





**Statutory reference(s):** §4384 (f)

**Filing Date:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** dated copy of proposed plan/amendment/repeal with revisions, reports as submitted by the planning commission to the legislative body and clerk following final planning commission hearing

**II. LEGISLATIVE HEARING(S)**

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**A) Changes to proposed plan/amendment/repeal**

**Deadline for action:** 15 days prior to final hearing date

The legislative body may change the proposed plan/amendment/repeal, but shall not do so less than 15 days prior to the final public hearing. If substantial changes are made in the concept, meaning, or extent of the proposed plan/amendment/repeal, it shall warn a new public hearing(s). If any part of the proposal is changed, the change shall be filed at least 15 days prior to the public hearing with the municipal clerk, anyone requesting a copy in writing, and with the planning commission. The planning commission must submit a report thereon to the legislative body prior to or at the public hearing that analyzes the extent to which the changed proposal is consistent with § 4302.

**Statutory reference(s):** §4385 (b)

**Filing Date:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** copy of proposed changes as warned, and filed with clerk and planning commission. Planning commission report if submitted prior to hearing

**B) Hearing Notice**

**Deadline for action:** 15 days prior to the first hearing date

Not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality under §4384 of this title, the legislative body of a municipality with a population of 2,500 persons or less, shall hold the first of one or more public hearings, after public notice. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. All hearings must be warned in accordance with the notice requirements under §4444. The legislative body must make copies of proposal and written report by the planning commission available to the public upon request. *Note: In calculating the warning/notice period, the first day shall not be counted, and the final day shall be counted.*

The legislative body has two options under §4444

- 1) Publication in a newspaper of general circulation and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place and purpose of the hearing, with either the full text of the material, **or** a summary, including a statement of purpose, geographic areas affected, table of contents/listing of section headings, and a description of the place within the municipality where the full text and/or maps may be examined; *or*
- 2) Publication in a newspaper of general circulation designated by the legislative body and posting a notice in three places in the municipality one of which must be in or near the clerk's office including date, time, place, and purpose of the hearing; and mailing or delivery of the

hearing notice with copies of the full text or a summary (as noted above), to each voter on the voter checklist, and to each landowner on the grand list.

**Statutory reference(s):** §§ 4385, 4444

**Posting Dates:** \_\_\_\_\_ *Version Warned* \_\_\_\_\_

Municipality (2 locations minimum) \_\_\_\_\_

Municipal Clerk's Office \_\_\_\_\_

**Newspaper:** \_\_\_\_\_ **Publication Date** \_\_\_\_\_

**AND, either:**

1) post the full text or a summary:  a statement of purpose;  geographic areas affected;  table of contents/listing of section headings; and  a description where the full text may be examined;

**OR** 2) mail/deliver to each voter on the voter checklist and each landowner on the grand list:  the hearing notice;  a copy of the full text; **or**  summary **Initialed:** \_\_\_\_\_

**On file:** copies of posted and published notices, dates copy of proposed plan/amendment/peal with planning commission report, as warned, copies of vote checklist and grand list, if applicable

**C) Legislative Body Hearing(s)**

**Deadline for action:** *not less than 30 nor more than 120 days following submission by the planning commission (for the first hearing) as warned*

As noted, not less than 30 nor more than 120 days after a proposed plan or amendment is submitted to the legislative body of a municipality, the legislative body of a municipality with a population of 2,500 persons or less, shall hold the first of one or more public hearings, after public notice. A municipality with a population of more than 2,500 persons shall hold two or more such hearings. Also as noted above, if the legislative body makes any substantial changes, it shall warn a new public hearing or hearings and file the proposed changes with the clerk, anyone requesting a copy in writing, and planning commission at least 15 days prior to the final public hearing as warned. *Note failure to hold a hearing within the 120-day period does not invalidate the adoption of the plan and amendment.*

**Statutory reference(s):** §4385 (a)

**Hearing Date/Time:** \_\_\_\_\_

**Location:** \_\_\_\_\_

**Initialed:** \_\_\_\_\_

**On file:** record of proceedings, attendance, planning commission report as submitted

**III. ADOPTION OF MUNICIPAL PLAN/AMENDMENT/REPEAL**

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**A) Legislative Body**

**Deadline for action:** *within one year of date of final planning commission hearing*  
Plans, amendments, and/or repeals, shall be adopted or rejected by a majority of the members of the legislative body at a meeting which is held after final public hearing, and shall be effective immediately.

**Statutory reference(s):** §4385 (c)

**Date of Meeting/Vote:** \_\_\_\_\_

**Action:** Adopted  Rejected  **Initialed:** \_\_\_\_\_

**On file:** meeting minutes, record of vote, dated copy of proposed plan/amendment/peal as accepted or rejected by legislative body

**B) Australian Ballot**

**Deadline for action:** *within one year of date of final planning commission hearing*

A proposed plan, amendment or repeal for a municipality which has elected (in accordance with 24 V.S.A. §4385 (c)) to do so, shall be adopted or rejected by the vote of the municipality by Australian Ballot (17 VSA, §2641) at a regular or special meeting duly warned and held after final public hearing. The adoption or rejection shall be effective immediately. *Note: A public informational hearing is not required for bylaws adopted via Australian ballot; however, if the town would like to hold a public informational hearing it may.*

Vote by Australian Ballot. Questions voted on by Australian Ballot must be warned according to 17 VSA, §2641. The warning must be posted in **two** locations, and in or near the municipal clerk’s office. The warning must also be distributed using one of the following methods:

- published in a newspaper designated by the legislative body; or
- published and distributed as a warned article in the municipal report; or
- otherwise distributed in written form to all town or city postal patrons at least 10 days before the meeting.

**Statutory reference(s):** Title 17 V.S.A., §§2641 and 2642

**Deadlines for action:** Posting: not less than 30 nor more than 40 days prior to vote; and Publication, newspaper: at least 5 days prior to vote; or Publication, report: distributed at least 10 days prior to meeting Vote: within one year of date of final planning commission hearing.

**Posting Dates:**

Municipality (2 locations minimum) \_\_\_\_\_

Municipal Clerk’s Office \_\_\_\_\_

**Newspaper:** \_\_\_\_\_ Publication Date \_\_\_\_\_

**Meeting/Vote Date:** \_\_\_\_\_

**Action:** Adopted  Rejected  **Initialed:** \_\_\_\_\_

**On file:** copy of notice as posted, published, meeting minutes, record of vote; dated copy of proposed plan/amendment/repeal as accepted or rejected by voters

**C) Adopted Plans**

**Deadline for action:** *30 days following adoption*

Plans and amendments shall be effective upon adoption, and shall be provided to the regional planning commission and to the commissioner of Economic Housing & Community Development.

Send a copy of:

adopted plan or repeal

To:  Executive Director, (Name and address of Regional Planning Commission)

DHCD, *electronic submissions only. See instructions:*

<http://accd.vermont.gov/community-development/town-future/plans-bylaws>

**Statutory reference(s):** 4385 (c)

**Mailing Date:** \_\_\_\_\_ **Initialed:** \_\_\_\_\_

**On file:** copy and original of adopted plan; this form and all supporting documentation

**IV. REGIONAL APPROVAL AND CONFIRMATION**

**Initialed:** \_\_\_\_\_

- A) If a municipality wishes its plan or plan amendment to be eligible for approval under the provisions of §4350 of this title, it shall request approval. The request for approval may be before or after adoption of the plan by the municipality, at the option of the municipality.

Any such requests should be in writing and accompanied by a copy of the adopted or draft plan. The RPC will carry out and conduct all related and necessary reviews, hearings and processes. *This process requires up to 60 days from notification to complete; to meet a shorter timeline or specific deadlines, the RPC will require contact and coordination prior to the planning commission hearing notice.*

**Statutory reference(s):** §4385(c)

**Submitted to RPC:** No  Yes  **Date of submission to RPC:** \_\_\_\_\_

**On file at the RPC:** approval and confirmation forms, hearing minutes, staff review

❖ public review.