



Central Vermont Regional Planning Commission

PROJECT REVIEW COMMITTEE

RULES OF PROCEDURE

September 12, 2017

PURPOSE: The Project Review Committee (PRC) serves in an advisory capacity to the CVRPC Board of Commissioners for projects that are seeking a permit through Act 250 (10 V.S.A. Chapter 151) as a state designated statutory party; or projects seeking a Certificate of Public Good through Section 248 (30 V.S.A. Chapter 5) of Vermont Statute. The primary purpose of the PRC is to provide guidance to the Commissioners and staff on how and when the Regional Planning Commission participates in proceedings related to a specific project. This is a standing committee of the Regional Planning Commission and maintains an active role in review, oversight, and guidance on projects that meet the Region's threshold for Significant Regional Impact.

GENERAL ACTIVITIES:

- ◆ Evaluate projects in relation to the criteria for Substantial Regional Impact and provide a determination.
- ◆ Provide input and recommendations on behalf of the Board of Commissioners regarding projects that are identified as having Significant Regional Impact.
- ◆ Solicit input from staff, applicants, or other parties as needed to gather information and render a decision.
- ◆ Evaluate potential cumulative impacts for specific projects that are phased, projects within a specific geographic area, or other factors that may result in cumulative impacts within a five year time period.
- ◆ Make a determination regarding conformance between a proposed project and the Regional Plan.
- ◆ Provide guidance to staff regarding amendments or changes to the criteria used to define Substantial Regional Impact as may be necessary to address changing conditions or development trends over time.

ADVISORY ROLE: The PRC shall be advisory to the Board of Commissioners. The PRC will offer advice, input, and opinions to applicants, the District 5 Environmental Commission, the Vermont Public Utility Commission, and other organizations and individuals as appropriate, consistent with plans, policies, positions or resolutions adopted by the Board of Commissioners. The advice, input, and opinions provided by the PRC may be reviewed, confirmed or reversed by

the CVRPC Board of Commissioners at the Board's discretion.

MEMBERSHIP: The PRC shall consist of five (5) representatives of the Board of Commissioners and one (1) alternate who serve three year staggered terms. The alternate may participate in committee discussions but will only vote in the absence of a standing member.

OFFICERS/ELECTIONS: The PRC will elect a Chairperson and Vice-Chairperson at the first meeting following the annual appointment by the Board of Commissioners. The Chair will be responsible for running meetings, setting agendas in conjunction with staff, and representing the PRC at various meetings as needed. The Vice-Chair will provide support to the Chair as needed. If the Chair or Vice-Chair should resign before his/her term is expired, an interim election shall be held within two meetings.

ATTENDANCE AND QUORUMS: Members are encouraged to attend all regular meetings and special meetings as they arise. A quorum shall consist of a majority of the voting members.

COMMUNICATION AND COORDINATION:

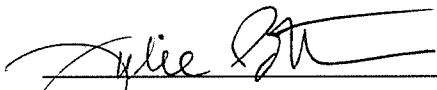
- ◆ Meetings shall be noticed and held in accordance with Vermont Open Meeting Law.
- ◆ Draft policies and resolutions shall be forwarded to PRC members and interested/affected parties for comment before action by the PRC, or final action/approval by the Board of Commissioners.
- ◆ Minutes of all regular and special meetings will be prepared by staff, distributed to PRC members and interested parties, and made available to the public in accordance with open meeting and public records law described in 1 VSA.
- ◆ The PRC will report on committee discussions or activities to the Board of Commissioners on a regular basis.
- ◆ PRC members are encouraged to offer input on all matters before the PRC, and are encouraged to bring up items of local or regional concern for PRC consideration.

CONFLICT OF INTEREST: In the event any PRC member has a personal or financial interest with any individual, partnership, firm or corporation seeking to contract with the CVRPC, or to provide materials or labor thereto, or has a personal or financial interest in any project being considered by the PRC, the member shall state on the record the nature of his or her interest. If the member is uncertain whether he/she should participate in the discussion or decision, the PRC shall determine by vote whether the member should participate. The PRC may also make a determination of conflict if the majority of voting PRC members in attendance at the meeting determine a conflict of interest exists. A member of the PRC with an identified conflict of interest shall not deliberate or vote with the PRC but may participate in the open public discussion.

ADOPTION OF ORGANIZATIONAL PROCEDURES: The PRC may, at any time, vote to amend these procedures, in accordance with quorum requirements noted above. Proposed amendments will be forwarded to PRC members before consideration at a regular PRC meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

The PRC is a standing committee of the Regional Planning Commission, and is therefore subject to the Commission's bylaws. As such, these Rules of Procedure, combined with the Central Vermont Regional Planning Commission's bylaws and Robert's Rules of Order, provide procedural and administrative guidance for the PRC.

Adopted by the Board of Commissioners: 9 / 12 / 2017



Julie Potter, Chair
CVRPC Board of Commissioners



Central Vermont Regional Planning Commission

PROJECT REVIEW COMMITTEE

RULES OF PROCESS

September 12, 2017

PURPOSE: To provide a uniform and consistent process by which the Project Review Committee (PRC) will review, evaluate, and comment on projects that meet the thresholds for Significant Regional Impact. The PRC serves in an advisory capacity to the CVRPC Board of Commissioners for projects that are seeking a permit through Act 250 (10 V.S.A. Chapter 151) as a state designated statutory party; or projects seeking a Certificate of Public Good through Section 248 (30 V.S.A. Chapter 5) of Vermont Statute. This process will ensure a fair and equitable evaluation of projects that are submitted for review.

INVOLVEMENT BY THE REGIONAL PLANNING COMMISSION: The PRC will make a determination on behalf of the full Commission regarding conformance or non-conformance with the Regional Plan when a Substantial Regional Impact has been identified, cumulative impacts will result in a Substantial Regional Impact, or may set a precedent within the Region. The conclusions reached will so state that they are made on available information. The PRC may also reserve its statutory right to participate in the Act 250/Section 248 hearing process if it must appear to ensure proposed projects are in conformance with the Regional Plan, regardless of whether the proposal has Substantial Regional Impact.

The PRC will become involved in the review of a project on behalf of a member municipality according to the following:

1. Staff will provide limited technical assistance at the request of either the legislative body or the planning commission. Limited technical assistance will consist of providing factual information allowing the requesting body to develop its own independent determinations regarding its participation and position. Limited technical assistance will not consist of involvement in hearings on behalf of a municipality or statements of support of municipal participation or positions.
2. PRC involvement on behalf of a member municipality beyond the scope of limited technical assistance as defined above must be at the request of the municipality's legislative body, in writing. This involvement will be provided only if the local position is compatible with the adopted Regional Plan.

REVIEW PROCESS: Staff will review all applications that are submitted. Through this review, staff will evaluate the nature of the project and make an initial determination of Substantial Regional Impact based on the established criteria, application type¹, and project description. This determination will guide staff in establishing which of the following processes will be used.

1. Action by Staff

If a clear determination can be made that no Substantial Regional Impact will occur, staff will provide a letter to the appropriate oversight body (the District 5 Environmental Commission or the Vermont Public Utility Commission) including all interested parties, that the project does not meet the criteria for Substantial Regional Impact as identified in the Regional Plan. A clear determination would include applications that are classified as jurisdictional opinions or administrative amendments which typically propose time extensions, lot line adjustments, change of use for an existing structure, or similar activities.

2. Action by the Project Review Committee

If, after review, staff determines that a project may meet any or all of the criteria for Substantial Regional Impact, a summary of the proposal including the criterion on which staff feels the project may meet Substantial Regional Impact and any pertinent information related to the application will be forwarded to the PRC in advance of a regularly scheduled meeting. At the meeting, the PRC will discuss the project and make a determination regarding Substantial Regional Impact. The applicant and Commissioner from the host municipality (if not a Committee member) will be invited to attend and provide information related to the project or answer questions. If the PRC determines that Substantial Regional Impact has been met, they will identify whether the project is in conformance or not in conformance with the Regional Plan. Staff will prepare a letter to the District 5 Environmental Commission or the Public Utility Commission outlining the position of the PRC including any follow-up that may be requested.

3. Action by the Board of Commissioners

If, after review and discussion by the PRC, the scope and potential impacts are such that the PRC cannot reach a decision, the PRC will request that the project be reviewed by the full Commission in order to provide a position including the project's conformity with the Regional Plan. If the Board of Commissioners are unable to provide a determination of a project's conformity with the Regional Plan, the Board of Commissioners can choose to:

- a. Refer the project back to the PRC and request the PRC to continue the discussion in an effort to provide a determination

¹ Applications are generally classified as jurisdictional opinion, administrative amendment, minor application, or major application.

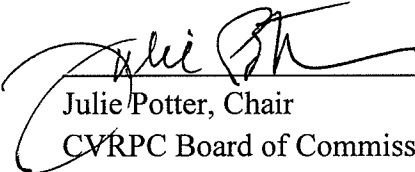
- b. Transmit correspondence to the District 5 Environmental Commission or the Public Utility Commission outlining the Board's discussion and indicating that no decision could be reached. In this case, specific reasons shall be included to fully inform and detail the reasons or issues that led to this result.

ADDITIONAL CONSIDERATIONS: Appeals of a decision by the District 5 Environmental Commission or the Public Utility Commission on a project shall be approved by the Executive Committee or the full Commission.

If, in its review, the PRC determines that a conflict exists between the provisions of municipal plans and the Regional Plan, the Commission will work with municipal officials to alleviate or minimize the conflict.

ADOPTION OF ORGANIZATIONAL PROCESS: The PRC may, at any time, vote to amend these rules of process, in accordance with quorum requirements noted in the Project Review Committee Rules of Procedure. Proposed amendments will be forwarded to PRC members before consideration at a regular PRC meeting. Amendments will then be forwarded to the Board of Commissioners for ratification.

Adopted by the Board of Commissioners: 9 / 12 / 2017



Julie Potter, Chair
CVRPC Board of Commissioners



Substantial Regional Impact

As identified by the Central Vermont Regional Plan 2016, amended 2018

Development projects of Substantial Regional Impact are those that will have substantial and ongoing impact on two or more municipalities, including the host municipality. Among the development projects of substantial Regional impact are those that:

- Will likely impact on a resource within the Region which is widely used or appreciated by people outside of the locality in which it is located.
- Which may affect settlement patterns to the extent that the character or identity of the Region (or its sub- Regions) is significantly affected.
- Are likely to alter the cost of living, availability of choices, access to traditional way of life or resources widely used or appreciated by Regional residents.

In addition, because CVRPC has defined housing as a critical need for the Region, CVRPC will participate in the Act 250 review for any project which proposes to:

- increase the total number of year round housing units (according to the most recent U.S. Census) in its host municipality by more than 2%; or create more than 30 housing units of any type; or create more than 5 “affordable” housing units, as defined by VSA Chapter 117 Section 4303.