

1 H.748

2 Introduced by Representatives Botzow of Pownal and Marcotte of Coventry

3 Referred to Committee on

4 Date:

5 Subject: Land use; municipal and county government; historic downtown

6 development; municipal and regional planning and development

7 Statement of purpose of bill as introduced: This bill proposes to change the

8 review of village center designations from five years to eight years and

9 authorize electronic delivery of proposed plans, plan amendments, and bylaws.

10 An act relating to electronic filing of proposed plans, plan amendments, and
11 bylaws under Title 24

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 * * * Municipalities; Village Center Designation; Electronic Filings * * *

14 Sec. 1. 24 V.S.A. § 2793a is amended to read:

15 § 2793a. DESIGNATION OF VILLAGE CENTERS BY STATE BOARD

16 * * *

17 (d) The State Board shall review a village center designation every ~~five~~
18 eight years and may review compliance with the designation requirements at
19 more frequent intervals. On and after July 1, 2014, any community applying
20 for renewal shall explain how the designation under this section has furthered

1 the goals of the town plan and shall submit an approved town plan map that
2 depicts the boundary of the designated district. If at any time the State Board
3 determines that the village center no longer meets the standards for designation
4 established in subsection (a) of this section, it may take any of the following
5 actions:

6 * * *

7 Sec. 2. 24 V.S.A. § 4345b is amended to read:

8 § 4345b. INTERMUNICIPAL SERVICE AGREEMENTS

9 (a)(1) Prior to exercising the authority granted under this section, a regional
10 planning commission shall:

11 (A) draft bylaws specifying the process for entering into, method of
12 withdrawal from, and method of terminating service agreements with
13 municipalities; and

14 (B) hold one or more public hearings within the region to hear from
15 interested parties and citizens regarding the draft bylaws.

16 (2) At least 30 days prior to any hearing required under this subsection,
17 notice of the time and place and a copy of the draft bylaws, with a request for
18 comments, shall be delivered to the chair of the legislative body of each
19 municipality within the region, which may be done electronically, provided the
20 sender has proof of receipt. The regional planning commission shall make
21 copies available to any individual or organization requesting a copy.

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Sec. 3. 24 V.S.A. § 4348 is amended to read:

§ 4348. ADOPTION AND AMENDMENT OF REGIONAL PLAN

(c) 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 this title, shall be delivered physically or electronically with proof of receipt, or sent by certified mail, return receipt requested, to each of the following:

- (1) the chair of the legislative body of each municipality within the region;
- (2) the executive director of each abutting regional planning commission;
- (3) the Department of Housing and Community Development within the Agency of Commerce and Community Development;
- (4) 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; and
- (5) the Agency of Natural Resources and the Agency of Agriculture, Food and Markets.

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(e) The regional planning 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, physically or electronically with proof of receipt or by certified mail, return receipt requested, to the ~~chairperson~~ chair of the legislative body of each municipality within the region, and to any individual or organization requesting a copy, at least 30 days prior to the final hearing.

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Sec. 4. 24 V.S.A. § 4352 is amended to read:

§ 4352. OPTIONAL DETERMINATION OF ENERGY COMPLIANCE;
ENHANCED ENERGY PLANNING

* * *

(e) Process for issuing determinations of energy compliance. Review of whether to issue a determination of energy compliance under this section shall include a public hearing noticed at least 15 days in advance by direct mail or electronically with proof of receipt to the requesting regional planning commission or municipal legislative body, posting on the website of the entity from which the determination is requested, and publication in a newspaper of general publication in the region or municipality affected. The Commissioner

1 or regional planning commission shall issue the determination in writing
2 within two months ~~of~~ after the receipt of a request for a determination. If the
3 determination is negative, the Commissioner or regional planning commission
4 shall state the reasons for denial in writing and, if appropriate, suggest
5 acceptable modifications. Submissions for a new determination that follow a
6 negative determination shall receive a new determination within 45 days.

7 * * *

8 Sec. 5. 24 V.S.A. § 4384 is amended to read:

9 § 4384. PREPARATION OF PLAN; HEARINGS BY PLANNING

10 COMMISSION

11 * * *

12 (e) At least 30 days prior to the first hearing, a copy of the proposed plan or
13 amendment and the written report shall be delivered physically or
14 electronically with proof of receipt, or mailed by certified mail, return receipt
15 requested to each of the following:

16 (1) the ~~chairperson~~ chair of the planning commission of each abutting
17 municipality, or in the absence of any planning commission in an abutting
18 municipality, to the clerk of that municipality;

19 (2) the executive director of the regional planning commission of the
20 area in which the municipality is located;

1 municipality. Plans and amendments shall be effective upon adoption, ~~and~~
2 Copies of newly adopted plans and amendments shall be provided to the
3 regional planning commission and to the ~~commissioner of housing and~~
4 ~~community affairs~~ Commissioner of Housing and Community Development
5 within 30 days ~~of~~ after adoption, which may be done electronically, provided
6 the sender has proof of receipt. If a municipality wishes its plan or plan
7 amendment to be eligible for approval under the provisions of section 4350 of
8 this title, it shall request approval. The request for approval may be before or
9 after adoption of the plan by the municipality, at the option of the municipality.

10 * * *

11 Sec. 7. 24 V.S.A. § 4424 is amended to read:

12 § 4424. SHORELANDS; RIVER CORRIDOR PROTECTION AREAS;
13 FLOOD OR HAZARD AREA; SPECIAL OR FREESTANDING
14 BYLAWS

15 (a) Bylaws; flood and other hazard areas; river corridor protection. Any
16 municipality may adopt freestanding bylaws under this chapter to address
17 particular hazard areas in conformance with the municipal plan or, for the
18 purpose of adoption of a flood hazard area bylaw, a local hazard mitigation
19 plan approved under 44 C.F.R. § 201.6. Such freestanding bylaws may include
20 the following, which may also be part of zoning or unified development
21 bylaws:

1 (1) Bylaws to regulate development and use along shorelands.

2 (2) Bylaws to regulate development and use in flood areas, river
3 corridor protection areas, or other hazard areas. The following shall apply if
4 flood or other hazard area bylaws are enacted:

5 * * *

6 (D)(i) Mandatory provisions. Except as provided in subsection (c) of
7 this section, all flood and other hazard area bylaws shall provide that no permit
8 for new construction or substantial improvement shall be granted for a flood or
9 other hazard area until after both the following:

10 (I) A copy of the application is mailed or delivered by the
11 administrative officer or by the appropriate municipal panel to the Agency of
12 Natural Resources or its designee, which may be done electronically, provided
13 the sender has proof of receipt.

14 (II) Either 30 days have elapsed following the mailing or the
15 Agency or its designee delivers comments on the application.

16 (ii) The Agency of Natural Resources may delegate to a qualified
17 representative of a municipality with a flood hazard area bylaw or ordinance or
18 to a qualified representative for a regional planning commission the Agency's
19 authority under this subdivision (a)(2)(D) to review and provide technical
20 comments on a proposed permit for new construction or substantial
21 improvement in a flood hazard area. Comments provided by a representative

1 delegated under this subdivision (a)(2)(D) shall not be binding on a
2 municipality.

3 * * *

4 Sec. 8. 24 V.S.A. § 4441 is amended to read:

5 § 4441. PREPARATION OF BYLAWS AND REGULATORY TOOLS;

6 AMENDMENT OR REPEAL

7 * * *

8 (e) At least 15 days prior to the first hearing, a copy of the proposed bylaw,
9 amendment, or repeal and the written report shall be delivered physically or
10 electronically with proof of receipt, or mailed by certified mail, return receipt
11 requested, to each of the following:

12 (1) The ~~chairperson~~ chair of the planning commission of each abutting
13 municipality, or in the absence of any planning commission in a municipality,
14 the clerk of that abutting municipality.

15 (2) The executive director of the regional planning commission of the
16 area in which the municipality is located.

17 (3) The ~~department of housing and community affairs~~ Department of
18 Housing and Community Development within the ~~agency of commerce and~~
19 ~~community development~~ Agency of Commerce and Community Development.

20 * * *

1 Sec. 9. 24 V.S.A. §4445 is amended to read:

2 § 4445. AVAILABILITY AND DISTRIBUTION OF DOCUMENTS

3 Current copies of plans, bylaws, and capital budgets and programs shall be
4 available to the public during normal business hours in the office of the clerk
5 of any municipality in which those plans, bylaws, or capital budgets or
6 programs have been adopted. The municipality shall provide all final adopted
7 bylaws, amendments, or repeals to the regional planning commission of the
8 area in which the municipality is located and to the ~~department of housing and~~
9 ~~community affairs~~ Department of Commerce and Community Development,
10 which may be done electronically, provided the sender has proof of receipt.

11 * * *

12 * * * Effective Date * * *

13 Sec. 10. EFFECTIVE DATE

14 This act shall take effect on July 1, 2018.