

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 ~~implementing a process to implement~~ its municipal
5 plan, consistent with the program for implementation required under section
6 4382 of this 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 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 the confirmation of an**
2 **amendment under subsection 4385(c) of this title, the provisions of**
3 **subdivisions (2) and (3) of 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 ~~implementing a process to implement~~ its adopted plan. A
9 regional commission shall review the ~~plan~~ interim report submitted by the
10 municipality under section 4386 of this title and confirm the municipal
11 planning process ~~if unless~~ it finds **the municipal planning commission did**
12 **not demonstrate that:**

13 (A) the submitted report meets the requirements of section 4386 of
14 this title; and

15 (B) the municipality ~~is actively engaged in implementing~~ has
16 **undertaken actions or developed programs to implement its adopted plan**
17 **objectives as recommended in the adopted plan.**

18 **(2) When assessing whether a municipality has been actively**
19 **engaged in a process to implement its adopted plan, the regional planning**
20 **commission shall consider the activities of local boards and commissions**
21 **with regard to the preparation or adoption of bylaws and amendments;**

1 **capital budgets and programs; supplemental plans; or other actions,**
2 **programs, or measures undertaken or scheduled to implement the**
3 **adopted plan. The regional planning commission shall also consider**
4 **factors that may have hindered or delayed municipal implementation**
5 **efforts.**

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

11 (e)(d) During the period of time when a municipal planning process is
12 confirmed:

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

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

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

1 review under section 4350 of this title. **The planning commission also shall**
2 **give a copy of the report to the municipality’s legislative body.** The report
3 **shall be no longer than ten pages and shall include:**

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

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

9 (3) for the next **comprehensive** plan update, a proposed timeline and
10 **particular potential issues to be addressed for consideration.**

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

12 § 4387. READOPTION OF PLANS

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

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

1 (A) consider the interim report prepared under section 4386 of
2 this title;

3 (B) engage in community outreach and involvement in updating
4 the plan;

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

7 (D) address the required plan elements under section 4382 of
8 this title;

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

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

13 (G) establish a program **and schedule** for implementing the plan,
14 **including its schedule.**

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

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

20 (d) The fact that a plan has not been approved shall not make it
21 inapplicable, except as specifically provided by this chapter. Bylaws, capital

1 budgets, and programs shall remain in effect, even if the plan has not been
2 approved.

3 Sec. 5. EFFECTIVE DATE

4 This act shall take effect on July 1, 2015. The 10-year expiration date for
5 municipal plans and the five-year interim consultation and report
6 requirement applies to plans adopted or readopted on or after July 1,
7 2015. Plans adopted or readopted before July 1, 2015, shall expire in
8 accordance with section 4387 of this title as it existed on the date of
9 adoption or readoption.

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12 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE