



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.

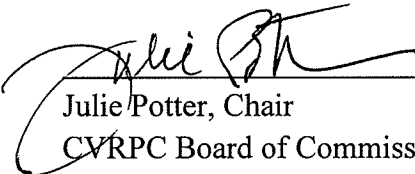
- b. Transmit correspondence to the District 5 Environmental Commission or the Public Utility Commission outlining the Board's discussion and indicating that no decision could be reached. In this case, specific reasons shall be included to fully inform and detail the reasons or issues that led to this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