



House Committee on Natural Resources & Energy

H.809 Growth Center Designation (24 VSA Ch.76A)

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Background

The Vermont Planners Association (VPA) has long supported growth centers, in concept and in practice, to accommodate the majority of future (20-year) development, and target public infrastructure investments, within existing and planned urban and village centers. Vermont's current growth center program evolved in part from VPA's "Growth Centers Project," and our related report to the Vermont Legislature – *Growth Centers in Vermont: A Vermont Solution to Sprawl* (July 1999). Over the past fifteen years we have worked with legislative committees, the Department of Housing and Community Development (DHCD) and related organizations to initiate, enact and administer the state's current growth center designation program under 24 V.S.A. Chapter 76A. VPA is represented on the Vermont Downtown Development Board (State Board) – currently by Michael Munson, PhD, FAICP – who also heads up our Growth Centers Committee.

Growth centers, as first envisioned in the 1980s following the passage of Act 200, were to evolve from comprehensive municipal and regional planning processes established in the Vermont Planning and Development Act (24 V.S.A. Chapter 117) – to include the designation of "local growth areas" and "regional growth centers." The state designation program as now constituted under Chapter 76A, though recognizing municipal and regional plans, instead exists largely as a benefit program for those few municipalities that have the resources to undertake separate "growth centers planning," apart from and in addition to that required under Chapter 117. As implemented to date this includes:

- Separate "smart growth principles" (under Chapter 76A, § 2791) that only partially relate to long-standing "state planning goals" (under Chapter 117, § 4302).
- The statutory requirement for DHCD to develop a "growth centers planning manual" (under Chapter 76A, § 2793c) separate from the "planning and land use manual" (under Chapter 117, § 4304).
- Requirements for separate growth and development projections and "build-out analyses" that aren't required to relate to those used in the preparation of comprehensive plans.

VPA's principal concern with regard to the current designation process: The limited benefits of state designation are not commensurate with the amount of additional work required for state designation. We recommend this be addressed in two ways:

- **Growth center applications should flow directly from a municipality's comprehensive plan and supporting analyses.** The requirements of Chapter 76A and Chapter 117 should be better aligned and integrated – to include Chapter 117 provisions related to growth center designation under Chapter 76A; and to more specifically reference relevant Chapter 117 plan elements, analyses and programs (e.g., bylaws, capital improvement programs, official maps) under Chapter 76A.
- **Program benefits should be increased** – to include additional funding – and alternative funding mechanisms– for supporting infrastructure, and to include appropriate regulatory relief (e.g., truncated Act 250 review, flexibility with regard to the mitigation of impacts).

VPA supports H.809 as introduced, with some minor amendments, because it achieves the first of these two recommendations – by reintegrating growth centers planning into municipal and regional planning. In effect:

1. H.809 helps streamline the designation process, by consolidating, updating and clarifying growth center designation requirements under which the State Board makes its findings and determinations.

- Criteria included under the “definition” of growth center are repealed (Section 1, pp 2-4).
- Growth center definition criteria and related designation criteria are consolidated under one section (Section 3, pp 11-17).
- Pre-application reviews and meetings are to be conducted by DHCD staff, with input from state agencies and the regional planning commission, rather than a subcommittee of the State Board, which should expedite the process (Section 3, pp 19-20).
- Specific references to “build-out” analyses have been deleted in favor of also allowing for other types of municipal or regional analyses to address projected growth (Section 3, p.21, line 10).

2. H.809 strengthens the connection between municipal and regional planning, growth center planning and growth center designation as a form of plan implementation.

- Designation criteria now reference state planning goals (§ 4302) in addition to smart growth principles (p 12, lines 10-12).
- Designation criteria include references to municipal plan policies, implementing bylaws and ordinances, and “complete street principles” with regard to growth center form and design and infrastructure (p.14, lines 8,9; p 15, lines 7-11; p 16, lines 8-10; p 17, lines 4,5).
- Application materials must be based on “a 20-year plan for growth that is reflected in the municipal plan of the municipality involved” and regional and local growth projections (p 17, lines 20, 21).
- The municipality must have a duly adopted and regionally approved municipal plan “that describes the proposed growth center” and a confirmed planning process (p 18, lines 9-12).
- Each application must also include, from each relevant regional commission, “a description of the role of the growth center in the region, and the relationship between the proposed growth center and neighboring communities; and written confirmation that “the proposed growth center conforms with the regional plan” (pp 18, 19).
- References to a separate “growth center planning manual” are deleted; growth center planning guidance is instead to be incorporated and addressed under DHCD’s updated land use planning manual (p 23, lines 15-21).
- Smart growth principles are cited under state planning goals (§ 4302) to guide development – though this should not be limited to economic development (p 44, lines 9-12)
- The land use element and map included in the municipal plan (under § 4382) must identify areas proposed for growth center and other forms of designation under Chapter 76a, and include an explanation of how designation would further plan goals, and state planning goals, and how the proposed area generally meets designation requirements (pp 45, 46, lines 17-19).
- The land use element and map included in the regional plan must also indicate “those areas within the region that are likely candidates for designation...” (p 48, lines 1-4)
- A new section under Chapter 117 (§ 4404) specifically identifies state designation under Chapter 76A as a method by which to implement the municipal plan (p 49, lines 2-8).

3. VPA also strongly supports the update of the Planning Manual for Vermont Municipalities – last issued by the Department in 2000– as included in H.809, to address new planning requirements under the Act, as well as to incorporate growth center planning guidance.