

1 S.110

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Land use; conservation and development; natural resources; Act 250

6 Statement of purpose: This bill proposes to amend Act 250 to support growth  
7 in accordance with a settlement pattern of compact urban and village centers  
8 surrounded by countryside through revising the Act 250 criteria pertaining to  
9 traffic and scattered development and replacing the criterion on rural growth  
10 areas with a criterion related to settlement patterns.

11 An act relating to amending Act 250 to support growth in compact urban  
12 and village centers surrounded by countryside

13 It is hereby enacted by the General Assembly of the State of Vermont:

14 Sec. 1. 10 V.S.A. § 6001 is amended to read:

15 § 6001. DEFINITIONS

16 When used in this chapter:

17 \* \* \*

18 (34) "Existing settlement" excludes strip development and means an  
19 area that constitutes at least one of the following:

1           (A) An existing village or urban center that is compact in size, has  
2           appreciably higher densities than densities that occur outside the center, and  
3           contains a mixture of land uses that are, to a large extent, within walking  
4           distance of each other. The mixture of land uses includes residential uses and  
5           may include commercial, industrial, or civic uses.

6           (B) A downtown development district designated in accordance with  
7           24 V.S.A. § 2793, a village center designated in accordance with 24 V.S.A.  
8           § 2793a, a new town center designated in accordance with 24 V.S.A. § 2793b,  
9           a growth center designated in accordance with 24 V.S.A. § 2793c, or a  
10          Vermont neighborhood designated in accordance with 24 V.S.A. § 2793d.

11          (C) An industrial park described in subdivision 6093(a)(4)(A) of this  
12          title.

13          (35) “Strip development” means linear commercial development along  
14          an arterial highway. Strip development has a combination of some or all of the  
15          following site characteristics: broad road frontage, predominance of  
16          single-story buildings, limited reliance on shared highway access, lack of  
17          connection to existing settlements by anything except highway, limited  
18          accessibility for pedestrians, and lack of coordination with surrounding  
19          projects in terms of architecture, site design, signs, lighting, and parking. The  
20          widening of an existing highway for the purpose of safety or accommodating

1 essential public infrastructure such as municipal water or sewer is not in and of  
2 itself strip development.

3 Sec. 2. 10 V.S.A. § 6086 is amended to read:

4 § 6086. ISSUANCE OF PERMIT; CONDITIONS AND CRITERIA

5 (a) Before granting a permit, the district commission shall find that the  
6 subdivision or development:

7 \* \* \*

8 (5) Will not cause unreasonable congestion or unsafe conditions with  
9 respect to use of the highways, sidewalks, bikeways, waterways, railways,  
10 airports and airways, and other means of transportation existing or proposed  
11 and provides appropriate connections to existing or planned transit, bicycle,  
12 and pedestrian networks with the objective of providing alternative modes of  
13 travel.

14 \* \* \*

15 (9) Is in conformance with a duly adopted capability and development  
16 plan, and land use plan when adopted. However, the legislative findings of  
17 subdivisions 7(a)(1) through (19) of Act 85 of 1973 shall not be used as criteria  
18 in the consideration of applications by a district commission.

19 \* \* \*

20 (H) Costs of scattered development. The district commission will  
21 grant a permit for a development or subdivision which is not physically

1 contiguous to an existing settlement whenever it is demonstrated that, in  
2 addition to all other applicable criteria, the additional costs of public services  
3 and facilities caused directly or indirectly by the proposed development or  
4 subdivision, when considered together with cumulative effects of scattered  
5 development on the costs of public services and facilities in the town or region,  
6 do not outweigh the tax revenue and other public benefits of the development  
7 or subdivision such as increased employment opportunities or the provision of  
8 needed and balanced housing accessible to existing or planned employment  
9 centers. The rules of the land use panel under subsection 6025(b) of this title  
10 shall include a fair and equitable method to allocate costs under this  
11 subdivision (9)(H).

12 \* \* \*

13 ~~(L) Rural growth areas. A permit will be granted for the development~~  
14 ~~or subdivision of rural growth areas when it is demonstrated by the applicant~~  
15 ~~that in addition to all other applicable criteria provision will be made in~~  
16 ~~accordance with subdivisions (9)(A) "impact of growth," (G) "private utility~~  
17 ~~service," (H) "costs of scattered development" and (J) "public utility services"~~  
18 ~~of subsection (a) of this section for reasonable population densities, reasonable~~  
19 ~~rates of growth, and the use of cluster planning and new community planning~~  
20 ~~designed to economize on the cost of roads, utilities and land usage.~~

1 Settlement patterns. To promote Vermont's historic settlement pattern of  
2 compact villages and urban centers separated by rural countryside:

3 (i) A permit shall be granted for a development or subdivision  
4 inside an existing settlement if the applicant, in addition to other applicable  
5 criteria, demonstrates that the development or subdivision will result in  
6 densities that are appreciably higher than densities outside existing settlements  
7 within the municipality and region. This subdivision (i) does not require  
8 densities that are beyond the capacity of the infrastructure presently serving the  
9 proposed location of the development or subdivision.

10 (ii) A permit shall be granted for a development or subdivision  
11 outside an existing settlement if, in addition to all other applicable criteria, the  
12 applicant demonstrates that the development or subdivision:

13 (I) Will contribute to overall densities that are appreciably  
14 lower than densities planned for existing settlements within the municipality  
15 and region.

16 (II) Will not promote a pattern of strip development along  
17 public highways. A development or subdivision proposed for an area in which  
18 a pattern of strip development has already been established shall reinforce  
19 compact in-fill site design.

1                    (III) Will promote an efficient use of land, energy, roads,  
2                    utilities, and other supporting infrastructure through any combination of  
3                    compact site development, clustering, and conservation subdivision design.

4                    Sec. 3. EFFECTIVE DATE

5                    This act shall take effect on July 1, 2011.