MEMORANDUM

TO: VGMCP POP Committee

CC: Merry Chris Smith

FROM: Paul H. Chipok

DATE: February 8, 2016

SUBJECT: Consistency Certification Rules Revision

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
- 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