

CHITTENDEN COUNTY REGIONAL PLANNING COMMISSION CHARTER

ARTICLE I. NAME AND MISSION

The name of this regional planning commission is the Chittenden County Regional Planning Commission (Commission). The Commission's mission is to promote the mutual cooperation of the eighteen municipalities in the region and to assist, advise and plan for the appropriate development, improvement, protection and preservation of the region's physical and human resources.

ARTICLE II. POWERS OF THE COMMISSION

The legal basis and powers for this Regional Planning Commission stem from and are as stipulated in 24 V.S.A. Chapter 117, Section 4301 et seq., as amended, and such other laws as may be enacted by the General Assembly of the State of Vermont.

ARTICLE III. PURPOSE AND DUTIES (per Title 24 V.S.A., Section 4302)

Section A

It is the intent and purpose of this Commission to encourage the appropriate development of all lands in this Region in a manner which will promote the public health, safety against fire, floods, explosions and other dangers; to promote prosperity, comfort, access to adequate light and air, convenience, efficiency, economy and general welfare; to enable the mitigation of the burden of property taxes on agricultural, forest and other open lands; to encourage appropriate architectural design; to encourage the development of renewable resources; to protect residential, agricultural and other areas from undue concentrations of population and overcrowding of land and buildings, from traffic congestion, from inadequate parking and the invasion of through traffic, and from the loss of peace, quiet and privacy; to facilitate the growth of villages, towns and cities and of their communities and neighborhoods so as to create an optimum environment, with good civic design; to encourage development of a rich cultural environment and to foster the arts; and to provide means and methods for the municipalities and regions of this state to plan for the prevention, minimization, and future elimination of such land development problems as may presently exist or which may be foreseen and to implement those plans when and where appropriate.

It is also the intent of this Commission to engage in a continuing planning process that will further the following goals:

1. To establish a coordinated, comprehensive planning process and policy framework to guide decisions by municipalities and state agencies.
2. To encourage citizen participation at all levels of the planning process, and to assure that

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decisions shall be made at the most local level possible commensurate with their impact.

3. To consider the use of resources and the consequences of growth and development for the region and the state, as well as the community in which it takes place.
4. To encourage and assist municipalities to work creatively together to develop and implement plans.

In addition, this Commission shall use the following specific goals:

1. To plan development so as to maintain the historic settlement pattern of compact village and urban centers separated by rural countryside.
 - a. Intensive residential development should be encouraged primarily in areas related to community centers, and strip development along highways should be discouraged.
 - b. Economic growth should be encouraged in locally designated growth areas, or employed to revitalize existing village and urban centers, or both.
 - c. Public investments, including the construction or expansion of infrastructure, should reinforce the general character and planned growth patterns of the area.
2. To provide a strong and diverse economy that provides satisfying and rewarding job opportunities and that maintains high environmental standards, and to expand economic opportunities in areas with high unemployment or low per capita incomes.
3. To broaden access to educational and vocational training opportunities sufficient to ensure the full realization of the abilities of all Vermonters.
4. To provide for safe, convenient, economic and energy efficient transportation systems that respect the integrity of the natural environment, including public transit options and paths for pedestrians and bicyclers.
 - a. Highways, air, rail and other means of transportation should be mutually supportive, balanced and integrated.
5. To identify, protect and preserve important natural and historic features of the Vermont landscape including:
 - a. significant natural and fragile areas;
 - b. outstanding water resources, including lakes, rivers, aquifers, shorelands and wetlands;
 - c. significant scenic roads, waterways and views;
 - d. important historic structures, sites, or districts, archaeological sites and archaeologically sensitive areas.
6. To maintain and improve the quality of air, water, wildlife and land resources.
 - a. Vermont's air, water, wildlife, mineral and land resources should be planned for use and development according to the principles set forth in 10 V.S.A. Section 6086(a).
7. To encourage the efficient use of energy and the development of renewable energy resources.

8. To maintain and enhance recreational opportunities for Vermont residents and visitors.
 - a. Growth should not significantly diminish the value and availability of outdoor recreational activities.
 - b. Public access to noncommercial outdoor recreational opportunities, such as lakes and hiking trails, should be identified, provided, and protected wherever appropriate.
9. To encourage and strengthen agricultural and forest industries.
 - a. Strategies to protect long-term viability of agricultural and forest lands should be encouraged and should include maintaining low overall density.
 - b. The manufacture and marketing of value-added agricultural and forest products should be encouraged.
 - c. The use of locally-grown food products should be encouraged.
 - d. Sound forest and agricultural management practices should be encouraged.
 - e. Public investment should be planned so as to minimize development pressure on agricultural and forestland.
10. To provide for the wise and efficient use of our natural resources and to facilitate the appropriate extraction of earth resources and the proper restoration and preservation of the aesthetic qualities of the area.
11. To ensure the availability of safe and affordable housing for all Vermonters.
 - a. Housing should be encouraged to meet the needs of a diversity of social and income groups in each Vermont community, particularly for those citizens of low and moderate income.
 - b. New and rehabilitated housing should be safe, sanitary, located conveniently to employment and commercial centers, and coordinated with the provision of necessary public facilities and utilities.
 - c. Sites for multi-family and manufactured housing should be readily available in locations similar to those generally used for single-family conventional dwellings.
 - d. Accessory apartments within or attached to single-family residences which provide affordable housing in close proximity to cost-effective care and supervision for relatives or disabled or elderly persons should be allowed.
12. To plan for, finance and provide an efficient system of public facilities and services to meet future needs.
 - a. Public facilities and services should include fire and police protection, emergency medical services, schools, water supply and sewage and solid waste disposal.
 - b. The rate of growth should not exceed the ability of the community and the area to provide facilities and services.

Section B

All plans and regulations prepared by the Commission shall be based upon surveys of existing conditions and probable future trends, and shall be made in the light of present and future growth

and requirements, and with reasonable consideration, for the landowner, to topography, to needs and trends of the municipality, the region and the state, to the character of each area and to its peculiar suitability for particular uses in relationship to surrounding areas, and with a view to conserving the value of buildings.

Section C Duties of the Commission. (per Title 24 V.S.A. Section 4345a)

The Commission shall:

1. Promote the mutual cooperation of its municipalities and assist and advise municipalities, compacts and authorities within the region to facilitate economic development programs for the appropriate development, improvement, protection and preservation of the region's physical and human resources.
2. Advise municipal governing bodies with respect to public financing.
3. Provide technical and legal assistance to municipalities in the preparation and maintenance of plans, capacity studies and bylaws and in related implementation activities.
4. Cooperate with the planning, legislative or executive authorities of neighboring states, regions, counties or municipalities to promote coordination of planning for, conservation and development of the region and adjoining or neighboring territory.
5. Prepare a regional plan and amendments that are consistent with the goals established in section 4302 of Title 24 V.S.A., and compatible with approved municipal and adjoining regional plans. When preparing a regional plan, the Commission shall:
 - a. develop and carry out a process that will encourage and enable widespread citizen involvement;
 - b. develop a regional data base that is compatible with, useful to, and shared with the geographic information system established under 3 V.S.A., section 20;
 - c. conduct capacity studies;
 - d. identify areas of regional significance. Such areas may be, but are not limited to, historic sites, earth resources, rare and irreplaceable natural areas, recreation areas and scenic areas;
 - e. use a land evaluation and site assessment system, that shall at a minimum use the criteria established by the commissioner of agriculture, food and markets under 6 V.S.A. Section 8, to identify viable agricultural lands;
 - f. consider the probable social and economic consequences of the proposed plan; and
 - g. prepare a report explaining how the regional plan is consistent with the goals established in section 4302 of Title 24 V.S.A.
6. Prepare implementation guidelines that will assist municipalities and the Commission in developing a planning process that will attain, within a reasonable time, consistency with the goals established in section 4302 of Title 24 V.S.A. Guidelines, which may be revised at any time, shall be prepared initially by July 1, 1989.

7. Prepare, in conjunction with the commissioner of the department of housing and community affairs, guidelines for the provision of affordable housing in the region, share information developed with respect to affordable housing with the municipalities in the region and with the commissioner of the department of housing and community affairs, and consult with the commissioner when developing the housing element of the regional plan.
8. Confirm municipal planning efforts, where warranted, as required under section 4350 of Title 24 V.S.A. and provide town clerks of the region with notice of confirmation.
9. At least every five years, review the compatibility of municipal plans, and if the Commission finds that growth in a municipality without an approved plan is adversely affecting an adjoining municipality, it shall notify the legislative body of both municipalities of that fact and shall urge that municipal planning be undertaken to mitigate those adverse effects. If, within six months of receipt of this notice, the municipality creating the adverse effects does not have an approved municipal plan, the Commission shall adopt appropriate amendments to the regional plan as it may deem appropriate to mitigate those adverse effects.
10. Develop strategies specifically designed to assist municipalities in defining and managing growth and development that have cumulative impacts.
11. Review proposed state capital expenditures for compatibility with regional plans.
12. Assist municipalities to review proposed state capital expenditures for compatibility with municipal plans.
13. Appear before district environmental commissions to aid them in making a determination as to the conformance of developments and subdivisions with the criteria of 10 V.S.A., Section 6086.
14. Appear before the public service board to aid the board in making determinations under 30 V.S.A., Section 248.
15. Hold public hearings.
16. Before requesting review by the council of regional commissioners or the services of a mediator pursuant to section 4305 of Title 24 V.S.A., with respect to a conflict that has arisen between adopted or proposed plans of two or more regions or two or more municipalities located in different regions, appoint a joint interregional commission, in cooperation with other affected regional commissions for the purpose of negotiating differences.
17. As part of the regional plan, define a substantial regional impact, as the term may be used with respect to the region. This definition shall be given due consideration, where relevant, in state regulatory proceedings.
18. If a municipality requests the assistance of the Commission in coordinating the way that its

plan addresses projects of substantial regional impact with the way those projects are addressed by its neighbors' planning efforts, the Commission shall convene an ad hoc working group to address the issue. The working group shall be composed of representatives of all municipalities likely to be affected by the plan in question, regardless of whether or not they belong to the same region. With the assistance of a facilitator provided by the Commission, the ad hoc working group will attempt to develop a proposed consensus with respect to projects of substantial regional impact. If a proposed consensus is developed, the results of the consensus will be reported to the planning commissions and legislative bodies represented.

ARTICLE IV. ORGANIZATION AND MEMBERSHIP

Any municipality of general purpose local government in Chittenden County is a member. Representation of the municipality on the Chittenden County Regional Planning Commission shall be one representative and one alternate appointed by the municipal legislative body prior to June 15 for a term of two years beginning August 1. Communities whose beginning letter falls between A through K shall appoint a representative and alternate in even numbered years; communities whose beginning letter falls from L through Z shall appoint a representative and an alternate in odd numbered years. Appointments to fill a vacancy shall be for the unexpired term. The Commission shall, at its discretion, create up to five categories for at-large representation to address the need for balanced representation of issues deemed important to the member communities. These representatives and alternate representatives-at-large shall be appointed for a term of two years in even numbered years. Representatives shall serve without compensation, but shall be allowed necessary expenses while engaged in their duties.

ARTICLE V. THE REGIONAL PLAN (per Title 24 V.S.A., Section 4347)

Section A.

CCRPC shall make and adopt a regional plan which shall be made with the general purpose of guiding and accomplishing a coordinated, efficient and economic development of the region which will, in accordance with the present and future needs and resources, best promote the health, safety, order, convenience, prosperity and welfare of the inhabitants as well as efficiency and economy in the process of development. This general purpose includes, but is not limited to recommending a distribution of population and of the uses of the land for urbanization, trade, industry, habitation, recreation, agriculture, forestry and other uses as will tend to:

1. create conditions favorable to transportation, health, safety, civic activities and educational and cultural opportunities;
2. reduce the wastes of financial, energy and human resources which result from either excessive congestion or excessive scattering of population;
3. promote an efficient and economic utilization of drainage, energy, sanitary and other facilities and resources;

4. promote the conservation of the supply of food, water, energy and minerals;
5. promote the production of food and fiber resources and the reasonable use of mineral, water and renewable energy resources; and
6. promote the development of housing suitable to the needs of the region and its communities.

Section B.

The Commission shall certify a copy of its regional plan or part, amendment or addition thereto to the planning commission or legislative body of each of its municipalities. Such municipality may adopt, as a part, amendment or addition to the plan of the municipality, so much of such regional plan or part, amendment or addition thereto as falls within the territory of the municipality, and when so adopted it shall have the same force and effect as though made, prepared and adopted by such municipality.

Section C. (per Title 24 V.S.A., Section 4348)

1. The Commission shall adopt a regional plan. Any plan for this region, and any amendment thereof, shall be prepared by the Commission. At the outset of the planning process and throughout the process, the Commission shall solicit the participation of local citizens and organizations by holding informal working sessions that suit the needs of local people.
2. The Commission shall hold two or more public hearings within the region after public notice on any proposed plan or amendment. The minimum number of required public hearings may be specified within the bylaws of the Commission.
3. At least 30 days prior to the first hearing, a copy of the proposed plan or amendment, with a request for general comments and for specific comments with respect to the extent to which the plan or amendment is consistent with the goals established in Section 4302 of Title 24, shall be delivered with proof of receipt, or sent by certified mail, return receipt requested, to each of the following:
 - a. the chairperson of the legislative body of each municipality within the region;
 - b. the executive director of each abutting regional planning commission;
 - c. the department of housing and community affairs within the Agency of Commerce and Community Affairs;
 - d. the council of regional commissions; and
 - e. business, conservation, low income advocacy and other community or interest groups or organizations that have requested notice in writing prior to the date the hearing is warned.
4. Any of the foregoing bodies, or their representatives, may submit comments on the proposed regional plan or amendment to the Commission, and may appear and be heard in any proceeding with respect to the adoption of the proposed plan or amendment.

5. The Commission may make revisions to the proposed plan or amendment at any time not less than 30 days prior to the final public hearing held under this section. If the proposal is changed, a copy of the proposed change shall be delivered, with proof of receipt or by certified mail, return receipt requested, to the chairperson of the legislative body of each municipality within this region, and to any individual or organization requesting a copy, at least 30 days prior to the final hearing.
6. A regional plan or amendment shall be adopted by not less than a sixty percent vote of the commissioners representing municipalities, in accordance with the bylaws of the Commission, and immediately submitted to the legislative bodies of the municipalities that comprise this region. The plan or amendment shall be considered duly adopted and shall take effect 35 days after the date of adoption, unless, within 35 days of the date of adoption, the Commission receives certification from the legislative bodies of a majority of the municipalities in the region vetoing the proposed plan or amendment. In case of such a veto, the plan or amendment shall be deemed rejected. A plan or amendment that has become effective or has been rejected shall be transmitted promptly to the council of regional commissions.
7. Regional plans may be reviewed from time to time and may be amended in the light of new developments and changed conditions affecting the region.

Section D.

The Commission may adopt the rules or procedures for consideration of development proposals for consistency with its regional plan, as amended.

ARTICLE VI. APPROPRIATIONS TO THE COMMISSION

The Commission may receive and expend monies from any source.

ADOPTED by the Commission May 2, 1966.

AMENDED by the Commission May 26, 1997

AMENDED by the Commission September 28, 1998

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