

REVENUE: No revenue impact

FISCAL: Minimal fiscal impact, no statement issued

Action:	Do Pass as Amended and Be Printed Engrossed
Vote:	8 - 0 - 0
Yeas:	Cameron, Clem, Conger, Matthews, Sheehan, Smith J., Holvey, Whisnant
Nays:	0
Exc.:	0
Prepared By:	Jan Nordlund, Administrator
Meeting Dates:	3/1, 3/29, 4/14

WHAT THE MEASURE DOES: Modifies the process for local governments to make changes to an acknowledged comprehensive plan or land use regulation, primarily with respect to notice requirements associated with such amendments. Requires a local government to provide a summary of alterations to a previously submitted proposed change rather than resubmit. Clarifies the circumstances in which an appeal of a local governing body decision may be made. Deletes requirement for a local government to hold a public hearing if a proposed change is only for the purpose of conforming local plans and codes to statutes, statewide land use planning goal, or agency rule, and allows an appeal of such a change under certain conditions. Deletes specification that notices be “mailed” and provides authorization for electronic notification.

ISSUES DISCUSSED:

- Bill addresses only amendments to comprehensive land use plans and land use regulations
- Concern of cities in opening appeal process to anyone
- Improvement to the process for providing notice

EFFECT OF COMMITTEE AMENDMENT: Allows for late submission of proposed changes in emergency circumstances. Requires a local government to provide a summary of alterations to a previously submitted proposed change rather than resubmit. Specifies when a plan must be resubmitted. Modifies the circumstances under which an appeal may be made. Deletes provision to allow Department of Land Conservation and Development (DLCD) to set a fee to cover cost for review of decision solely to conform a plan or land use regulation to new statutes, statewide goals, or DLCD rule.

BACKGROUND: House Bill 2129-A addresses post-acknowledged plan amendments (PAPAs) to local comprehensive plans and land use regulations. The focus is on notice requirements, proposed plan submission requirements, and the appeal process. Representatives of DLCD stated that legal decisions have elaborated on the statutory notice requirements in ways unknown to most citizens and even local governments since the notice process was last reviewed. House Bill 2129-A clarifies notice requirements for the benefit of both the public and those local governments providing the notice.

Local governments are required to amend their comprehensive plan and land use regulations to conform to statutes, statewide land use planning goals, and DLCD rules. Currently, they are required to hold public hearings even though they have no discretion to make changes in such cases. House Bill 2129-A makes public hearings optional in such cases.