

1 TO THE HONORABLE SENATE:

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 that the Senate propose to the  
6 House that the bill be amended by striking out all after the enacting clause and  
7 inserting in lieu thereof the 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 period, or more  
18 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  
6 title; 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 plans of its member municipalities, when approval is requested  
14 and warranted. Each review shall include a public hearing which is noticed at  
15 least 15 days in advance by posting in the office of the municipal clerk and at  
16 least one public place within the municipality and by publication in a  
17 newspaper or newspapers of general publication in the region affected. The  
18 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        (c) In order to retain confirmation of the planning process, a municipality  
2        shall document that it has reviewed and is actively engaged in a process to  
3        implement its adopted plan.

4            (1) When assessing whether a municipality has been actively engaged in  
5        a process to implement its adopted plan, the regional planning commission  
6        shall consider the activities of local boards and commissions with regard to the  
7        preparation or adoption of bylaws and amendments; capital budgets and  
8        programs; supplemental plans; or other actions, programs, or measures  
9        undertaken or scheduled to implement the adopted plan. The regional planning  
10       commission shall also consider factors that may have hindered or delayed  
11       municipal implementation efforts.

12           (2) The consultation may include guidance by the regional planning  
13        commission with regard to resources and technical support available to the  
14        municipality to implement its adopted plan and recommendations by the  
15        regional planning commission for plan amendments and for updating the plan  
16        prior to readoption under section 4387 of this title.

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

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

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

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

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

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

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

12       § 4385. ADOPTION AND AMENDMENT OF PLANS; HEARING BY

13                       LEGISLATIVE BODY

14   \* \* \*

15           (d) Plans may be reviewed from time to time and may be amended in the  
16 light of new developments and changed conditions affecting the municipality.

17       An amendment to a plan does not affect or extend the plan's expiration date.

1 Sec. 3. 24 V.S.A. § 4387 is amended to read:

2 § 4387. READOPTION OF PLANS

3 (a) All plans, including all prior amendments, shall expire every ~~five~~  
4 eight years unless they are readopted according to the procedures in section  
5 4385 of this title.

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

11 (A) consider the recommendations of the regional planning  
12 commission provided pursuant to subdivision 4350(c)(2) of this title;

13 (B) engage in community outreach and involvement in updating  
14 the plan;

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

17 (D) address the required plan elements under section 4382 of  
18 this title;

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

