



COMMON SENSE SOLUTIONS
FOR A CHANGING VERMONT

VNRC's position on H.823 (encouraging growth in designated centers and protecting natural resources) and changes to Criterion 9L of Act 250

VNRC supports H.823 as passed by the Senate Committee on Natural Resources and Energy, but to remain balanced environmental legislation, the bill must be passed as a package that includes both incentives for development and changes to Criterion 9L of Act 250.

In particular, the changes to Act 250's Criterion 9L will promote smart growth and help reduce resource-intensive sprawl development by replacing 9L's current, meaningless "rural growth area" standard with one addressing "settlement patterns." This is good environmental legislation because the changes will:

- Define "existing settlement" – a term used in existing Act 250 criteria – as a designated center or other existing, compact village and urban centers, consistent with current case law. Focusing development in these areas promotes housing and transportation choices while protecting natural resources.
- Define "strip development" as linear commercial development along highways with limited pedestrian access, predominantly single-story buildings, and lack of connection to other land uses.
- In areas where strip development has already happened, the 9L changes will *promote infill development outside of existing settlements* where strip development has already occurred, while discouraging continued leap-frogging strip development along the state's highways.
- Require that *development adjacent to existing strip development* be designed so that it doesn't worsen auto-dependent strip development and sprawl.

What do these changes accomplish?

- Currently, Act 250 does not distinguish between development in existing settlements – where we've made many investments already, and want to focus future investments – and development in the countryside. This bill would provide clarity and predictability for people developing property by making expectations clear.
- Existing commercial strips provide opportunities for communities and landowners to redevelop by including a greater mix of uses and densities, improving transportation options and strengthening streetscapes. This bill encourages this kind cost-effective redevelopment and a less wasteful use of land.
- Continued commercial strip development depletes the economic vitality of downtowns, and the ability of Vermont municipalities to maintain services and infrastructure.
- Taxpayers pay the costs of strip development when traffic congestion diminishes highway capacity and traffic safety, and increases the cost for infrastructure.
- In addition to consuming valuable farm and forestland, poorly planned growth requires more driving and contributes to our state's greenhouse gas emissions.

(over)

This bill *does not* prevent all development outside of existing settlements. It *does* require that development outside of existing settlements be designed so it doesn't worsen sprawl. This can be done in ways that are compatible with local and regional plans.

Won't this bill weaken Act 250?

- This bill allows expedited permitting for development projects where we want them – in our state-designated downtowns and their associated neighborhood development areas. We support this expedited permitting in these limited areas only.
- Vermont has 24 designated downtowns that are spread throughout the state. Currently, there are only about two new projects per year that are in downtowns and trigger Act 250, so the expedited permitting would be applied only in very limited circumstances.

Importantly, the public still has a voice.

- Municipalities, municipal and regional planning commissions, and adjoining landowners are notified of projects going through expedited permitting.
- State agencies, including the Agency of Natural Resources, Agency of Transportation and Division for Historic Preservation will all review the projects to determine if impacts to a state resource are possible.
- Decisions about development in downtowns made through this process are appealable.

Excerpt from the Burlington Free Press, October 9, 2012

BFP: *Name a place you wish would have been planned and built much differently.*

Peter Shumlin: *Almost every strip leading to every downtown in Vermont. In other words, we pride ourselves on the most extraordinary downtowns anywhere in the world. It's where we nurture our sense of community: taking care of each other, knowing our neighbors. The planning that we didn't do from the 1960s to 2000 — the way that we let the entrances to many of our bigger downtowns sprawl across farmlands — was one of our great sins. I'm not discriminating against any part of the state. Putney Road in Brattleboro, Shelburne Road leading into Burlington — they're equally poorly planned. We blew it. We lost an opportunity.*

Randy Brock: *The exceptions are probably more obvious: the growth that you see historically on Shelburne Road and Williston Road in the Burlington area. You see it on the Barre-Montpelier road. There, where growth has extended outward from the larger population areas — but again, I think we've learned even from those examples, that go back to the '50s, perhaps even earlier. They evolved before we began applying the smart-growth policies more effectively throughout the state. I certainly don't blame those communities. It's a fact of history. Sometimes as we learn and we see sprawl occurring, it wakes us up a bit.*

Founded in 1963, the Vermont Natural Resources Council (VNRC) is Vermont's oldest conservation organization. With the support of over 4,000 members and activists, VNRC has worked to protect, restore and promote Vermont's surface and ground waters, viable communities, forest and wildlife resources, working lands, and energy independence.

Questions?

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