

H.809, New Town Center and Growth Center Designation Process, Section-by-Section

Hannah Smith, Office of Legislative Council, 1/4/2014

Bill Sec. No.	Summary of bill language	Existing language and citation	Substantive or technical changes
Sec. 1.; changes to 24 V.S.A. § 2791 (pg. 1)	Definitions. The bill language includes the definitions of new town center, growth center, and smart growth principles. It strikes the existing definition of growth center and replaces it with a reference to 24 V.S.A. § 2793c, stating that “growth center” shall have the same meaning as under section 2793c.	In the existing language, “growth center” is defined at 24 V.S.A. § 2791(12).	Technical; the existing definition of growth center is replaced with a reference to section 2793c, where growth center is defined in the bill.
Sec. 2.; Changes to 24 V.S.A. § 2793b (pg. 6)	Designation of New Town Centers. The bill language amends 2793b(a) by adding subdivisions (1)-(3), which lay out new procedural requirements for municipalities applying for new town center designation. These include the requirement that municipalities state their intent to apply for designation in their town plans; and the requirement that the municipality participate in a preapplication meeting. Language is added to 2793b(d) that allows the scheduled review of new town center designation to coincide with the review of a related growth center.	In the existing language the application requirements are listed briefly under 2793b(a). That language has been struck from 2793b(a) and moved to 2793b(a)(3), and additional requirements have been added in 2793b(a)(1)-(3).	Substantive; additional procedural requirements have been added to the new town center designation process.
Sec. 3.; Changes to 24 V.S.A. 2793c(a) (pg. 11)	Definition of growth center. The bill language adds a new definition of growth center in 2793c(a). The new definition identifies where a growth center must be located, and requires that growth centers support Vermont’s tradition pattern of land use development.	In the existing language, the definition of growth center appears in 24 V.S.A. § 2791(12), and includes the required characteristics of growth centers. Section 2793c(a) addresses the Regional Planning Commission’s role in the designation of growth centers.	Substantive; the definition no longer includes the list of required characteristics of a growth center, and the language about the Regional Planning Commission has been relocated.

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<p>Sec. 3.; Changes to 24 V.S.A. § 2793c(b) (pg. 12)</p>	<p>Requirements for growth center designation. The bill language lists the requirements for growth center designation, including size, location, uses, density, design and form, required capital budget, required infrastructure, public spaces, transportation, natural resources both within and outside of growth centers, and historic resources.</p>	<p>In the existing language, the requirements for growth center designation appear in the definition at 2791(12)(B), and at 2793c(e)(1)(A)-(J). The language about the growth center subcommittee has been removed.</p>	<p>Substantive and technical; the new designation requirements expand upon the existing requirements, but also consolidates existing requirement language into a single statutory section.</p>
<p>Sec. 3.; changes to 24 V.S.A. § 2793c(c) (pg. 17)</p>	<p>Application for designation of a growth center. The bill language lays out how the decision to apply for designation is made, and mandates what an application for designation must contain. It requires every municipality applying for designation to have a municipal plan, which describes the proposed growth center. It mandates that an application for a growth center contain a description of the growth center, written confirmation from the regional planning commission that the proposed growth center complies with the regional plan, a concept plan, and maps that identify various significant political sites and natural resources.</p>	<p>In the existing language, the growth center application requirements appear in section 2793c(d). The requirement to conduct a build-out analysis is eliminated.</p>	<p>Substantive; the new application requirements expand upon the existing requirements.</p>

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<p>Sec. 3.; Changes to 24 V.S.A. § 2793c(d) (pg. 19)</p>	<p>Designation process. The bill language lays out the preliminary application and meeting process, including the required public comment period, and the preapplication meeting requirement. It also incorporates existing language about the regional planning commission providing planning assistance. It discusses the use of the planning manual, assistance from the Department of Housing and Community Development in the designation process, and the use of planning grants. It lays out new language creating a timeline for designation decisions made by the State Board, detailing the conditions of designation, and explaining the process for requesting reconsideration of a State Board decision.</p>	<p>In the existing language, the language about Regional Planning Commission planning assistance, the planning manual, assistance from the Department of Housing and Community Development, and the planning grant program appear in section 2793c(a)-(c). The existing language regarding the timeline for designation decisions by the State Board, and reconsideration of those decisions, appears in section 2793c(e)(1) and 2793c(e)(2)-(3).</p>	<p>Substantive; elements of the designation process have been changed.</p>
<p>Sec. 3.; Changes to 24 V.S.A. § 2793c(e) (pg. 35)</p>	<p>Length of designation. The bill language determines that designation shall last for 20 years, and the State Board shall review designation every five years. It states the requirements for the five-year review process, and lays out the process for removing the growth center designation.</p>	<p>In the existing language, the language regarding the length of growth center designation appears in section 2793c(e)(4).</p>	<p>Technical with minor substantive changes; the bill language remains largely the same but includes new requirements that the five-year review includes an updated capital plan, development projections, and a summary of growth.</p>

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<p>Sec. 3.; Changes to 24 V.S.A. § 2793c(f)- (i) (pg. 36)</p>	<p>Review by the Natural Resources Board and issuance of Act 250 findings of fact and conclusions of law; review by district commission; concurrent designation; benefits from designation- no substantive changes.</p>	<p>Existing language remains.</p>	<p>Technical; minor technical corrections are made.</p>
<p>Sec. 4.; Changes to 24 V.S.A. § 4302(c) (pg. 44)</p>	<p>Purpose; goals. The language “locally designated growth areas” is changed to “centers designated under chapter 76A of this title, and language is added requiring economic growth to be undertaken in accordance with smart growth principles.</p>		<p>Substantive.</p>
<p>Sec. 5.; Changes to 24 V.S.A. § 4304 (pg. 44)</p>	<p>Planning and land use manual. The bill language grants the authority to prepare, maintain, and distribute the land use manual to the Commissioner of Housing and Community Development; the Commissioner is required to confer with interested persons to ensure the manual is maintained in a useful form.</p>	<p>In existing language, the authority to maintain the planning manual is given to the Agency of Commerce and Community Development.</p>	<p>Substantive.</p>

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Sec. 6.; Changes to 24 V.S.A. § 4382 (pg. 45)	The plan for a municipality. The bill adds language requiring a municipality's land use plan to identify those areas proposed for designation under chapter 76A. The language requires the land use plan to explain how designation would further the plan's goals, and how the area meets the requirements for designation. The language also requires a municipal plan to contain an economic development element that is in accordance with smart growth principles.		Substantive.
Sec. 7.; Changes to 24 V.S.A. § 4348a (pg. 47)	Elements of a regional plan. The bill language adds a subsection requiring regional plans to indicate areas within the region that are likely candidates for designation as downtown development districts, village centers, new town centers, or growth centers.		Substantive.

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Sec. 8.; Addition of 24 V.S.A. § 4404 (pg. 49)	State designation; implementation of municipal plan. The bill language adds a section that allows a municipality to apply for state designation of a municipal growth center, downtown village center, new town center, or neighborhood development area, as necessary to receive associated benefits.		Substantive.
Sec. 9.; Added Session law (pg. 49)	The bill language requires the Commissioner of Housing and Community Development to revise the planning manual according to the provisions of this act on or before November 15, 2015.		Substantive.