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## MEMORANDUM

**TO:** VGMC POP Committee  
**CC:** Merry Chris Smith  
**FROM:** Paul H. Chipok  
**DATE:** February 8, 2016  
**SUBJECT:** Consistency Certification Rules Revision

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As a result of the February 4, 2016, POP meeting, attached is a February 8, 2016, blackline draft of revisions to the VGMC Certification Rules. The concepts and assumptions contained in the revisions are as follows:

1. Small scale comprehensive plan review
  - Presumed consistent unless appealed by unit of local government (No VGMC review)
  - Applicant jurisdiction still has duty to submit notice of amendment to VGMC and other jurisdictions
  - In the case of an appeal, VGMC reviews the application and prepares a staff report with recommendations
2. JPA Annexation related Comprehensive Plan Amendment
  - Presumed consistent unless appealed by unit of local government (No VGMC review)
  - JPA must be on file with VGMC
  - Applicant jurisdiction still has duty to submit notice of amendment to VGMC and other jurisdictions

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- In the case of an appeal VGMC review the application and prepares a staff report with recommendations
3. Standing
    - Limited to units of local government
    - Standing is automatic for adjacent jurisdictions
    - Non-adjacent units of local government have to prove standing
    - “Unit of local government” is limited to county, municipalities and school board
  4. Notice of applications
    - Delete newspaper ad notice provisions
    - Added provision for posting application notice on VGMC website
    - Actual notice of each application provided to each unit of local government
  5. Time to Appeal and Call for Hearing
    - All units of local government follow the 28 day time frame to appeal
    - The 21 day extension that may be requested by adjacent local governments is not retained
  6. Application is approved in 30 days, unless:
    - Unit of local government calls for a public hearing
    - VGMC staff determines the application may be inconsistent and a public hearing is held
  7. Hearings
    - If a hearing is held, it must occur within 60 days of request for hearing
    - Standard – VGMC to determine consistency based upon preponderance of competent substantial evidence presented at the hearing