

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Natural Resources and Energy to which was referred  
3 House Bill No. 367 entitled “An act relating to miscellaneous revisions to the  
4 municipal plan adoption, amendment, and update process” respectfully reports  
5 that it has considered the same and recommends the bill be amended by  
6 striking out all after the enacting clause and inserting in lieu thereof the  
7 following:

8 Sec. 1. 24 V.S.A. § 4350 is amended to read:

9 § 4350. REVIEW AND CONSULTATION REGARDING MUNICIPAL  
10 PLANNING EFFORT

11 (a) A regional planning commission shall consult with its municipalities  
12 with respect to the municipalities’ planning efforts, ascertaining the  
13 municipalities’ needs as individual municipalities and as neighbors in a region,  
14 and identifying the assistance that ought to be provided by the regional  
15 planning commission. As a part of this consultation, the regional planning  
16 commission, after public notice, shall review the planning process of its  
17 member municipalities at least twice during ~~an eight-year~~ a 10-year period, or  
18 more frequently on request of the municipality, and shall so confirm when a  
19 municipality:

1           (1) is engaged in a continuing planning process that, within a reasonable  
2 time, will result in a plan ~~which~~ that is consistent with the goals contained in  
3 section 4302 of this title; ~~and~~

4           (2) is engaged in a process to implement its municipal plan, consistent  
5 with the program for implementation required under section 4382 of this title;  
6 and

7           (3) is maintaining its efforts to provide local funds for municipal and  
8 regional planning purposes.

9           (b)(1) As part of the consultation process, the commission shall consider  
10 whether a municipality has adopted a plan. In order to obtain or retain  
11 confirmation of the planning process after January 1, 1996, a municipality  
12 must have an approved plan. A regional planning commission shall review  
13 and approve initial or readopted plans of its member municipalities, when  
14 approval is requested and warranted. Each review shall include a public  
15 hearing which is noticed at least 15 days in advance by posting in the office of  
16 the municipal clerk and at least one public place within the municipality and by  
17 publication in a newspaper or newspapers of general publication in the region  
18 affected. The commission shall approve a plan if it finds that the plan:

19           (A) is consistent with the goals established in section 4302 of  
20 this title;

21           (B) is compatible with its regional plan;

1           (C) is compatible with approved plans of other municipalities in the  
2 region; and

3           (D) contains all the elements included in subdivisions  
4 4382(a)(1)-~~(10)~~(12) of this title.

5           ~~(2) Prior to January 1, 1996, if a plan contains all the elements required~~  
6 ~~by subdivisions 4382(a)(1) (10) and is submitted to the regional planning~~  
7 ~~commission for approval but is not approved, it shall be conditionally~~  
8 ~~approved.~~

9           ~~(e)~~(2) A commission shall give approval or disapproval to a municipal  
10 plan ~~or amendment~~ within two months of its receipt following a final hearing  
11 held pursuant to section 4385 of this title. The fact that the plan is approved  
12 after the deadline shall not invalidate the plan. If the commission disapproves  
13 the plan ~~or amendment~~, it shall state its reasons in writing and, if appropriate,  
14 suggest acceptable modifications. Submissions for approval that follow a  
15 disapproval shall receive approval or disapproval within 45 days.

16           ~~(d)~~(3) The commission shall file any adopted plan ~~or amendment~~ with  
17 the Department of Housing and Community Development within two weeks of  
18 receipt from the municipality. Failure on the part of the commission to file the  
19 plan shall not invalidate the plan.

1           (4) If a municipality chooses to request approval of an amendment under  
2           subsection 4385(c) of this title, the provisions of subdivisions (2) and (3) of  
3           this subsection shall apply.

4           (c)(1) As part of the interim consultation process and review under section  
5           4386 of this title, the commission shall consider whether a municipality is  
6           implementing its adopted plan. In order to retain confirmation of the planning  
7           process, a municipality must document that it has reviewed and is actively  
8           engaged in a process to implement its adopted plan. A regional commission  
9           shall review the interim report submitted by the municipality under section  
10           4386 of this title and confirm the municipal planning process if it finds:

11           (A) the submitted report meets the requirements of section 4386 of  
12           this title; and

13           (B) the municipality has undertaken actions or developed programs  
14           to implement its adopted plan.

15           (2) When assessing whether a municipality has been actively engaged in  
16           a process to implement its adopted plan, the regional planning commission  
17           shall consider the activities of local boards and commissions with regard to the  
18           preparation or adoption of bylaws and amendments; capital budgets and  
19           programs; supplemental plans; or other actions, programs, or measures  
20           undertaken or scheduled to implement the adopted plan. The regional planning

1 commission shall also consider factors that may have hindered or delayed  
2 municipal implementation efforts.

3 (3) The interim consultation may include guidance by the regional  
4 planning commission with regard to resources and technical support available  
5 to the municipality to implement its adopted plan and recommendations by the  
6 regional planning commission for plan amendments and for updating the plan  
7 prior to readoption under section 4387 of this title.

8 ~~(e)~~(d) During the period of time when a municipal planning process is  
9 confirmed:

10 (1) The municipality's plan will not be subject to review by the  
11 Commissioner of Housing and Community Development under section 4351  
12 of this title.

13 (2) State agency plans adopted under 3 V.S.A. chapter 67 shall be  
14 compatible with the municipality's approved plan. ~~This provision shall not~~  
15 ~~apply to plans that are conditionally approved under this chapter.~~

16 (3) The municipality may levy impact fees on new development within  
17 its borders, according to the provisions of chapter 131 of this title.

18 (4) The municipality shall be eligible to receive additional funds from  
19 the municipal and regional planning fund.

1       ~~(f)~~(e) Confirmation and approval decisions under this section shall be made  
2       by majority vote of the commissioners representing municipalities, in  
3       accordance with the bylaws of the regional planning commission.

4       Sec. 2. 24 V.S.A. § 4385 is amended to read:

5       § 4385. ADOPTION AND AMENDMENT OF PLANS; HEARING BY  
6                       LEGISLATIVE BODY

7                                       \* \* \*

8       (d) Plans may be reviewed from time to time and may be amended in the  
9       light of new developments and changed conditions affecting the municipality.  
10       An amendment to a plan does not affect or extend the plan’s expiration date.

11       Sec. 3. 24 V.S.A. § 4386 is added to read:

12       § 4386. INTERIM REVIEW AND REPORT

13       (a) Five years after an initial adoption or re-adoption of a plan, the planning  
14       commission shall conduct an interim review of the plan that shall focus on the  
15       status of the plan’s recommended implementation program adopted under  
16       section 4382 of this title.

17       (b) As part of the interim review, the planning commission shall prepare a  
18       brief written report to be submitted to the regional planning commission for  
19       review under section 4350 of this title. The planning commission also shall  
20       give a copy of the report to the municipality’s legislative body. The report  
21       shall include:

1           (1) a brief description of plan amendments proposed and enacted since  
2           the plan was last adopted or readopted;

3           (2) the status of the plan’s implementation program, including actions or  
4           programs undertaken or proposed to implement the plan and their associated  
5           outcomes; and

6           (3) for the next comprehensive plan update, a proposed timeline and  
7           potential issues for consideration.

8           Sec. 4. 24 V.S.A. § 4387 is amended to read:

9           § 4387. READOPTION OF PLANS

10           (a) All plans, including all prior amendments, shall expire every ~~five~~ 10  
11           years unless they are readopted according to the procedures in section 4385 of  
12           this title.

13           (b)(1) A municipality may readopt any plan that has expired or is about to  
14           expire. Prior to any readoption, the planning commission shall review and  
15           update the information on which the plan is based, and shall consider this  
16           information in evaluating the continuing applicability of the plan. In its  
17           review, the planning commission shall:

18                   (A) consider the interim report prepared under section 4386 of  
19                   this title;

20                   (B) engage in community outreach and involvement in updating  
21                   the plan;

1            (C) consider consistency with the goals established in section 4302 of  
2 this title;

3            (D) address the required plan elements under section 4382 of  
4 this title;

5            (E) evaluate the plan for internal consistency among plan elements,  
6 goals, objectives, and community standards;

7            (F) address compatibility with the regional plan and the approved  
8 plans of adjoining municipalities; and

9            (G) establish a program and schedule for implementing the plan.

10           (2) The readopted plan shall remain in effect for the ensuing ~~five~~ 10  
11 years unless earlier readopted.

12           (c) Upon the expiration of a plan, all bylaws and capital budgets and  
13 programs then in effect shall remain in effect, but shall not be amended until a  
14 plan is in effect.

15           (d) The fact that a plan has not been approved shall not make it  
16 inapplicable, except as specifically provided by this chapter. Bylaws, capital  
17 budgets, and programs shall remain in effect, even if the plan has not been  
18 approved.

19           Sec. 5. EFFECTIVE DATE

20           This act shall take effect on July 1, 2015. The 10-year expiration date for  
21 municipal plans and the five-year interim consultation and report requirement

1 applies to plans adopted or readopted on or after July 1, 2015. Plans adopted  
2 or readopted before July 1, 2015, shall expire in accordance with section 4387  
3 of this title as it existed on the date of adoption or readoption.

4

5

6 (Committee vote: \_\_\_\_\_)

7

\_\_\_\_\_

8

Representative \_\_\_\_\_

9

FOR THE COMMITTEE