



How to Suggest a Plan Amendment

While the Development Review Board reviews individual development projects, a key purpose of Planning and Zoning and the Planning Commission is ensuring that the state planning goals and values of the community are clearly articulated as they apply to the use of land and the development of the town, and that these goals and values are upheld through regulatory and non-regulatory implementation. Suggestions to change the plan or bylaws need to be consistent with those goals and values; and they require the approval of the community (either through their elected officials or by direct vote).

All plan amendment requests to the Planning Commission must be in accordance with [24 V.S.A. §4384](#) outlined below. Please note anyone can suggest a plan amendment; however, the Planning Commission will treat the amendment request like any other proposal (such as from themselves and from staff), including choosing not to proceed with making the change. The exception to this is the second half of subsection (b): if the PC receives a petition of 5% or more of the municipality's voters, in which case they must take the proposed amendment through the adoption process with the Selectboard. The exception to this is the second half of subsection (b): if the PC receives a petition of 5% or more of the municipality's voters, in which case they must take the proposed amendment through the adoption process with the Selectboard.

Subsequently, the Selectboard could choose not to adopt the plan amendment submitted by the Planning Commission, in which case the plan amendment would be considered rejected one year after the final Planning Commission hearing. The exception, again, is if the [Australian ballot procedure](#) is instituted by the voters as the method for approving plans.

The process is nearly the same for bylaw adoption (with slightly different timelines and administrative requirements), except that at the Selectboard stage, the 5% voter petition would be for a single Australian ballot vote.

§4384. Preparation of plan; hearings by planning commission

- (a) A municipality may have a plan. Any plan for a municipality shall be prepared by the planning commission of that municipality. At the outset of the planning process and throughout the process, planning commissions shall solicit the participation of local citizens and organizations by holding informal working sessions that suit the needs of local people. An amendment or repeal of a plan may be prepared by or at the direction of the planning commission or by any other person or body.
- (b) If any person or body other than a municipal planning commission prepares an amendment to a plan, that person or body shall submit the amendment in writing and all supporting documents to the municipal planning commission. The planning commission may then proceed as if the amendment had been prepared by the commission. However, if the proposed amendment is supported by a petition signed by not less than five percent of the voters of the municipality, the planning commission shall correct any technical deficiency and shall, without otherwise changing the amendment, promptly proceed in accordance with subsections (c) through (f) of this section as if it had been prepared by the commission.
- (c) When considering an amendment to a plan, the planning commission shall prepare a written report on the proposal. The report shall address the extent to which the plan, as amended, is consistent with the goals established in section 4302 of this title. If the proposal would alter the designation of any land area, the report should cover the following points:
 - (1) The probable impact on the surrounding area, including the effect of any resulting increase in traffic, and the probable impact on the overall pattern of land use.
 - (2) The long-term cost or benefit to the municipality, based upon consideration of the probable impact on:
 - (A) the municipal tax base; and
 - (B) the need for public facilities.
 - (3) The amount of vacant land which is:
 - (A) already subject to the proposed new designation; and
 - (B) actually available for that purpose, and the need for additional land for that purpose.
 - (4) The suitability of the area in question for the proposed purpose, after consideration of:
 - (A) appropriate alternative locations;
 - (B) alternative uses for the area under consideration; and
 - (C) the probable impact of the proposed change on other areas similarly designated.
 - (5) The appropriateness of the size and boundaries of the area proposed for change, with respect to the area required for the proposed use, land capability, and existing development in the area.
- (d) The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed plan or amendment.
- (e) At least 30 days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered physically or electronically with proof of receipt, or mailed by certified mail, return receipt requested, to each of the following:

- (1) the chair of the planning commission of each abutting municipality, or in the absence of any planning commission in an abutting municipality, to the clerk of that municipality;
- (2) the executive director of the regional planning commission of the area in which the municipality is located;
- (3) the Department of Housing and Community Development within the Agency of Commerce and Community Development; and
- (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.

Any of the foregoing bodies, or their representatives, may thereafter submit comments on the proposed plan or amendment to the planning commission, and may appear and be heard in any further proceeding with respect to the adoption of the proposed plan or amendment. The planning commission shall demonstrate that it has solicited comment from planning commissions of abutting municipalities and from the regional planning commission with respect to the compatibility of their respective plans with its own plan.

- (f) The planning commission may make revisions to the proposed plan or amendment and to any written report, and shall thereafter submit the proposed plan or amendment and any written report to the legislative body of the municipality. However, if requested by the legislative body, or if a proposed amendment was supported by a petition signed by not less than five percent of the voters of the municipality, the planning commission shall promptly submit the amendment, with changes only to correct technical deficiencies, to the legislative body of the municipality, together with any recommendation or opinion it considers appropriate. Simultaneously with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed plan or amendment, and any written report, for public review. (Added 1967, No. 334 (Adj. Sess.), § 1, eff. March 23, 1968; amended 1971, No. 257 (Adj. Sess.), § 8, eff. April 11, 1972; 1981, No. 132 (Adj. Sess.), § 9; 1987, No. 200 (Adj. Sess.), § 11, eff. July 1, 1989; 1989, No. 280 (Adj. Sess.), § 8; 1995, No. 190 (Adj. Sess.), § 1(a); 2017, No. 197 (Adj. Sess.), § 14.)