

**APPENDIX A**

**Checklists and  
Certification for Adoption**

The forms in this appendix may be used by the municipality to insure that the adoption procedures for a municipal plan in Chapter 117, §§4384 and 4385 are followed. The forms are designed to be certified by the municipal clerk.

CERTIFICATION OF ADOPTION  
OF MUNICIPAL PLAN OR AMENDMENT  
FOR URBAN AND RURAL MUNICIPALITIES

I, \_\_\_\_\_, municipal clerk of the municipality  
of \_\_\_\_\_, in the County of \_\_\_\_\_  
State of Vermont, do hereby certify, pursuant to Chapter 117 Title 24 V.S.A.  
§4474, that the following actions were taken by the designated parties with re-  
spect to the adoption of the Municipal Development Plan for the municipality of  
\_\_\_\_\_, of  
which the attached is a true copy.

NOTE: All actions within their designated sections must be completed before  
certification is considered valid.

CHECKLIST FOR MUNICIPAL PLAN ADOPTION  
PLANNING COMMISSION STAGE

<u>Date</u>	<u>Action</u>
1 _____	Prepare Plan. Throughout process, solicit citizen participation through work sessions. <b>§4384(a)</b>
2 _____	Adopt Planning Commission resolution approving Plan for public hearing, posting, publishing, and mailing.
3 _____	Prepare notice of public hearing. <b>§§4384(d), 4447</b>
	<b>At least 30 days prior to public hearing, the following action must take place:</b>
4 _____	Deliver, with proof of receipt, or send by certified mail, return receipt requested, copies of the proposed Plan to the following and document in records that this was done: <b>§4384(e)</b> <ul style="list-style-type: none"> <li>(1) Chairpersons of abutting municipal planning commissions (where there is no p.c. to municipal clerk)</li> <li>(2) Executive Director of Regional Planning Commission</li> <li>(3) The Department of Housing and Community Affairs</li> <li>(4) Community organizations or interest groups that have requested notice in writing</li> </ul>
	<b>At least 15 days prior to public hearing, the following actions (A, B, and possibly C) must take place:</b>
5 _____	A. Publish copy of date, place and purpose of hearing, along with full text of proposed Plan, <u>or</u> summary of text, in newspaper of general publication in municipality affected. <b>§4447(a)(1)</b>
	NOTE: A summary of text must include the following: <ul style="list-style-type: none"> <li>(1) A statement of purpose</li> <li>(2) The geographic areas affected</li> <li>(3) A table of contents or a list of section headings</li> <li>(4) A description of a place within the municipality where the full text may be examined. <b>§4447(b)(1)</b></li> </ul>
	Published in _____
6 _____	B. Post copy of date, place and purpose of hearing, along with full text of proposed Plan, <u>or</u> summary of text, in one or more public places within the municipality (document in records that this was done). <b>§§4447(a)(2), 4447(b)(1)</b>
	Posted at _____

- 7 \_\_\_\_\_ C. (Optional) As an alternative to publishing and posting full text or summary of text, mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4447(b)(2)**
- 8 \_\_\_\_\_ Hold Planning Commission hearing. **§4384(d)**
- 9 \_\_\_\_\_ Prepare revisions (if any) to proposed Plan. **§4384(f)**
- 10 \_\_\_\_\_ Adopt Planning Commission resolution approving Plan for submission to Selectboard and filing with municipal clerk.
- 11 \_\_\_\_\_ Submit copy of Plan to Selectboard and document in records. **§4384(f)**
- 12 \_\_\_\_\_ Simultaneously with submission to Selectboard, file a copy of proposed Plan with the municipal clerk for public review (document in records). **§4384(f)**

CHECKLIST FOR MUNICIPAL PLAN AMENDMENT ADOPTION  
PLANNING COMMISSION STAGE

<u>Date</u>	<u>Action</u>
1 _____	<p>Prepare Amendment (by the Planning Commission or any other person or body). <b>§4384(a,b)</b></p> <p>NOTE: If proposed Amendment is supported by a petition signed by at least 5 percent of the municipal voters, the Planning</p>
2 _____	<p>Planning Commission must prepare a written report on the proposed Amendment. <b>§4384(c)</b></p> <p>NOTE: If proposed Amendment alters any land designation, the report should cover the following points: <b>§4384(c)(1)-(5)</b></p> <ol style="list-style-type: none"> <li>(1) Probable impact on the surrounding area, including traffic</li> <li>(2) Long-term cost or benefit to the municipality</li> <li>(3) Amount of vacant land already subject to new designation; need for additional land for that purpose; and amount of land available</li> <li>(4) Suitability of the area in question for proposed purpose</li> <li>(5) Appropriateness of the size and boundaries of the area in question</li> </ol>
3 _____	<p>Adopt Planning Commission resolution approving Amendment and report for public hearing, posting, publishing, and mailing.</p>
4 _____	<p>Prepare notice of public hearing. <b>§§4384(d), 4447</b></p> <p><b>At least 30 days prior to public hearing, the following action must take place:</b></p>
5 _____	<p>Deliver, with proof of receipt, or send by certified mail, return receipt requested, copies of the proposed Amendment and written report to the following, documenting in records that this was done: <b>§4384(e)</b></p> <ol style="list-style-type: none"> <li>(1) Chairpersons of abutting municipal planning commissions (where there is no P.C., send to municipal clerk)</li> <li>(2) Executive Director of Regional Planning Commission</li> <li>(3) The Department of Housing and Community Affairs</li> <li>(4) Community organizations or interest groups that have requested notice in writing</li> </ol>

**At least 15 days prior to public hearing, the following actions (A, B, and possibly C) must take place:**

6 \_\_\_\_\_ A. Publish copy of date, place and purpose of hearing, along with full text of proposed Amendment and the written report, or summary of text, in newspaper of general publication in municipality affected. **§4447(a)(1)**

NOTE: A summary of text must include the following:

- (1) A statement of purpose
- (2) The geographic areas affected
- (3) A table of contents or a list of section headings
- (4) A description of a place within the municipality where the full text may be examined.

**§4447(b)(1)**

Published in \_\_\_\_\_

7 \_\_\_\_\_ B. Post copy of date, place and purpose of hearing, along with full text of proposed Amendment and the written report, or summary of text, in one or more public places within the municipality (document in records that this was done). **§§4447(a)(2), 4447(b)(1)**

Posted at \_\_\_\_\_

8 \_\_\_\_\_ C. (Optional) As an alternative to publishing and posting full text or summary of text, mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4447(b)(2)**

9 \_\_\_\_\_ Hold Planning Commission hearing. **§4384(d)**

10 \_\_\_\_\_ Prepare revisions (if any) to proposed Amendment and written report. **§4384(f)**

NOTE: If a proposed Amendment is supported by a petition signed by at least 5 percent of the municipal voters, the Planning Commission may correct only technical errors.

11 \_\_\_\_\_ Adopt Planning Commission resolution approving Amendment and report for submission to Selectboard and filing with municipal clerk.

12 \_\_\_\_\_ Submit copy of Amendment and report to Selectboard and document in records. **§4384(f)**

NOTE: If proposed Amendment is supported by a petition signed by at least 5 percent of the municipal voters, the Planning Commission may submit to Selectboard any appropriate recommendation or opinion along with the proposed Amendment.

13 \_\_\_\_\_ Simultaneously with submission to Selectboard, file a copy of proposed Amendment and report with the municipal clerk for public review (document in records). **§4384(f)**

CHECKLIST FOR MUNICIPAL PLAN OR AMENDMENT ADOPTION  
SELECTBOARD'S STAGE

<u>Date</u>	<u>Action</u>
	<b>The legislative body must hold the first of one or more public hearings not less than 30 nor more than 120 days after receipt of proposed Plan or Amendment. Municipalities with a population of more than 2,500 must hold at least 2 hearings.</b>
1 _____	Adopt Selectboard's resolution acknowledging receipt of proposed Plan or Amendment from Planning Commission. <b>§4384(f)</b>
	<b>At least 15 days prior to the public hearing the following actions (A through F) must be taken:</b>
2 _____	A. Prepare changes (if any) to proposed Plan or Amendment. <b>§4385(b)</b>
3 _____	Adopt Selectboard's resolution approving Plan or Amendment for public hearing, posting, and publishing. <b>§4385(a)</b>
4 _____	B. File copy of changed Plan or Amendment with the Municipal Clerk, individuals or organizations requesting copy, and Planning Commission. <b>§4385(b)</b>
5 _____	C. Prepare notice of public hearing. <b>§4385(a)</b>
6 _____	D. Publish copy of date, place and purpose of hearing, along with full text of proposed Plan or Amendment and any written report, <u>or</u> summary of text, in newspaper of general publication in municipality affected. <b>§4447(a)(1)</b>
	NOTE: A summary of text must include the following:
	(1) A statement of purpose
	(2) The geographic areas affected
	(3) A table of contents or a list of section headings
	(4) A description of a place within the municipality where the full text may be examined.
	<b>§4447(b)(1)</b>
	Published in _____
7 _____	E. Post copy of date, place and purpose of hearing, along with full text of proposed Plan or Amendment and any written report, <u>or</u> summary of text, in one or more public places within the municipality (document in records that this was done). <b>§§4447(a)(2), 4447(b)(1)</b>
	Posted at _____

- 8 \_\_\_\_\_ F. (Optional) As an alternative to publishing and posting full text or summary of text, mail or deliver full text or summary, along with copies of notice of the hearing, to each voter and landowner within the municipality (document in records that this was done). **§4447(b)(2)**
- 9 \_\_\_\_\_ Planning Commission must submit a written report at or prior to public hearing analyzing extent to which a changed proposal is consistent with the goals in 4302. **§4385(b)**
- 10 \_\_\_\_\_ Hold Selectboard's first public hearing not less than 30 nor more than 120 days after receipt of proposed Plan or Amendment. **§4385(a)**  
NOTE 1: Failure to hold a hearing within the 120 days does not invalidate the adoption of the Plan or Amendment.  
  
NOTE 2: If Selectboard makes substantial changes in concept, meaning or extent of the proposed Plan or Amendment after a public hearing, a new hearing must be warned and held and the procedures 2 through 9 must be followed.
- 11 \_\_\_\_\_ Adoption of Plan or Amendment either by a majority of the Selectboard at a meeting held after the final public hearing or by Australian ballot if a municipality has elected at a duly warned meeting to do so.
- 12 \_\_\_\_\_ Plan or Amendment becomes effective immediately upon adoption. **§4385(c)**  
  
NOTE 1: If proposed Plan or Amendment is not adopted so as to take effect within one year of the final Planning Commission hearing, it shall be considered rejected.  
  
NOTE 2: A Plan expires five years from the date of its adoption, unless it is readopted, even if it has been amended within the five-year period. **§4387(a)**  
  
**Within 30 days of Plan or Amendment adoption the following action must take place:**
- 13 \_\_\_\_\_ Mail or deliver printed copies of the Plan or Amendment, as adopted by the Selectboard, to the following (document in records that this was done): **§4385(c)**
- (1) The Regional Planning Commission
  - (2) The Department of Housing and Community Affairs

**OPTIONAL:**  
CHECKLIST FOR MUNICIPAL PLAN APPROVAL

<u>Date</u>	<u>Action</u>
1) _____	<p>Either before or after plan adoption, municipality requests approval from Regional Planning Commission (RPC). If before, the Selectboard should submit plan after final public hearing. <b>§4385</b></p> <p><b>Within 2 months of receipt, the RPC must approve or conditionally approve the Plan (after 1996 plans can be disapproved). Before a decision is rendered, the RPC must complete the following actions (A and B):</b></p>
2) _____	<p>A. The RPC must hold a public hearing which is noticed as provided in section 4447 and published in newspaper (s) of general publication in the region. <b>§4350(b)</b></p>
3) _____	<p>B. To be approved, the RPC must find that the Plan:</p> <ul style="list-style-type: none"> <li>(1) is consistent with the goals in section 4302</li> <li>(2) is compatible with the regional plan</li> <li>(3) is compatible with approved municipal plans of the region</li> <li>(4) contains all 10 required elements. <b>§4350(b)</b></li> </ul>
4) _____	<p>Plan is approved or conditionally approved (or disapproved after 1996) within 2 months of receipt. If plan is not approved, the RPC must provide a written explanation and , if appropriate, suggest acceptable modifications. <b>§4350(c)</b></p>
5) _____	<p>Plan goes back to municipality's Selectboard for further action if necessary.</p>
6) _____	<p>If Plan has not been adopted and has been approved, it can be adopted either by a majority of the Selectboard or by Australian ballot if a municipality has elected at a duly warned meeting to do so. <b>4385</b></p> <p><b>If Plan is not approved, municipality's legislative body has 3 choices:</b></p> <ul style="list-style-type: none"> <li>(1) <b>Modify Plan and resubmit to RPC,</b></li> <li>(2) <b>Adopt Plan despite non-approval, or</b></li> <li>(3) <b>Request review of decision by Council of Regional Commissions (CRC).</b></li> </ul>
7) _____	<p>(1) If municipality resubmits modified plan, the RPC must approve or disapprove the Plan within 45 days. <b>§4350(c)</b></p>



- 8 \_\_\_\_\_
- or
- (2) If municipality adopts non-approved plan:
- (1) the municipality can no longer receive state planning funds
  - (2) the municipality cannot levy impact fees
  - (3) state agency plans need not be consistent with the municipality's Plan
  - (4) DHCA will review municipality's planning process for compliance with affordable housing criteria and shall issue a report to the municipality and RPC. Review includes a public hearing.

or

- (3) If municipality requests review by the CRC, the following actions (A and B) must take place:
- 9 \_\_\_\_\_
- A. The request for review must be filed within 21 days of the RPC decision. **§4476(a)**
- 10 \_\_\_\_\_
- B. The Council review panel must hold a hearing within 45 days of the request, and must issue a decision approving or disapproving the RPC's decision within 20 days after the hearing. **§§4305(e), 4476(c)**

NOTE: Appeal of a CRC review panel decision goes to the Supreme Court. **§4476(f)**