size, and a self-defined expansion of regional override of town plans does not advance "economic development" or housing development, and is not "equitable" where it concentrates the burden of restriction on rural landowners and displaces local democratic choice. The Board should require the plan to demonstrate consistency with the development-promoting and equity purposes of § 4347.

Section 4 — Part C — Required Elements (§ 4348a(a))

24 — Basic policies "to guide," § 4348a(a)(1)

Section 4348a(a)(1) calls for "a statement of basic policies... to guide" growth and development. Many of the plan's policies do not guide; they are mandatory prohibitions ("shall not") drafted to bind landowners in Act 250. Separately, the plan directs municipalities to undertake actions outside the required plan elements and untethered to any § 4302 goal within the Board's scope — for example, directives that municipalities conduct diversity audits and surveys, establish committees and celebration events, and "diversify the voices" in local government (Healthy Communities chapter). These are not elements a regional plan is required or authorized to contain, and because a town plan's approval turns on "compatibility" with the Regional Plan under § 4350, they risk being applied as compatibility conditions on elected town governments. The Board should (a) require TRORC to distinguish genuinely guiding policy from regulatory command, and (b) require TRORC either to remove the municipal directives that fall outside § 4348a or to state expressly in the plan that they are non-binding aspirations that will not be treated as compatibility criteria under § 4350.

25 — Natural resources / working lands, § 4348a(a)(2)

The natural resources and working lands element must "support compact centers surrounded by rural and working lands." Supporting working lands includes supporting their continued

economic viability, yet the plan's accessory-on-farm-business event cap and rural commercial prohibitions undermine the economic activity that keeps working lands in production. In addition, § 4348a(a)(2)(C) provides that a plan "may include" specific active-management policies — permissive, not mandatory — so the plan's mandatory conservation prescriptions should be examined against the element's contemplated scope. The Board should require the element to support the economic viability of working lands, not only their conservation.

26 — Energy element, § 4348a(a)(3)

The energy element must consist of an analysis of energy resources and needs and "a statement of policy on the conservation and efficient use of energy and the development and siting of renewable energy resources," together with identification of areas suitable and unsuitable for renewable siting (§ 4348a(a)(3)). The plan's energy element goes beyond analysis and policy statement to impose binding requirements on private development enforceable through Act 250 — the fossil-fuel-heat prohibition (Thermal Energy Policy 2), the EV-charger installation mandate (Transportation & Land Use Policy 2), and the geothermal due-consideration requirement (Thermal Energy Policy 3). Converting the element's required "statement of policy" into landowner mandates exceeds the descriptive and analytical scope § 4348a(a)(3) contemplates. The Board should require TRORC to distinguish which energy provisions are binding mandates from those that are policy guidance, and to justify each binding mandate against the element's statutory scope and against the "encourage"-level energy goal in § 4302(c)(7).

30 — Development trends and needs, § 4348a(a)

Section 4348a(a) requires the plan to relate to "development trends, needs." The region faces documented demographic and economic decline — an aging and shrinking population, workforce shortage, and housing scarcity. A plan that answers those needs with additional rural development restrictions does not "relate to" the region's actual development needs. The Board should require the plan to reconcile its restrictive posture with the region's demonstrated need for housing, workforce, and rural economic activity.

31 — Compatibility with approved town plans, § 4302(f)(2) / § 4345a(5)

Under § 4345a(5) the regional plan must be compatible with duly approved municipal plans, and § 4302(f)(2) requires, where a plan will "significantly reduce the desired effect" of another plan, the four statements in § 4302(f)(2)(A)–(D). Several approved town plans in the region affirmatively encourage rural economic development, agricultural diversification, and agritourism. To the extent the Regional Plan's mandatory rural prohibitions — commercial bans, the accessory-on-farm-business event cap, and density and dimensional caps — significantly reduce the desired effect of those approved town plans, the Regional Plan must contain the § 4302(f)(2)(A)–(D) statements identifying the incompatibility, explaining its necessity, showing no reasonable alternative, and describing mitigation. The plan does not appear to contain these statements. The Board should require them, or should require the conflicting mandatory provisions to be conformed to the affected town plans.

32 — Housing element, § 4348a(a)(9)

The housing element must "result in an adequate supply of building code and energy code compliant homes where most households spend not more than 30 percent of their income on

housing and not more than 15 percent on transportation." The region's 2030 target is 2,424–3,640 additional homes (VHFA/DHCD, *Statewide and Regional Housing Targets*, Appendix 1, pp. 4, 13), which the statute requires TRORC to disaggregate by municipality. The plan's rural density and dimensional caps constrain supply and concentrate permitted housing in centers; concentrating housing away from rural employment also implicates the 15-percent transportation-cost criterion. The Board should require a quantified demonstration that the housing element actually yields adequate, affordable supply toward that target under the plan's own rural restrictions, disaggregated by municipality as § 4348a(a)(9) requires.

33 — Economic development element, § 4348a(a)(10)

The economic development element must identify "policies, projects, and programs necessary to foster economic growth." The plan's operative rural provisions — categorical prohibitions on retail, offices, and warehousing; low commercial square-footage thresholds for regional override (Plan Implementation, criteria (l), (m), (n)); and the accessory-on-farm-business event cap — restrain rather than foster growth, particularly in the rural areas where opportunity is most needed. The Board should require the economic development element to reconcile its growth-fostering statutory purpose with the plan's rural commercial prohibitions.

Section 5 — Future Land Use Element (§ 4348a(a)(12))

44 — Rural General definition, § 4348a(12)(H)

The Rural General category is statutorily defined to "allow for low-density residential and some limited commercial development that is compatible with productive lands and natural areas." The plan's policies for this area prohibit principal retail entirely (Rural General Policy 11) and, read with the plan's other commercial restrictions, may leave no meaningful commercial use. The Board should require TRORC to demonstrate that its Rural General policies still "allow for... some limited commercial development" as the statutory definition requires; a set of policies that eliminates commercial use is inconsistent with the defining terms of § 4348a(12)(H).

45 — Rural Agriculture and Forestry definition, § 4348a(12)(I)

The Rural Agriculture and Forestry category is statutorily defined to require that development "be carefully managed to promote the working landscape and rural economy... while protecting the agricultural and forest resource value." The category imposes an affirmative duty to *promote the rural economy*, not merely to protect resources. The plan's accessory-on-farm-business event cap (Policy 8) and its prohibition on new retail, offices, and warehousing (Policy 5) suppress the rural economy rather than promote it, and are therefore inconsistent with the defining terms of § 4348a(12)(I). The Board should require the plan's policies in this area to promote the rural economy as the statutory definition mandates.

46 — Rural Conservation definition, § 4348a(12)(J)

The Rural Conservation category is limited to "areas of significant natural resources, identified by regional planning commissions or municipalities based upon existing Agency of Natural Resources mapping" that require special consideration for the enumerated conservation purposes. To the extent the plan's Rural Conservation designations extend beyond areas supported by existing ANR mapping of significant natural resources, the designation exceeds the statutory

definition. The Board should require TRORC to demonstrate that every Rural Conservation designation on the future land use map is grounded in existing ANR mapping as § 4348a(12)(J) requires, and should scrutinize designations that appear to rest on the commission's discretionary judgment rather than that mapping. The numeric restrictions attached to this area (Policies 9, 12, 15, 16) should likewise be examined against the category's defining scope.

47 — Rural Conservation and 10 V.S.A. ch. 89

To the extent Rural Conservation areas are mapped to meet conservation targets under 10 V.S.A. chapter 89, the Board should confirm that the extent of designation, and the regulatory restrictions attached to it, do not exceed what chapter 89 actually requires, and that conservation targets are not being used to justify designations or restrictions broader than the statute compels.