

H.823, An Act Relating to Encouraging Growth in Designated Centers and Protecting Natural Resources

Overview, House Committee on Natural Resources and Energy

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Two broad areas relating to designated centers under 24 V.S.A. chapter 76A

- Regulatory benefits for designation.
- Land use and natural resources provisions.

Regulatory Benefits

- Amends 10 V.S.A. chapter 151 (Act 250) in various ways, including:
 - Increases jurisdictional thresholds for housing unit projects in designated downtowns, growth centers, and village centers that are also neighborhood development areas.
 - In a downtown development district, improvements are treated as exempt if there is compliance with a final jurisdictional opinion concluding that the requestor has obtained positive determinations from various Agencies such as Natural Resources and Transportation. On appeal, the review of the opinion would be on the record.
 - District Commissions shall allow traffic from a designated center to result in a lower level of service that would be required outside a designated center.
 - Projects in designated downtowns, growth centers, and neighborhood development areas may perform off-site mitigation of primary agricultural soils at a 1:1 ratio.
- Conforms to statute the definition of designated growth centers used by the Agency of Natural Resources (ANR) to prioritize funding for eligible municipal projects.
- Directs ANR to issue a wastewater permit for a new or modified connection in a designated center to a municipal wastewater system on submission of a certification by a professional engineer or licensed designer that the design complies with the ANR rules and a letter from the municipality stating that it has sufficient capacity.

Land Use and Natural Resources Provisions

- Replaces Act 250's "rural growth areas" criterion with an "existing settlements" criterion.
 - Applies to development and subdivision outside existing settlements.
 - "Existing settlement" includes designated centers and existing community centers that are compact, contain a mixture of uses within walking distance, have higher densities than the densities outside the center, and are typically served by municipal infrastructure such as water.
 - Requires that a development or subdivision outside an existing settlement promote an efficient use of land, energy, roads, and other items; be designed in manner consistent with statutory planning goals; and not establish or contribute to strip development.
- Amends Act 250's traffic criterion to require review of impacts on all forms of transportation, including non-vehicular forms, and to require the provision of transportation access and mobility for all users of the development or subdivision and the incorporation, as appropriate, of transportation demand management strategies and connections to nearby lands and facilities, including pedestrian, bicycle, and transit.