

**TOWN OF UNDERHILL
PLANNING COMMISSION**

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RECEIVED

DEC - 2 2013

Department of Housing
and Community Development

NOTICE OF PUBLIC HEARING

The Underhill Planning Commission hereby provides notice of a public hearing pursuant to 24 VSA §§ 4441, 4442, for the purpose of receiving public comment on proposed **Amendments to the Town of Underhill Unified Land Use and Development Regulations**, adopted in 2011 and amended in 2012 (the "Regulations"). A public hearing is scheduled for December 18, 2013, 6:30 PM, Underhill Town Hall, 12 Pleasant Valley Road, Underhill, VT.

Purpose: Bylaw amendments are proposed to: 1) clarify the reference in the Unified 2011 and 2012 Regulations to "Town of Underhill Zoning Map", and 2) correct an error in the 2011 and 2012 Regulations concerning the boundary of the Soil and Water Conservation District on a portion that abuts the Ethan Allen Firing Range.

Geographic Areas Affected: The area affected is part of the southern boundary of the Soil and Water Conservation District roughly along Steinhour Brook.

Proposed Bylaw Amendments: To add the following underlined text to Article II, Section 2.1 of the Regulations:

C. The official "Town of Underhill Zoning Map" is Appendix A "Zoning Map" (revision date June, 1985) to the September 1985 Underhill zoning regulations, subject to subsection D below.

D. Notwithstanding the foregoing or any other provision of these Unified Land Use and Development Regulations, the adjustment to the southern boundary of the Water Conservation District adopted by the Planning Commission on October 24, 1972 as Paragraph III of proposed amendments to the Comprehensive Plan and by the Selectboard on December 27, 1972 shall continue in full force and effect.

Proposed amendments, supporting information and the map are available at the Underhill Town Office, 12 Pleasant Valley Road, Underhill, VT and on the town website www.underhillvt.gov.

PROPOSED BYLAW AMENDMENT – NEW MATERIAL UNDERLINED

ARTICLE II. ZONING DISTRICTS

Section 2.1 Zoning Districts & Zoning Map

A. For the purposes of these regulations, the Town of Underhill is divided into the following zoning districts:

1. Underhill Flats Village Center District
2. Rural Residential District
3. Water Conservation District
4. Mt Mansfield Scenic Preservation District
5. Soil and Water Conservation District
6. Flood Hazard Overlay District

B. The location and boundaries of each zoning district are shown on the official “Town of Underhill Zoning Map,” which is incorporated as part of these regulations. Flood Hazard Overlay District boundaries for Special Flood Hazard Areas (SFHAs) are shown in and on the most current Flood Insurance Study and National Flood Insurance Program maps for the Town of Underhill, which are incorporated as part of these regulations. The official zoning map and flood hazard area maps, located in the Underhill Town Office, shall be the final authority as to the current zoning status of land and waters in the town. Changes may be made to the official “Town of Underhill Zoning Map” only in accordance with the bylaw amendment process referenced under Section 1.5.

C. The official “Town of Underhill Zoning Map” is Appendix A “Zoning Map” (revision date June, 1985) to the September 1985 Underhill zoning regulations, subject to subsection D below.

D. Notwithstanding the foregoing or any other provision of these Unified Land Use and Development Regulations, the adjustment to the southern boundary of the Water Conservation District adopted by the Planning Commission on October 24, 1972 as Paragraph III of proposed amendments to the Comprehensive Plan and by the Selectboard on December 27, 1972 shall continue in full force and effect.

Planning Commission Reporting Form for Municipal Bylaw Amendments

This report is in accordance with 24 V.S.A. §4441(c) which states:

“When considering an amendment to a bylaw, the planning commission shall prepare and approve a written report on the proposal. A single report may be prepared so as to satisfy the requirements of this subsection concerning bylaw amendments and subsection 4384(c) of this title concerning plan amendments. The report shall provide(:)

(A) brief explanation of the proposed bylaw, amendment, or repeal andinclude a statement of purpose as required for notice under §4444 of this title,

The first purpose of the proposed amendment is to clarify the reference to the “Town of Underhill Zoning Map” in the Unified Land Use and Development Regulations adopted in 2011 and amended in 2012. The second purpose of the proposed amendment is to correct a district boundary mapping error introduced in those regulations in 2011.

(A)nd shall include findings regarding how the proposal:

1. *Conforms with or furthers the goals and policies contained in the municipal plan, including the effect of the proposal on the availability of safe and affordable housing:*

The proposal does not affect, and therefore conforms with, the goals and policies contained in the municipal plan and has no effect on the availability of safe and affordable housing.

2. *Is compatible with the proposed future land uses and densities of the municipal plan:*

The proposal is compatible with the proposed future land uses and densities of the municipal plan.

3. *Carries out, as applicable, any specific proposals for any planned community facilities.”*

The proposal does not relate to any proposals for any planned community facilities.

Please Note:

- ❖ The planning commission shall hold at least one public hearing within the municipality after public notice on any proposed bylaw, amendment or repeal and;
- ❖ At least 15 days prior to the first hearing, a copy of the proposed plan or amendment and the written report shall be delivered with proof of the receipt, or mailed by certified mail, return receipt requested, to each of the following:

1. the chairperson 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 abutting municipality;
 2. the executive director of the regional planning commission of the area in which the municipality is located;
 3. the Department of Economic, Housing and Community Development within the Agency of Commerce and Community Development.
- ❖ The planning commission may make revisions to the proposed bylaw, amendment, or repeal and to the written report, and shall then submit the proposed bylaw, amendment or repeal and the written report to the legislative body of the municipality. If requested by the legislative body or supported by petition the planning commission shall promptly submit the amendment with changes only to correct technical deficiencies, together with any recommendations.
- ❖ Simultaneously, with the submission, the planning commission shall file with the clerk of the municipality a copy of the proposed bylaw, amendment, or repeal, and the written report for public review.