

# MAINE STATE LEGISLATURE

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L.D. 2094

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MAJORITY  
NATURAL RESOURCES

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STATE OF MAINE  
HOUSE OF REPRESENTATIVES  
120TH LEGISLATURE  
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1588, L.D. 2094, Bill, "An Act to Encourage Regionalism in Municipal Growth Management"

Amend the bill by striking out all of sections 2 and 3 and inserting in their place the following:

Sec. 2. 30-A MRSA §4301, sub-§§4-A and 4-B are enacted to read:

4-A. Critical rural area. "Critical rural area" means a rural area that is specifically identified and designated by a municipality's or multimunicipal region's comprehensive plan as deserving maximum protection from development to preserve natural resources and related economic activities that may include, but are not limited to, significant farmland, forest land or mineral resources; high-value wildlife or fisheries habitat; scenic areas; public water supplies; scarce or especially vulnerable natural resources; and open lands functionally necessary to support a vibrant rural economy.

4-B. Critical waterfront area. "Critical waterfront area" means a shorefront area characterized by functionally water-dependent uses, as defined in Title 38, section 436-A, subsection 6, and specifically identified and designated by a municipality's or multimunicipal region's comprehensive plan as deserving maximum protection from incompatible development.

Sec. 3. 30-A MRSA §4301, sub-§6-C is enacted to read:

2 6-C. Growth area. "Growth area" means an area that is  
3 designated in a municipality's or multimunicipal region's  
4 comprehensive plan as suitable for orderly residential,  
5 commercial or industrial development, or any combinations of  
6 those types of development, and into which most development  
7 projected over 10 years is directed.'

8 Further amend the bill by striking out all of section 6 and  
9 inserting in its place the following:

10 'Sec. 6. 30-A MRSA §4301, sub-§§11-A, 14-B and 14-C are enacted  
11 to read:

12 11-A. Multimunicipal region. "Multimunicipal region" means  
13 a region made up of 2 or more municipalities that work together  
14 to cooperatively establish a growth management program or  
15 independent growth management programs that are unified with  
16 respect to the implementation of the state goal identified in  
17 section 4312, subsection 3, paragraph A. The several  
18 municipalities in a multimunicipal region may establish the  
19 region pursuant to section 4325 or chapter 115.

20 14-B. Rural area. "Rural area" means a geographic area  
21 that is identified and designated in a municipality's or  
22 multimunicipal region's comprehensive plan as an area that is  
23 deserving of some level of regulatory protection from  
24 unrestricted development for purposes that may include, but are  
25 not limited to, supporting agriculture, forestry, mining, open  
26 space, wildlife habitat, fisheries habitat and scenic lands, and  
27 away from which most development projected over 10 years is  
28 diverted.

29 14-C. Transitional area. "Transitional area" means an area  
30 that is designated in a municipality's or multimunicipal region's  
31 comprehensive plan as suitable for a share of projected  
32 residential, commercial or industrial development but that is  
33 neither intended to accept the amount or density of development  
34 appropriate for a growth area nor intended to provide the level  
35 of protection for rural resources afforded in a rural area or  
36 critical rural area.'

37 Further amend the bill by striking out all of section 10 and  
38 inserting in its place the following:

39 'Sec. 10. 30-A MRSA §4314, sub-§3, as amended by PL 2001, c.  
40 406, §3, is further amended to read:

41 3. Rate of growth, zoning and impact fee ordinances. After  
42 January 1, 2003, any portion of a municipality's or  
43 multimunicipal region's rate of growth, zoning or impact fee  
44 ordinances shall be subject to the provisions of this section.

2 ordinance must be consistent with a comprehensive plan adopted  
3 under this subchapter. The portion of a rate of growth, zoning  
4 or impact fee ordinance that is not consistent with a  
5 comprehensive plan is no longer in effect unless:

6 C. The ordinance or portion of the ordinance is exempted  
7 under subsection 2;

8  
9 D. The municipality or multimunicipal region is under  
10 contract with the office to prepare a comprehensive plan or  
11 implementation program, in which case the ordinance or  
12 portion of the ordinance remains valid for up to 4 years  
13 after receipt of the first installment of its first planning  
14 assistance grant or for up to 2 years after receipt of the  
15 first installment of its first implementation assistance  
16 grant, whichever is earlier;

17 E. The ordinance or portion of the ordinance conflicts with  
18 a newly adopted comprehensive plan or plan amendment adopted  
19 under this subchapter, in which case the ordinance or  
20 portion of the ordinance remains in effect for a period of  
21 up to 24 months immediately following adoption of the  
22 comprehensive plan or plan amendment; or  
23

24 F. The municipality or multimunicipal region applied for  
25 and was denied financial assistance for its first planning  
26 assistance or implementation assistance grant under this  
27 subchapter due to lack of state funds on or before January  
28 1, 2003. If the office subsequently offers the municipality  
29 or multimunicipal region its first planning assistance or  
30 implementation assistance grant, the municipality or  
31 multimunicipal region has up to one year to contract with  
32 the office to prepare a comprehensive plan or implementation  
33 program, in which case the municipality's or multimunicipal  
34 region's ordinances will be subject to paragraph D.'

35 Further amend the bill by striking out all of section 13 and  
36 inserting in its place the following:

37  
38 'Sec. 13. 30-A MRS §4324, as amended by PL 1993, c. 721, Pt.  
39 A, §2 and affected by Pt. H, §1, is further amended to read:

40  
41 **§4324. Responsibility for growth management**

42  
43 This section governs a municipality's or multimunicipal  
44 region's responsibility for the preparation or amendment of its  
45 ~~local~~ growth management program. ~~Where~~ When procedures for the  
46 adoption of comprehensive plans and ordinances are governed by  
47 other provisions of this Title or municipal  
48

2 charter or ordinance, the municipality or multimunicipal region  
3 may modify the procedural requirements of this section as long as  
4 a broad range of opportunity for public comment and review is  
preserved.

6 **1. Growth management program.** Each municipality or  
7 multimunicipal region may prepare a ~~local~~ growth management  
8 program in accordance with this section or may amend its existing  
9 comprehensive plan and existing land use ordinances to comply  
10 with this subchapter.

12 **2. Planning committee.** If a municipality or multimunicipal  
13 region chooses to prepare a ~~local~~ growth management program, the  
14 municipal officers of a municipality or combination of  
15 municipalities shall designate and establish a ~~local~~ planning  
16 committee.

18 A. The municipal officers may designate any existing  
19 planning board or district established under subchapter IV,  
20 or a former similar provision, as the ~~local~~ planning  
21 committee. Planning boards established under former Title  
22 30, section 4952, subsection 1, continue to be governed by  
23 those provisions until they are superseded by municipal  
24 charter or ordinance.

26 B. The ~~local~~ planning committee may develop and maintain a  
27 comprehensive plan and may develop ~~an--initial--proposed~~  
28 ~~zoning--ordinance--or--an--initial--revision--of--an--existing~~  
29 ~~zoning--ordinance~~ any portion of an implementation program to  
30 which it is assigned in an adopted comprehensive plan or  
31 otherwise directed by the municipal officers or municipal  
32 legislative body or bodies. In performing these duties, the  
33 ~~local~~ planning committee shall:

34 (1) Hold public hearings and use other methods to  
35 solicit and strongly encourage citizen input; and

36 (2) Prepare the comprehensive plan and ~~proposed zoning~~  
37 ~~ordinance~~ or any portion of the implementation program  
38 to which it is assigned in an adopted comprehensive  
39 plan and make recommendations to the ~~municipal~~  
40 ~~reviewing--authority--and~~ municipal legislative body  
41 regarding the adoption and implementation of the  
42 program or amended program.

44 **3. Citizen participation.** In order to encourage citizen  
45 participation in the development of a ~~local~~ growth management  
46 program, municipalities or multimunicipal regions may adopt ~~local~~  
47 growth management programs only after soliciting and considering  
48 a broad range of public review and comment. The intent of this  
49  
50

subsection is to provide for the broad dissemination of proposals and alternatives, opportunity for written comments, open discussions, information dissemination and consideration of and response to public comments.

**4. Meetings to be public.** The local planning committee shall conduct all of its meetings in open, public session. Prior public notice must be given for all meetings of the local planning committee pursuant to Title 1, section 406. ~~Prior to April 1, 1990, if the local planning committee provided notice in compliance with Title 1, section 406, that notice was sufficient for all legal purposes.~~

**8. Public hearing required.** The local planning committee shall hold at least one public hearing on its proposed comprehensive plan.

A. Notice of any public hearing must be posted in the each municipality at least ~~2-times~~ 30 days before the hearing.

B. A copy of the proposed comprehensive plan shall must be made available for public inspection at the each municipal office or other convenient location with regular public hours at least 30 days before the hearing.

**9. Adoption.** A comprehensive plan or land use ordinance is ~~deemed to have been~~ considered adopted as part of a local growth management program when it has been ~~accepted~~ adopted by the municipality's legislative body. A multimunicipal comprehensive plan or land use ordinance must be adopted by the municipal legislative body of each participating municipality unless another form of legislative authority has been established for this purpose within the municipality or multimunicipal region.

**10. Amendments to an adopted plan.** When amending an adopted comprehensive plan, a municipality or multimunicipal region shall follow the same procedures for citizen participation, public notice and public hearing that are required for adoption of a comprehensive plan.'

Further amend the bill in section 15 in that part designated "**§4326.**" by striking out all of subsections 1 and 2 and inserting in their place the following:

**1. Inventory and analysis.** A comprehensive plan shall must include an inventory and analysis section addressing state goals under this subchapter and issues of regional or local significance that the municipality or multimunicipal region considers important. The inventory must be based on information provided by the State, regional councils and other relevant local

2 sources. The analysis must include 10-year projections of local  
and regional growth in population and residential, commercial and  
4 industrial activity; the projected need for public facilities;  
and the vulnerability of and potential impacts on natural  
6 resources.

8 The inventory and analysis section must include, but is not  
limited to:

10 A. Economic and demographic data describing the  
municipality or multimunicipal region and the region in  
12 which it is located;

14 B. Significant water resources such as lakes, aquifers,  
estuaries, rivers and coastal areas and, where when  
16 applicable, their vulnerability to degradation;

18 C. Significant or critical natural resources, such as  
wetlands, wildlife and fisheries habitats, significant plant  
20 habitats, coastal islands, sand dunes, scenic areas,  
shorelands, heritage coastal areas as defined under Title 5,  
22 section 3316, and unique natural areas;

24 D. Marine-related resources and facilities such as ports,  
harbors, commercial moorings, commercial docking facilities  
26 and related parking, and shell fishing and worming areas;

28 E. Commercial forestry and agricultural land;

30 F. Existing recreation, park and open space areas and  
significant points of public access to shorelands within a  
32 municipality or multimunicipal region;

34 G. Existing transportation systems, including the capacity  
of existing and proposed major thoroughfares, secondary  
36 routes, pedestrian ways and parking facilities;

38 H. Residential housing stock, including affordable housing;

40 I. Historical and archeological resources including, at the  
discretion of the municipality or multimunicipal region,  
42 stone walls, stone impoundments and timber bridges of  
historical significance;

44 J. Land use information describing current and projected  
46 development patterns; and

48 K. An assessment of capital facilities and public services  
necessary to support growth and development and to protect  
50 the environment and health, safety and welfare of the public  
and the costs of those facilities and services.

2           **2. Policy development.** A comprehensive plan must include a  
3 policy development section that relates the findings contained in  
4 the inventory and analysis section to the state goals. The  
5 policies must:

- 6           A. Promote the state goals under this subchapter;
- 7
- 8           B. Address any conflicts between state goals under this  
9 subchapter;
- 10
- 11           C. Address any conflicts between regional and local issues;  
12 and
- 13
- 14           D. Address the State's coastal policies if any part of the  
15 municipality or multimunicipal region is a coastal area.'

16

17           Further amend the bill in section 15 in that part designated  
18 "**§4326.**" by striking out all of subsections 3-A and 4 and  
19 inserting in their place the following:

20

21           '3-A. Guidelines for policy development and implementation  
22 strategies. In developing its strategies and subsequent  
23 policies, programs and land use ordinances, each municipality or  
24 multimunicipal region shall employ the following guidelines  
25 consistent with the goals of this subchapter:

26

27           A. Identify and designate geographic areas in the  
28 municipality or multimunicipal region as growth areas and  
29 rural areas, as defined in this chapter.

30

31           (1) Within growth areas, each municipality or  
32 multimunicipal region shall:

33                   (a) Establish development standards;

34                   (b) Establish timely permitting procedures;

35                   (c) Ensure that needed public services are  
36 available; and

37                   (d) Prevent inappropriate development in natural  
38 hazard areas, including flood plains and areas of  
39 high erosion.

40

41           (2) Within rural areas, each municipality or  
42 multimunicipal region shall adopt land use policies and  
43 ordinances to discourage incompatible development.  
44 These policies and ordinances may include, without  
45 limitation, density limits, cluster or special zoning,



2 acquisition of land or development rights and  
3 performance standards. The municipality or  
4 multimunicipal region should also identify which rural  
5 areas qualify as critical rural areas as defined in  
6 this chapter. Critical rural areas must receive  
7 priority consideration for proactive strategies  
8 designed to enhance rural industries, manage wildlife  
9 and fisheries habitat and preserve sensitive natural  
10 areas.

11 (3) A municipality or multimunicipal region may also  
12 designate as a transitional area any portion of land  
13 area that does not meet the definition of either a  
14 growth area or a rural area. Such an area may be  
15 appropriate for medium-density development that does  
16 not require expansion of municipal facilities and does  
17 not include significant rural resources.

18 (4) A municipality or multimunicipal region is not  
19 required to identify growth areas for residential,  
20 commercial or industrial growth if it demonstrates that  
21 it is not possible to accommodate future residential,  
22 commercial or industrial growth in these areas because  
23 of severe physical limitations, including, without  
24 limitation, the lack of adequate water supply and  
25 sewage disposal services, very shallow soils or  
26 limitations imposed by protected natural resources.

27 (5) A municipality or multimunicipal region is not  
28 required to identify growth areas for residential,  
29 commercial or industrial growth if it demonstrates that  
30 the municipality or multimunicipal region has  
31 experienced minimal or no residential, commercial or  
32 industrial development over the past decade and this  
33 condition is expected to continue over the 10-year  
34 planning period.

35 (6) A municipality or multimunicipal region exercising  
36 the discretion afforded by subparagraph 4 or 5 shall  
37 review the basis for its demonstration during the  
38 periodic revisions undertaken pursuant to section  
39 4347-A;

40 B. Develop a capital investment plan for financing the  
41 replacement and expansion of public facilities and services  
42 required to meet projected growth and development;

43 C. Protect, maintain and, when warranted, improve the water  
44 quality of each water body pursuant to Title 38, chapter 3,  
45 subchapter I, article 4-A and ensure that the water quality  
46 is maintained at or above the minimum water quality  
47 standards established in Title 38, chapter 3,  
48 subchapter I, article 4-A.

2 will be protected from long-term and cumulative increases in  
phosphorus from development in great pond watersheds;

4 D. Ensure that its land use policies and ordinances are  
consistent with applicable state law regarding critical  
6 natural resources. A municipality or multimunicipal region,  
if authorized to enact ordinances, may adopt ordinances more  
8 stringent than applicable state law;

10 E. Ensure the preservation of access to coastal waters  
necessary for commercial fishing, commercial mooring,  
12 docking and related parking facilities. Each coastal area  
may identify and designate one or more critical waterfront  
14 areas and implement policies to ensure protection of those  
areas or otherwise discourage new development that is  
16 incompatible with uses related to the marine resources  
industry;

18 F. Ensure the protection of agricultural and forest  
20 resources. Each municipality or multimunicipal region shall  
discourage new development that is incompatible with uses  
22 related to the agricultural and forest industries;

24 G. Ensure that the municipality's or multimunicipal  
region's land use policies and ordinances encourage the  
26 siting and construction of affordable housing within the  
community and comply with the requirements of section 4358  
28 pertaining to individual mobile home and mobile home park  
siting and design requirements. The municipality or  
30 multimunicipal region shall seek to achieve a level of at  
least 10% of new residential development, based on a 5-year  
32 historical average of residential development in the  
municipality or multimunicipal region, that meets the  
34 definition of affordable housing. A municipality or  
multimunicipal region is encouraged to seek creative  
36 approaches to assist in the development of affordable  
housing, including, but not limited to, cluster housing,  
38 reduced minimum lot and frontage sizes, increased  
residential densities and use of municipally owned land;

40 H. Ensure that the value of historical and archeological  
42 resources is recognized and that protection is afforded to  
those resources that merit it;

44 I. Encourage the availability of and access to traditional  
46 outdoor recreation opportunities, including, without  
limitation, hunting, boating, fishing and hiking, and  
48 encourage the creation of greenbelts, public parks, trails  
and conservation easements. Each municipality or  
50 multimunicipal region shall identify and encourage the

protection of undeveloped shoreland and other areas identified in the local planning process as meriting that protection; and

J. Develop management goals for great ponds pertaining to the type of shoreline character, intensity of surface water use, protection of resources of state significance and type of public access appropriate for the intensity of use of great ponds within the municipality's or multimunicipal region's jurisdiction.

**4. Regional coordination program.** A regional coordination program must be developed with other municipalities or multimunicipal regions to manage shared resources and facilities, such as rivers, aquifers, transportation facilities and others. This program must provide for consistency with the comprehensive plans of other municipalities or multimunicipal regions for these resources and facilities.'

Further amend the bill by striking out all of sections 18, 19 and 20 and inserting in their place the following:

**'Sec. 18. 30-A MRSA §4345,** as amended by PL 1995, c. 395, Pt. D, §13, is further amended to read:

**§4345. Purpose; office to administer program**

Under the provisions of this article, a municipality or multimunicipal region may request financial or technical assistance from ~~the State Planning Office, referred to in this article--~~as the office, for the purpose of planning and implementing a local growth management program. A municipality or multimunicipal region that requests and receives a financial assistance grant shall develop and implement its growth management program in cooperation with the office and in a manner consistent with the provisions of this article.

To accomplish the purposes of this article, the office shall develop and administer a technical and financial assistance program for municipalities or multimunicipal regions. The program must include direct financial assistance for planning and implementation of local growth management programs, standards governing the review of local growth management programs by the office, technical assistance to municipalities or multimunicipal regions and a voluntary certification program for local growth management programs.

**Sec. 19. 30-A MRSA §4346,** as amended by PL 2001, c. 406, §§5 to 8, is further amended to read:

**§4346. Technical and financial assistance program**

The technical and financial assistance program for municipalities and, regional councils and multimunicipal regions is established to encourage and facilitate the adoption and implementation of local, regional and statewide growth management programs throughout the State.

The office may enter into financial assistance grants only to the extent that funds are available. In making grants, the office shall consider the need for planning in a municipality or multimunicipal region, the proximity of the municipality or multimunicipal region to other texas areas that are conducting or have completed the planning process and the economic and geographic role of the municipality or multimunicipal region within a regional context. The office may consider other criteria in making grants, as long as the criteria support the goal of encouraging and facilitating the adoption and implementation of -a- local and multimunicipal growth management ~~program~~ programs consistent with the provisions of this article. In order to maximize the availability of the technical and financial assistance program to all municipalities, multimunicipal regions and regional councils, financial assistance programs administered competitively under this article are exempt from rules adopted by the Department of Administrative and Financial Services pursuant to Title 5, section 1825-C for use in the purchase of services and the awarding of grants and contracts. The office shall publish a program statement describing its grant program and advertising its availability to eligible applicants.

**2-A. Financial assistance grants.** A contract for a financial assistance grant must:

A. Provide for the payment of a specific amount for the purposes of planning and preparing a comprehensive plan;

B. Provide for the payment of a specific amount for the purposes of implementing that plan; and

C. Include specific timetables governing the preparation and submission of products by the municipality or multimunicipal region.

The office may not require a municipality or multimunicipal region to provide matching funds in excess of 25% of the value of that municipality's or multimunicipal region's financial assistance contract for its first planning assistance grant and implementation assistance grant. The office may require a higher match for other grants, including, but not

limited to, grants for the purpose of updating comprehensive plans. This match limitation does not apply to distribution of federal funds that the office may administer.

**2-B. Use of funds.** A municipality or multimunicipal region may expend financial assistance grants for:

A. The conduct of surveys, inventories and other data-gathering activities;

B. The hiring of planning and other technical staff;

C. The retention of planning consultants;

D. Contracts with regional councils for planning and related services;

E. Assistance in the development of ordinances;

F. Retention of technical and legal expertise ~~for permitting-activities;~~

G. The updating of growth management programs or components of a program; and

G-1. Evaluation of growth management programs; and

H. Any other purpose agreed to by the office and the municipality or multimunicipal region that is directly related to the preparation of a comprehensive plan or the ~~preparation of policies, programs and land use ordinances to implement--that~~ implementation of a comprehensive plan adopted under this subchapter.

**2-C. Program evaluation.** Any recipient of a financial assistance grant shall cooperate with the office in performing program evaluations required under section 4331.

**3. Technical assistance.** Using its own staff, the staff of other state agencies, contractors and the resources of the regional councils, the office shall provide technical assistance to municipalities or multimunicipal regions in the development, administration and enforcement of local growth management programs. The technical assistance component of the program must include a set of model land use ordinances or other implementation strategies developed by the office that are consistent with this subchapter.

**4. Regional council assistance.** As part of the technical and financial assistance program, the office may develop and

2 administer a program to develop regional education and training  
3 programs, regional policies to address state goals and regional  
4 assessments. Regional assessments may include, but are not  
5 limited to, public infrastructure, inventories of agricultural  
6 and commercial forest lands, housing needs, recreation and open  
7 space needs, and projections of regional growth and economic  
8 development. The program may include guidelines to ensure  
9 methodological consistency among the State's regional councils.  
10 To implement this program, the office may contract with regional  
11 councils to assist the office in reviewing local growth  
12 management programs, to develop necessary planning information at  
13 a regional level or to provide support for local planning efforts.

14 **5. Coordination.** State agencies with regulatory or other  
15 authority affecting the goals established in this subchapter  
16 shall conduct their respective activities in a manner consistent  
17 with the goals established under this subchapter, including, but  
18 not limited to, coordinating with municipalities, regional  
19 councils and other state agencies in meeting the state goals;  
20 providing available information to regions and municipalities as  
21 described in section 4326, subsection 1; cooperating with efforts  
22 to integrate and provide access to geographic information system  
23 data; making state investments and awarding grant money as  
24 described in section 4349-A; and conducting reviews of growth  
25 management programs as provided in section 4347-A, subsection 3,  
26 paragraph A. Without limiting the application of this section to  
27 other state agencies, the following agencies shall comply with  
28 this subchapter. The Land and Water Resources Council shall  
29 periodically, but in no event less than biannually, review the  
30 effectiveness of agency coordination efforts, including, but not  
31 limited to, those in section 4349-A:

- 32
- 33 A. Department of Conservation;
  - 34 B. Department of Economic and Community Development;
  - 35 C. Department of Environmental Protection;
  - 36 D. Department of Agriculture, Food and Rural Resources;
  - 37 E. Department of Inland Fisheries and Wildlife;
  - 38 F. Department of Marine Resources;
  - 39 G. Department of Transportation;
  - 40 G-1. Department of Human Services;
  - 41 G-2. Executive Department, State Planning Office;
- 42  
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H. Finance Authority of Maine; and

I. Maine State Housing Authority.

Sec. 20. 30-A MRSA §4347-A, as enacted by PL 2001, c. 406, §10, is amended to read:

§4347-A. Review of programs by office

1. Comprehensive plans. A municipality or multimunicipal region that chooses to prepare a growth management program and receives a planning grant under this article shall submit its comprehensive plan to the office for review. The office shall review plans for consistency with the goals and guidelines established in this subchapter. Any contract for a planning assistance grant must include specific timetables governing the review of the comprehensive plan by the office. Any comprehensive plan submitted for review more than 12 months following a contract end date may be required to update data, projections and other time-sensitive portions of the plan or program to the office's most current review standards.

2. Growth management programs. A municipality or multimunicipal region may at any time request a certificate of consistency for its growth management program.

A. Upon a request for review under this section, the office shall review the program and determine whether the program is consistent with the procedures, goals and guidelines established in this subchapter.

~~B. Except as provided in subsection 1, certification~~ Certification by the office of a municipality's or multimunicipal region's growth management program under this article is valid for 10 years. To maintain certification, a municipality or multimunicipal region shall periodically review its growth management program and submit to the office in a timely manner any revisions necessary to account for changes, including changes caused by growth and development. Certification does not lapse in any year in which the Legislature does not appropriate funds to the office for the purposes of reviewing programs for recertification.

3. Review of comprehensive plan or growth management program. In reviewing a comprehensive plan or growth management program, the office shall:

A. Solicit written comments on any proposed comprehensive plan or growth management program from regional councils,

2 state agencies, all municipalities contiguous to the  
3 municipality or multimunicipal region submitting a  
4 comprehensive plan or growth management program and any  
5 interested residents of the municipality or multimunicipal  
6 region or of contiguous municipalities. The comment period  
7 extends for 45 days after the office receives the  
8 comprehensive plan or growth management program.

9  
10 (1) Each state agency reviewing the proposal shall  
11 designate a person or persons responsible for  
12 coordinating the agency's review of the comprehensive  
13 plan or growth management program.

14 (2) Any regional council commenting on a program shall  
15 determine whether the program is compatible with the  
16 programs of other municipalities that may be affected  
17 by the program and with regional policies or needs  
18 identified by the regional council;

19  
20 B. Prepare all written comments from all sources in a form  
21 to be forwarded to the municipality or multimunicipal region;

22  
23 C. Within 60 days after receiving the comprehensive plan or  
24 90 days after receiving the growth management program, send  
25 all written comments on the comprehensive plan or growth  
26 management program to the municipality or multimunicipal  
27 region and any applicable regional council. If warranted,  
28 the office shall issue findings specifically describing how  
29 the submitted plan or growth management program is not  
30 consistent with this subchapter and the recommended measures  
31 for remedying the deficiencies.

32  
33 (1) In its findings, the office shall clearly indicate  
34 its position on any point on which there are  
35 significant conflicts among the written comments  
36 submitted to the office.

37  
38 (2) If the office finds that the comprehensive plan or  
39 growth management program was adopted under this  
40 subchapter, the office shall issue a finding of  
41 consistency for the comprehensive plan or a certificate  
42 of consistency for the growth management program.

43  
44 (3) Notwithstanding paragraph D, if a municipality or  
45 multimunicipal region requests a certificate of  
46 consistency for its growth management program, any  
47 unmodified component of that program that has  
48 previously been reviewed by the office and has received  
49 a finding of consistency will retain that finding  
50 during program certification review by the office as



2 long as the finding of consistency is current as  
defined in rules adopted by the office;

4 D. Provide ample opportunity for the municipality or  
6 multimunicipal region submitting a comprehensive plan or  
growth management program to respond to and correct any  
8 identified deficiencies in the plan or program. A finding  
of inconsistency for a comprehensive plan or growth  
10 management program may be addressed within 24 months of the  
date of the finding without jeopardizing partial findings of  
12 consistency attained during that review. After 24 months,  
the plan or program must be resubmitted in its entirety for  
14 state review under the office's most current review  
standards; and

16 E. Provide an expedited review and certification procedure  
for those submissions that represent minor amendments to  
18 certified growth management programs.

20 The office's decision on consistency of a comprehensive plan or  
growth management program constitutes final agency action.

22  
24 **4. Updates and amendments.** A municipality or  
26 multimunicipal region may submit proposed amendments to a  
comprehensive plan or growth management program to the office for  
review in the same manner as provided for the review of new plans  
28 and programs. Subsequent to voluntary certification under this  
subsection, the municipality or multimunicipal region shall file  
30 a copy of an amendment to a growth management program with the  
office within 30 days after adopting the amendment and at least  
32 60 days prior to applying for any state grant program that offers  
a preference for consistency or certification.

34 **5. Regional councils.** Subject to the availability of  
funding and pursuant to the conditions of a contract, each  
36 regional council shall review and submit written comments on the  
comprehensive plan or growth management program of any  
38 municipality or multimunicipal region within its planning  
region. The comments must be submitted to the office and contain  
40 an analysis of:

42 A. Whether the comprehensive plan or growth management  
program is compatible with identified regional policies and  
44 needs; and

46 B. Whether the comprehensive plan or growth management  
program is compatible with plans or programs of ~~ether~~  
48 municipalities or multimunicipal regions that may be  
affected by the proposal.'

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**SUMMARY**

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This amendment removes the definition of "planning district" from the bill and replaces that term throughout the bill with the words "municipality or multimunicipal region."